

PLANNING AND ZONING COMMISSION REGULAR MEETING FEBRUARY 11, 2009, 7:00 P.M. PAGE 1 OF 12

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

MEMBERS
PRESENT

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

MEMBERS
ABSENT

Michiel Wackers, Deputy Director

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

Acting Chair Richard Pelletier indicated that Public Hearing Item #3.3 would be heard first and that New Business Item #5.10 would be added to the agenda. From the public, Atty. Michael Dowley noted that he represents NRG on River Road, that NRG has not agreed with the applicant and that his client would like to see an alternate plan. Earle Roberts commented on Item #5.7 and was in support of the G.S. 8-24 request. Jennifer A. from Algonquin indicated FERC has granted approval. Jeff questioned where the pipeline would be placed and if the application conforms with the city Plan of Conservation and Development, the Water and Sewer Department and the Public Works Department. Tom submitted a letter of support into the record. A member of the public commented on Item #5.5 and questioned the tax consequences of open space acquisition and felt open space decreases the tax rolls, especially during these hard times. Eleanor Kelsey commented on Item #5.5 and believed she had heard that if land is not on the open space map, then it cannot be purchased. A neighbor on Ridge Road spoke on Item #5.1 and indicated they could attest to Denise Bishop's moral character and that she was following all the regulations of the city. The neighbor could not see why Denise Bishop should be denied a Residential Unit Business Pursuit (RUBP), indicated she is trying to run a business that is allowed on Ridge Road, noted that there are multiple businesses at other properties and there are no complaints from those uses, and remarked that the property is kept nice and could not see any wrongdoing. James Parcesepe, 84 Ridge Road, indicated that he lives across the street but does not know her personally. He does not question her character but does question the character of her clientele and noted that Ridge Road is a busy street, there is not enough parking, and that he is not comfortable with that type of business next to his house. James Parcesepe indicated that he had purchased the home, did not want businesses nearby, had concerns about the business and about speeding and noted that she is not the homeowner. Vivian Flowers indicated that she is a client of Denise Bishop's, that she is professional and clean, have never seen children nor speeding and commented that massage therapy is a legitimate business. The Labbadias of 75 Ridge Road indicated they have children and need to watch them, have not seen any pre-screening of the clients, indicated there are fifteen (15) to twenty (20) cars now, possibly forty

ITEM 2
DISCUSSION
WITH PUBLIC

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(40) cars a week, they did research and felt the business does not keep the integrity of the neighborhood. Denise Bishop, 81 Ridge Road, indicated that she has a certificate/license and in order to retain her certification, she must pay for it every four (4) years. She indicated she screens every client, a health history form is filled out, there is only one (1) client at a time, there were forty (40) clients during the month of January, which breaks down to 1.5 clients per day. Denise Bishop commented that she has lived at 81 Ridge Road for two (2) years, had tried to make it on her own, and came to the Planning Department and asked what she needed to do to be legal. A patron of Denise Bishop's found it to be a benefit that a massage therapy business is on Ridge Road and commented on owner's rights. An abutting neighbor stated that it is not an issue of moral character but that they did not want that business across the street from them and indicated there is a daycare business but no other businesses on Ridge Road.

Atty. Michael Dowley explained the proposal. Darin Overton explained the engineering aspects. Comm. Carl Bolz asked how the conservation area would be protected. Atty. Michael Dowley indicated there would be an easement on the deed to protect the area. Comm. Carl Bolz questioned if it would not be the responsibility of the city. Atty. Michael Dowley indicated that a 2.4 acre parcel would be owned by the city and that two (2) properties would additionally have the conservation easement. Comm. Deborah Kleckowski questioned open space improvements. Atty. Michael Dowley indicated there would be infrastructure in keeping with the intended purposes. Comm. Catherine Johnson questioned the road width. Darin Overton indicated twenty-six (26) feet and that the narrowest he would recommend would be twenty-four (24) feet. Comm. Catherine Johnson felt this property needs special care, that it would be nice if it was not developed, commented on bringing the street back to Higby Road and felt they should not be erecting a neighborhood. Comm. Ron Borelli noted he was glad the developer was able to keep the treeline but must bulldoze most everything. Comm. Deborah Kleckowski questioned how much open space could be accommodated and felt there currently is not enough. From the public, Lawrence Buck commented on a public road on the property that was not indicated on the map, noted that there is a similar situation in Berlin but with no place for parking and questioned where the public would park to enjoy it. Eleanor Kelsey, 241 Higby Road, indicated that she lives three hundred (300) feet of the subdivision and commented on severe weather on Higby Road, snow drifts, and severe rain as it comes over the mountain. Eleanor Kelsey requested a waiver of the sidewalk requirements and had concerns that the drainage would not work. She commented on soil, blasting, fill on the property, water problems, water that pours in basement windows that

