

PLANNING AND ZONING COMMISSION REGULAR MEETING JANUARY 14, 2009, 7:00 P.M. PAGE 1 OF 6

Acting Chair Richard Pelletier, Comm. James Fortuna, Comm. Deborah Kleckowski, Comm. Cynthia Jablonski, Comm. Les Adams, Comm. Catherine Johnson, Comm. Carl Bolz, Comm. Quentin Phipps, Comm. Ron Borelli

MEMBERS
PRESENT

Chw. Barbara Plum, Mayor Sebastian Giuliano, Ex-Officio, Asst. Dir. P.W. Robert Dobmeier, Ex-Officio

MEMBERS
ABSENT

William Warner, Director, Bruce Driska, Zoning Enforcement Officer

STAFF

There were twenty (20) members of the public present. There is a word for word DVD recording of the meeting on file and available in the Planning Office.

PUBLIC

Eleanor Kelsey requested a public hearing on the Kolman issue.

ITEM 2
DISCUSSION
WITH PUBLIC

Pat Benjamin explained the proposal. Comm. Catherine Johnson questioned the trees, the setbacks and the property lines. Comm. Deborah Kleckowski reviewed the map. No one from the public spoke. Comm. Catherine Johnson recommended approval with the smaller lot. William Warner explained the need for a variance. Pat Benjamin agreed to pursue a variance from the Zoning Board of Appeals. On motion and second by Comms. Ron Borelli and James Fortuna the Commission granted final approval of a one (1) lot resubdivision with a Special Exception for 5,000 sq. ft. lots of the property of Jeannot A. LaCroix located at 66 Durant Terrace, at the intersection with Durant Street with the condition that a variance be granted by the Zoning Board of Appeals. Vote was unanimous. Applicant/agent Jeannot A. LaCroix/Pat Benjamin S20008-6

ITEM 3.1
GRANTED
FINAL AP-
PROVAL OF
A ONE (1)
LOT RESUB-
DIVISION WITH
A SPECIAL
EXCEPTION
FOR 5,000 SQ.
FT. LOTS OF
THE PROPERTY
OF JEANNOT A.
LACROIX LO-
CATED AT 66
DURANT TER-
RACE, AT THE
INTERSECTION
WITH DURANT
STREET

Atty. Michael Dowley explained the proposal, the settlement offer and last month's executive session and the pretrial with a judge. Atty. Michael Dowley explained the offer for an easement along the river and the sidewalk in the area of the bridge, and reviewed the transcript and the reasons for denial and concerns. Comm. Catherine Johnson cited the actual sections of the Zoning Code which she used in speaking against the proposal. Comm. Deborah Kleckowski commented on the materials provided.

ITEM 3.2
TABLED A RE-
VIEW OF A
PROPOSAL TO
SETTLE AN
APPEAL RE-
GARDING A
PROPOSAL

Comm. Quentin Phipps commented on the need for plans. Steven Rocco explained the architecture, the attempts to avoid monitoring pedestrian access across the bridge, and used an architectural rendition and a site plan and used plans and pictures of Nohl Crest. He commented on the provision of usable open space and on property values. Steven Rocco showed pictures of existing Jackson Street and read a letter of support from Larry McHugh, President of Middlesex Chamber of Commerce. Jacqueline Williams, Sterling Realty spoke about affordable downtown housing. Atty. Michael Dowley commented and concluded on the settlement offer. William Warner commented. From the public, Sgt. Craig Elkin, Middletown Police Department, Traffic Division, spoke in opposition to the settlement. S. Giuliani spoke in support of the settlement. D. Moran spoke in opposition of the settlement and commented on the bridge width, the lack of sidewalks, snow plowing, traffic, etc. Comm. Catherine Johnson questioned if there is an alternate access. Comm. Ron Borelli questioned the stoplight and the new bridge. Beth Emery questioned if kids would be living in the project, how could we assume there wouldn't be any children, and indicated safety and fire emergency response is an issue. Comm. Quentin Phipps commented on concerns over the bridge and as-of-right uses such as 1) a stop light at the bridge; 2) a sidewalk walkway; and 3) an easement along the river. Comm. Deborah Kleckowski commented on court comments, monitoring of the units, orientation of the plan, Americans with Disabilities Act (ADA) accessibility, and threats of litigation concerns. Atty. Michael Dowley concluded and summarized the settlement offer at length. Comm. Deborah Kleckowski suggested there be more discussion with the developer to try and settle. Comm. Ron Borelli suggested a special meeting. Comm. Catherine Johnson commented on the 2003 denial and the need for more discussion. Steven Rocco commented on open space and that Americans with Disabilities Act (ADA) access to the homes is not required. On motion and second by Comms. Ron Borelli and Deborah Kleckowski the Commission closed the public hearing. Vote was unanimous. The Commission took a five minute recess. On motion and second by Comms. Deborah Kleckowski and Ron Borelli the Commission tabled a review of a proposal to settle an appeal regarding a proposal to construct thirty-eight (38) multi-family dwelling units near the end of the cul-de-sac on Jackson Street and adjacent to Coleman's Mobile Home Trailer Park and scheduled a meeting for Thursday, January 22, 2009 in Room 208 at 7:00 p.m. to discuss the settlement. Vote was unanimous. Applicant/agent Jackson Commons, LLC/Steven A. Rocco, Architect SE2008-2