ITEM 3.3
GRANTED PRE-
LIMINARY AP-
PROVAL OF A
TWENTY-TWO
(22) LOT RESUB-
DIVISION WITH
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

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is caused by fill on the property. Acting Chair Richard Pelletier cautioned Eleanor Kelsey to stay on the agenda item. Eleanor Kelsey commented on: 1) there being rock ledge that would require blasting and the threat to wells in the area and possible contamination; 2) asked the Commission to look at the last page of the application with regards to Massa Tom Road; 3) felt there should be an A-2 survey required; 4) residents will be impacted; 5) felt the development should be moved further back into the property; 6) felt there should be larger lots and not a cluster development; 7) felt the proposal could be more environmental; 8) commented on ridgeline protection; and 9) commented on passive solar. Earle Roberts commented on the topography and indicated he would like to see more of the property developed but that that is an open space question and not likely. He indicated the eighteen (18) acres would be a gift to the city and mentioned that plans by the FBI to update the firing range are on the table. Earle Roberts felt clear policies should be established for road widths and sidewalks. Comm. Ron Borelli questioned if something could be placed on the easements to prevent the city from selling it. Earle Roberts commented that things change. Comm. Catherine Johnson commented that the Commission members could not attend the Public Works Commission meetings as they meet at the same time and felt that needed to change. Earle Roberts commented that that would be worth mentioning. John and Paris Gemmetti, a police officer and a Wesleyan University employee, both work in Middletown and want to move to Middletown and build a house on this property. They indicated it would be a privilege to live next to the Jablonskis and noted that in twenty (20) years of using the shooting range with the 3.5 foot berm, there have been no known incidents. Peter Werbiski, 341 Higby Road, indicated: 1) he lives a short distance away from the property and used to cut the fields; 2) his grandfather owned the property since 1940; 3) felt the city should acquire the property but if it could not be acquired, then the subdivision should be approved; and 4) noted that it is expensive to own a farm. Comm. Carl Bolz felt there needed to be enough turnaround for school buses and fire engines. Atty. Michael Dowley indicated that all the issues that have been brought had been thought about and noted that the firing range is closer to Tynan Park than the proposed houses would be. He noted that the applicant would conform to all departmental comments and felt property values would

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increase as a result of the development. Atty. Michael Dowley indicated that improvements to Tynan Park would not be made and that a sidewalk waiver would not be requested. Cynthia Jablonski indicated that they never wanted to sell the property but wanted to do it right. She noted that she would be living there and will feel responsible as a result. Cynthia Jablonski noted that the development complies with the Zoning Code, and that public recreational equipment/injuries are not required in a cluster development. Eleanor Chester, a neighbor, requested a reconsideration of the proposed house layout and had questions about sewer capacity. She indicated she was not allowed to have sewer and felt the view would be impacted. On motion and second by Comms. Deborah Kleckowski and Carl Bolz the Commission closed the public hearing. Vote was unanimous. Discussion ensued. A motion to grant preliminary approval of a twenty-two (22) lot resub-division 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 was made by Comm. Ron Borelli and seconded by Comm. Les Adams. Discussion ensued on the sidewalks. Comm Carl Bolz questioned Atty. Michael Dowley if his client would be amendable to blasting notifications as a courtesy to the neighbors. Atty. Michael Dowley indicated yes. Comm. Catherine Johnson thought there could be improvements to protection of the ridgelines. A friendly amendment to the main motion that there be sidewalks on the east side of the street only and at the public access path to Tynan Park was offered and approved unanimously. A second friendly amendment that a blasting courtesy notification be sent to the abutting property owners was offered and approved unanimously. The main motion as amended was approved unanimously. Applicant/agent Cynthia A. Jablonski/Atty. Michael F. Dowley S2008-7

Acting Chair Richard Pelletier opened the public hearing. Lawrence Buck asked in passing that it be stated what power the city is trying to gain. On motion and second by Comms. James Fortuna and Ron Borelli the Commission closed the public hearing. Vote was unanimous. On motion and second by Comms. James Fortuna and Ron Borelli the Commission adopted a Zoning Code text amendment to add Section 53.07 Variances from the Floodplain Regulations in the Zoning Code and Section 46.09 Floodplain Variance

ITEM 3.1
ADOPTED A
ZONING CODE
TEXT AMEND-
MENT TO ADD
SECTION 53.07
VARIANCES
FROM THE
FLOODPLAIN

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Procedures by the State and FEMA with an effective date of March 2, 2009. Vote was unanimous. Proponent P&Z Comm. Z2008-7

REGULATIONS
IN THE ZONING
CODE AND
SECTION 46.09
FLOODPLAIN
VARIANCE
PROCEDURES
BY THE STATE
AND FEMA
WITH AN EF-
FECTIVE DATE
OF 3/2/09

Lawrence Buck noted that it does not list your authority to do it. Eleanor Kelsey proposed a redline document. Comm. Les Adams noted revision dates on the documents before the Commission. On motion and second by Comms. Ron Borelli and James Fortuna the Commission adopted a Zoning Code text amendment to modify Section 46.07 Enforcement of the Floodplain Regulations with an effective date of March 2, 2009. Vote was unanimous. Proponent P&Z Comm. Z2008-8

ITEM 3.2
ADOPTED A
ZONING CODE
CODE TEXT
AMENDMENT
TO MODIFY
SECTION 46.07
ENFORCEMENT
OF THE FLOOD-
PLAIN
REGULATIONS
WITH AN EF-
FECTIVE DATE
OF 3/2/09

On motion and second by Comms. Ron Borelli and James Fortuna 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.

ITEM 4.1
TABLED A
PROPOSED
UPDATE OF
CHAPTER 6
FUTURE RE-
SIDENTIAL
GROWTH OF
THE PLAN
OF CONSER-
VATION AND
DEVELOP-
MENT

On motion and second by Comms. Ron Borelli and James Fortuna 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.

ITEM 4.2
TABLED A
PROPOSED
UPDATE OF
CHAPTER 9
PROMOTING

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COMMERCIAL/
INDUSTRIAL
GROWTH OF
THE PLAN OF
CONSERVATION
AND DEVELOP-
MENT

On motion and second by Comms. Ron Borelli and James Fortuna 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.

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

On motion and second by Comms. Ron Borelli and James Fortuna the Commission tabled 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. Vote was unanimous. Proponent P&Z Comm.

ITEM 4.4
TABLED A
PROPOSED
UPDATE OF
CHAPTER 7
PROTECTING
NATURAL
RESOURCES
AND PRE-
SERVING
RURAL
CHARACTER
AND CHAP-
TER 10 MAR-
OMAS: MID-
DLETOWN'S
LAST FRON-
TIER AND
STATEMENT
ON PRO-
TECTING
WATER

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Atty. Michael Zizker indicated that approval was granted five (5) years ago. Comm. Carl Bolz questioned when the traffic/Connecticut Light & Power approval was granted. On motion and second by Comm. Ron Borelli and James Fortuna the Commission granted a request for a five (5) year extension of the Special Exception approved for the Newfield Street multi-family project, Phase I, located on the eastern side of Newfield Street across from the intersection with Congdon Street. The motion passed with Acting Chair Richard Pelletier, Comm. Deborah Kleckowski, Comm. James Fortuna, Comm. Ron Borelli, Comm. Les Adams in favor and Comm. Catherine Johnson abstaining. Applicant/agent Murtha Cullina LLP/Atty. Michael A. Zizka SE2004-3