TO CON-
STRUCT
THIRTY-
EIGHT (38)
MULTI-
FAMILY
DWELLING
UNITS NEAR
THE END OF
THE CUL-DE-
SAC ON
JACKSON
STREET AND
ADJACENT
TO COLE-
MAN'S
MOBILE
HOME TRAIL-
ER PARK

Jeffrey Pierce commented on Figure 7.1 Proposed Open Space, the Middletown Trail Guide, requested that the open space de-

ITEM 3.3
CLOSED THE

signation be removed from his property and commented on preserving rural land. Katchen Coley commented on the Maromas Chapter and spoke in support with a suggestion for more specifics. Comm. Catherine Johnson requested Erin O'Hare's notes. Katchen Coley explained that Advocates for a Maromas Plan (AMP) would have to pay for them and there isn't any available money. Comm. Ron Borelli questioned the ridgeline protection. Eleanor Kelsey commented on her ridgeline property and requested the designations be removed from her property and the blue trail. She commented on the first page of Chapter 7 Open Space and how the figures contradict each other. J. Leshone commented on the Maromas chapter and pointed out the unique features of Maromas' old quarry railroad beds, old foundations, walls, wells and how it is mostly forested. Comm. Rom Borelli questioned the buffer around the trail and property rights. J. J. Lashore responded. Comm. Catherine Johnson commented on the blog and the hike K. Torop is in support of protecting Maromas, felt River Road should be a scenic route and there should be improvements to public access. She suggested a rail trail along the river. Ellen Lukens submitted testimony and maps displaying the Maromas area. Barrett Robbins-Pianka read a prepared statement into the record. D. Brown, Middlesex Land Trust Board of Directors, spoke in support of open space in Middletown. Comm. Quentin Phipps questioned why there is a need to list land on Plan of Conservation and Development as eligible for open space. Jeffrey Pierce commented on designating land and requested that all designations be removed from his property. Eleanor Kelsey commented on the maps. On motion and second by Comms. Catherine Johnson and James Fortuna the Commission closed the public hearing for a proposed update of Chapter 7 Protecting Natural Resources and Preserving Rural Character and Chapter 10 Maromas: Middletown's last frontier and Statement on Protecting Water Quality and placed the item under Old Business at the next meeting. Vote was unanimous. Proponent P&Z Comm.

On motion and second by Comms. Catherine Johnson and Deborah Kleckowski the Commission tabled a proposed update of Chapter 6 Future Residential Growth of the Plan of Conservation and Development. Vote was unanimous. Proponent P&Z Comm.

P.H. FOR A PROPOSED UPDATE OF CHAPTER 7 PROTECTING NATURAL RESOURCES AND PRESERVING RURAL CHARACTER AND CHAPTER 10 MAROMAS: MIDDLETOWN'S LAST FRONTIER AND STATEMENT ON PROTECTING WATER QUALITY

ITEM 4.1
TABLED A PROPOSED UPDATE OF CHAPTER 6 FUTURE RESIDENTIAL GROWTH OF THE PLAN OF CONSERVATION AND DEVELOP-

On motion and second by Comms. Catherine Johnson and Deborah Kleckowski the Commission tabled a proposed update of Chapter 9 Promoting Commercial/Industrial Growth of the Plan of Conservation and Development. Vote was unanimous. Proponent P&Z Comm.