QUALITY

ITEM 4.5
GRANTED A
REQUEST FOR
A FIVE (5)
YEAR EXTEN-
SION OF THE
NEWFIELD
STREET MULTI-
FAMILY PRO-
JECT, PHASE I,
LOCATED ON
THE EASTERN
SIDE OF NEW-
FIELD STREET
ACROSS FROM
THE INTER-
SECTION WITH
CONGDON
STREET

The Labbadia family who requested the appeal were not present. Denise Bishop, 81 Ridge Road, indicated that: 1) Ridge Road is a busy road; 2) she screens her clients and has health questionnaires filled out; 3) noted that the ninety (90) day appeal period had ended; and 4) indicated that a letter was received by the city. Comm. Catherine Johnson noted pictures were taken. On motion and second by Comms. Deborah Kleckowski and Les Adams the Commission denied an appeal of the granting of a residential unit business pursuit for a massage therapy business at 81 Ridge Road. Vote was unanimous.

ITEM 5.1
DENIED AN
APPEAL OF A
RESIDENTIAL
UNIT BUSINESS
PURSUIT FOR
A MASSAGE
THERAPY
BUSINESS AT
81 RIDGE ROAD

On motion and second by Comms. Ron Borelli and Catherine Johnson the Commission scheduled a public hearing date of February 25, 2009 for a proposed Special Exception for a sober house to be located at 133 South Main Street. Vote was unanimous. Applicant/agent New Freedom, LLC/Wendi Clark SE2008-13

ITEM 5.2
SCHEDULED P.H.
2/25/09 FOR A
PROPOSED
SPECIAL EX-
CEPTION FOR A
SOBER HOUSE
TO BE LOCATED
AT 133 SOUTH
MAIN STREET

On motion and second by Comms. Ron Borelli and Catherine Johnson the Commission scheduled a public hearing date of February 25, 2009 for a proposed Site Plan Review to construct a pharmacy with a Special Exception for a drive-thru to be lo-

ITEM 5.3
SCHEDULED P.H.
2/25/09 FOR A
PROPOSED SITE

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cated at the southeast corner of the intersection of Main Street Extension and East Main Street and adjacent to Mill Street. Vote was unanimous. Applicant/agent Sound Middletown, LLC/Atty. Ralph Wilson SE2009-3

PLAN REVIEW TO CONSTRUCT A PHARMACY WITH A SPECIAL EXCEPTION FOR A DRIVE-THRU TO BE LOCATED AT THE SOUTH-EAST CORNER OF THE INTERSECTION OF MAIN STREET EXTENSION AND EAST MAIN STREET AND ADJACENT TO MILL STREET

On motion and second by Comms. Ron Borelli and Catherine Johnson the Commission scheduled a public hearing date of February 25, 2009 for a proposed two (2) lot resubdivision of the property of GOFSCO, LLC located in the Home Depot Plaza on Washington Street. Vote was unanimous. Applicant/agent GOFSCO, LLC/Atty. Ralph Wilson S2009-1

ITEM 5.4 SCHEDULED P.H. 2/25/09 FOR A PROPOSED TWO (2) LOT RESUBDIVISION OF THE PROPERTY OF GOFSCO, LLC LOCATED IN THE HOME DEPOT PLAZA ON WASHINGTON STREET

On motion and second by Comms. Ron Borelli and Catherine Johnson the Commission scheduled a public hearing date of February 25, 2009 for a proposed amendment to the 1993 Open Space Plan section of the Plan of Conservation and Development to designate the entire Merriam Property as proposed open space. Vote was unanimous. Applicant/agent City of Middletown Conservation Commission

ITEM 5.5 SCHEDULED P.H. 2/25/09 FOR A PROPOSED UPDATE OF THE 1993 OPEN SPACE PLAN SECTION OF THE PLAN OF CONSERVATION AND DEVELOPMENT TO DESIGNATE THE ENTIRE MERRIAM PROPERTY AS PROPOSED OPEN

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Jacqueline Williams, Sterling Realty, spoke on 82 North Main Street, indicated it is a blighted structure owned by the City and that approvals had been granted by the Economic Development Committee, the Public Works Commission and the Common Council. On motion and second by Comms. Ron Borelli and Les Adams the Commission gave an affirmative G.S. 8-24 Review for the acquisition and rehabilitation of a city owned building located at 82 North Main Street by JDS Holding Company, LLC. Vote was unanimous. Applicant/agent JDS Holding Company, LLC/John R. DeSena, President

On motion and second by Comms. Deborah Kleckowski and Catherine Johnson the Commission scheduled a public hearing date of March 11, 2009 for a request for G.S. 8-24 Review for the construction and the granting of easements for a 12-inch ultra low-sulfur diesel (USLD) pipeline through the City, primarily within city streets, the P&W Railroad right-of-way and a large tract of land owned by the City near the Kleen Energy Site. Vote was unanimous. Applicant/agent Buckeye Partners L.P., STV Incorporated/Steve Schory, P.E., Project Manager

SPACE

ITEM 5.6
GAVE AN AFFIRMATIVE
G.S. 8-24 REVIEW FOR THE
ACQUISITION
AND REHABILITATION
OF A CITY
OWNED
BUILDING LOCATED AT 82
NORTH
MAIN STREET
BY JDS
HOLDING
COMPANY,
LLC

ITEM 5.7
SCHEDULED P.H.
3/11/09 FOR A
REQUEST FOR
G.S. 8-24 REVIEW
FOR THE CONSTRUCTION AND
THE GRANTING
OF EASEMENTS
FOR A 12-INCH
ULTRA LOW-
SULFUR DIESEL
(USLD) PIPELINE
THROUGH THE
CITY, PRIMARILY WITHIN
CITY STREETS,
THE P&W RAILROAD
RIGHT-OF-WAY AND
A LARGE TRACT
OF LAND OWNED BY THE
CITY NEAR THE
KLEEN ENERGY
SITE

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On motion and second by Comms. Ron Borelli and Deborah Kleckowski the Commission scheduled a public hearing date of March 25, 2009 for a proposed Special Exception in accordance with Section 16.06.01 Definition of Family for 27 Bacon Avenue. Vote was unanimous. Applicant/agent Lorena Chimirri SE2009-1

ITEM 5.8
SCHEDULED P.H.
3/25/09 FOR A
PROPOSED
SPECIAL EX-
CEPTION IN
ACCORDANCE
WITH SEC-
TION 16.06.01
DEFINITION
OF FAMILY
FOR 27 BACON
AVENUE

On motion and second by Comms. Catherine Johnson and Deborah Kleckowski the Commission scheduled a public hearing date of March 25, 2009 for a proposed Special Exception to allow a café in Metro Square at 170-6 Main Street. Vote was unanimous. Applicant/agent The Shadow Room/ Nicolas Cacaci SE2009-2

ITEM 5.9
SCHEDULED P.H.
3/25/09 FOR A
PROPOSED
SPECIAL EX-
CEPTION TO
ALLOW A CAFÉ
IN METRO
SQUARE AT
170-6 MAIN
STREET

Jennifer Jansak from Algonquin Gas Transmission, LLC, requested an easement and indicated that approval from the Federal Energy Review Commission (FERC) would be granted on February 25, 2009. She indicated it would be a twenty (20) inch natural gas pipeline. Comm. Catherine Johnson questioned crossing the NRG property. Jennifer Jansak indicated five (5) parties would be needed to regulate the pipeline. Comm. Catherine Johnson questioned the installation. Jennifer Jansak indicated the pipeline would be buried. Comm. Les Adams questioned if the pipeline would go below the frost line. Jennifer Jansak indicated that federal guidelines is three (3) feet in the road but could possibly be deeper. On motion and second by Comms. Ron Borelli and Les Adams the Commission gave an affirmative G.S. 8-24 Review for the construction and the granting of easements for a 20-inch natural gas pipeline, primarily within the River Road right-of-way. Vote was unanimous. Applicant/agent Algonquin Gas Transmission, LLC/Carmody & Torrance LLP

ITEM 5.10
GAVE AN AF-
FIRMATIVE
G.S. 8-24 RE-
VIEW FOR
THE CON-
STRUCTION
AND THE
GRANTING
OF EASE-
MENTS FOR A
20-INCH
NATURAL
GAS PIPELINE,
PRIMARILY
WITHIN THE
RIVER ROAD
RIGHT-OF-
WAY

Comm. Deborah Kleckowski requested that all the titles be corrected. On motion and second by Comms. James

ITEM 6.1
APPROVED THE

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Fortuna and Catherine Johnson the Commission approved the minutes of the December 10, 2008 special meeting as amended. Vote was unanimous.