On motion and second by Comms. Catherine Johnson and Deborah Kleckowski the Commission tabled a proposed update of Chapter 8 Addressing the Urban Dilemma and Statement on Alternate Modes of Transportation of the Plan of Conservation and Development. Vote was unanimous. Proponent P&Z Comm.

On motion and second by Comms. Deborah Kleckowski and Les Adams the Commission endorsed an application for the Connecticut Home Program. Vote was unanimous.

On motion and second by Comms. Ron Borelli and Les Adams the Commission scheduled a public hearing date of February 11, 2009 for a proposed twenty-two (22) lot resubdivision with a Special Exception for a cluster development of the property of Frank Jablonski and Cynthia A. Jablonski located on the west side of Higby Road across from the intersection with Sisk Street. Vote was unanimous. Applicant/agent Cynthia A. Jablonski/Atty.

MENT

ITEM 4.2
TABLED A
PROPOSED
UPDATE OF
CHAPTER 9
PROMOTING
COMMERCIAL/
INDUSTRIAL
GROWTH OF
THE PLAN OF
CONSERVATION
AND DEVELOP-
MENT

ITEM 4.3
TABLED A
PROPOSED
UPDATE OF
CHAPTER 8
ADDRESSING
THE URBAN
DILEMMA AND
STATEMENT
ON ALTERNATE
MODES OF
TRANSPOR-
TATION OF
THE PLAN OF
CONSERVATION
AND DEVELOP-
MENT

ITEM 5.1
ENDORSED AN
APPLICATION
FOR THE CON-
NECTICUT
HOME PROGRAM

ITEM 5.2
SCHEDULED P.H.
2/11/09 FOR A
PROPOSED
TWENTY-TWO
(22) LOT RESUB-
DIVISION WITH

Michael F. Dowley S2008-7

A SPECIAL EX-
CEPTION FOR
A CLUSTER
DEVELOPMENT
OF THE PRO-
PERTY OF
FRANK JABLON-
SKI AND
CYNTHIA A.
JABLONSKI
LOCATED ON
THE WEST SIDE
OF HIGBY ROAD
ACROSS FROM
THE INTER-
SECTION WITH
SISK STREET

On motion and second by Comms. Deborah Kleckowski and Les Adams the Commission tabled the minutes of the December 10, 2008 Special Meeting. Vote was unanimous.

ITEM 6.1
TABLED THE
MINUTES OF
THE 12/10/08
SPECIAL
MEETING

On motion and second by Comms. Deborah Kleckowski and Les Adams the Commission tabled the minutes of the December 10, 2008 Regular Meeting. Vote was unanimous.

ITEM 6.2
TABLED THE
MINUTES OF
THE 12/10/08
REGULAR
MEETING

Bruce Driska explained the Zoning Enforcement Officer's Report.

ITEM 6.3
ZEO REPORT

On motion and second by Comms. Deborah Kleckowski and Les Adams the Commission tabled the Commission Bylaws. Vote was unanimous.

ITEM 6.4
TABLED THE
COMMISSION
BYLAWS

Acting Chair Richard Pelletier questioned who gave Deputy City Attorney Timothy Lynch the advice. Comm. Ron Borelli commented on Deputy City Attorney Timothy Lynch's opinion. Lengthy discussion ensued and is available on a DVD in the Planning Office. Acting Chair Richard Pelletier felt the Commission should request a legal opinion. On motion and second by Comms. Catherine Johnson and Deborah Kleckowski the Commission moved to request a legal opinion through Mayor

ITEM 6.5
CITY
ATTORNEY
MEMORANDUM

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Sebastian Giuliano from City Attorney Trina Solecki. Vote was unanimous.

Comm. Cynthia Jablonski departed the meeting at 12:07 a.m.

Eleanor Kelsey requested that a public hearing be held on the Kolman issue.

ITEM 8
DISCUSSION

On motion and second by Comms. Deborah Kleckowski and Catherine Johnson the Commission adjourned the meeting at 12:29 a.m. Vote was unanimous.

ITEM 9
ADJOURNMENT

Respectfully submitted,

William Warner, AICP
Director