MINUTES OF
THE 12/10/08
SPECIAL
MEETING

Comm. Deborah Kleckowski requested that all the titles be corrected. On motion and second by Comms. James Fortuna and Les Adams the Commission approved the minutes of the December 10, 2008 regular meeting as amended. Vote was unanimous.

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

Comm. Deborah Kleckowski requested that all the titles be corrected. On motion and second by Comms. James Fortuna and Deborah Kleckowski the Commission approved the minutes of the January 14, 2009 regular meeting as amended. Vote was unanimous.

ITEM 6.3
APPROVED THE
MINUTES OF
THE 1/14/09
REGULAR
MEETING

Comm. Ron Borelli commented on the Kolman Report and questioned if the Cease & Desist Order was still open. He felt it should be either open or active on the report. Comm. Ron Borelli requested outcomes of inspections. On motion and second by Comms. Ron Borelli and Les Adams the Commission approved the ZEO Report.

ITEM 6.4
ZEO REPORT

Comm. Catherine Johnson reviewed an outline sent out to the Commission members, proposed heading a steering committee, and would like to primarily work with the Common Council. Acting Chair Richard Pelletier commented that the Commission did not have the time. Comm. Deborah Kleckowski felt the Commission should try to go to one meeting. Comm. Ron Borelli felt the Common Council is not balanced and other voices were needed. Acting Chair Richard Pelletier recommended postponement. Comm. Deborah Kleckowski suggested the Commission try it. A motion to hold workshops and a meeting to bring the Plan of Conservation and Development back to the Commission for consideration was made by Comm. Deborah Kleckowski and seconded by Comm. Les Adams. The motion passed with Comms. Deborah Kleckowski, Les Adams, Ron Borelli, Catherine Johnson and Quentin Phipps in favor and Acting Chair Richard Pelletier and Comm. James Fortuna opposed.

ITEM 6.5
POCD REPORT

Comm. Deborah Kleckowski recommended scheduling a public hearing date of March 25, 2009 for the Kolman issue.

ITEM 6.6
COMMISSION
AFFAIRS

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Comm. Deborah Kleckowski recommended adding the Commission Bylaws to the March 11, 2009 agenda.

ITEM 6.7
COMMISSION
BYLAWS

Comms. Quentin Phipps and Les Adams questioned a response from the City Attorney and requested clarification between the Connecticut General Statutes, the Charter and the Bylaws regarding minority representation. Comm. Catherine Johnson questioned putting the election of officers back on the agenda.

ITEM 6.8
ELECTION OF
OFFICERS

Comm. James Fortuna departed the meeting at 11:30 p.m.

Beth Emory looked at the Bylaws and felt people should be at the meetings and not on vacation. Comm. Deborah Kleckowski noted that the Commission is elected and there is no removal condition. Eleanor Kelsey indicated that she had contacted the Department of Environmental Protection and got the following: 1) there is no required time for Mr. Kolman with regard to responding to the Cease and Desist Order; 2) there are no consequences; 3) there are no conditions for corrections; and suggested that plans be submitted or give guidelines to Mr. Kolman to follow. Comm. Catherine Johnson commented that if the city has no teeth to its response, the Commission could act but include the Zoning Enforcement Officer and the City Attorney.

ITEM 8
DISCUSSION

On motion and second by Comms. Deborah Kleckowski and Catherine Johnson the Commission adjourned the meeting at 11:50 p.m. Vote was unanimous.

ITEM 9
ADJOURNMENT

Respectfully submitted,

Michael Wackers, AICP
Deputy Director