

PLANNING AND ZONING COMMISSION REGULAR MEETING FEBRUARY 13, 2003, 7:00 P.M.
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Comm. Stephen Gadowski, Comm. James Fortuna, Comm. George Lapadula (9:15), Comm. Andrew Rak, Comm. John Pieper, Comm. Carl Bolz, Comm. William Wilson, Comm. John Voli (left at 7:05), Comm. Stephen Shapiro (left at 10:00)

COMMISSION
MEMBERS
PRESENT

Chw. Barbara Plum, Mayor Domenique Thornton, Ex-Officio, Dir. P.W. Salvatore Fazzino, Ex-Officio

COMMISSION
MEMBERS
ABSENT

William Warner, Director, Thomas Nigosanti, Chief Engineer

STAFF

There were approximately one hundred (100) members of the public present. There is a word for word tape recording of the meeting on file and available in the Planning Office.

PUBLIC

A motion to nominate Comm. Stephen Gadowski as the Vice Chairman was made by Comm. John Pieper and seconded by Comm. James Fortuna. A motion to nominate Comm. Andrew Rak as the Vice Chairman was made by Comm. William Wilson and seconded by Comm. John Voli. After a five (5) to two (2) ballot vote, Comm. Stephen Gadowski was appointed the Vice Chairman.

ITEM 1a
ELECTION
OF
OFFICERS

There was no discussion.

ITEM 2
DISCUSSION
WITH
PUBLIC

On motion and second by Comms. James Fortuna and John Voli the Commission moved Item #4.3 to the top of the agenda. Vote was unanimous. Deborah Moore, Executive Director of Long Hill Estate, explained the request. On motion and second by Comms. James Fortuna and William Wilson the Commission gave an affirmative G.S. 8-24 Review to lease the second floor of the Wadsworth Mansion to the Connecticut Underwriters Insurance Company (CUINCO) of Portland. Vote was unanimous. Applicant/agent The Wadsworth Mansion at Long Hill Estate/Deborah L. Moore, Executive Director

ITEM 4.3
GAVE AN AF-
FIRMATIVE G.S.
8-24 REVIEW TO
LEASE THE
SECOND FLOOR
OF THE WADS-
WORTH MANSION
TO THE CONNEC-
TICUT UNDER-
WRITERS IN-
SURANCE COM-
PANY OF PORT-
LAND

Comm. James Fortuna read the Public Hearing Legal Notice and made a motion to move Items #2b.2 and #2b.3 up. Vote was unanimous. William Corvo explained the proposal to transfer land to Marino Crane and indicated that all the lots conform to zoning. Comm. Carl Bolz questioned the letter from Providence Worcester

ITEMS 2b.2/2b.3
GRANTED FINAL
APPROVAL OF TWO
THREE (3) LOT RE-
SUBDIVISIONS OF

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Railroad. William Corvo agreed with the letter. From the public, Lawrence McHugh, President of the Middlesex County Chamber of Commerce, spoke in support. On motion and second by Comms. James Fortuna and William Wilson the Commission closed the public hearing for both items. Vote was unanimous. On motion and second by Comms. Stephen Shapiro and James Fortuna the Commission granted final approval of two three (3) lot resubdivisions of the property of Philip C. Armetta located on the east side of Newfield Street abutting and beyond the railroad tracks. Vote was unanimous. Applicant/agent Philip C. Armetta/Wm. Corvo, Consultants S2003-1, S2003-2

THE PROPERTY OF
PHILIP C. ARMETTA
LOCATED ON THE
EAST SIDE OF NEW-
FIELD STREET
ABUTTING AND
BEYOND THE RAIL-
ROAD TRACKS

William Warner presented the proposed moratorium. Carol Parmelee-Blancato explained the capacity of the school system, the pressure on the system and spoke in support. Sally Boske, Chair of the Board of Education, asked for a good plan from the Planning and Zoning Commission to guide the Board of Education. T. Birch spoke in support. Lawrence McHugh expressed concerns and feels the moratorium should be shorter than nine months. S. O'Connell read a letter from Katchen Coley into the record. D. Chauvin, Westfield Residents for Rational Development of Middletown, Inc., spoke in favor of the moratorium. Ellen Lukens of the Middletown Conservation Commission spoke in support. Michael Ennis spoke in support and gave reasons for the moratorium. Sebastian Juliano spoke in support for comprehensive rezoning and feels the moratorium is the first step. He indicated that administrative functions overwhelm the legislative functions. Lewis Lukens read a letter of support from Kate Miller into the record and also spoke in support. M. Abbotts, a resident of Coles and Conner Roads, spoke in support. K. Meltz spoke in support. James Staunton, Conklin and Soroka, Inc., spoke in opposition, feels it will impact their business and clients and feels the Sonoma Woods Subdivision application should be grandfathered in. Brian Kronenberger spoke in support and has concerns over problems with regulations. David Brown spoke in full support of the moratorium. The Commission took a five minute break. George Smilas spoke in opposition, suggested forming a subcommittee to address any issues and feels this will influence his business. Ron Klattenberg spoke in support as a private citizen and explained the budget crisis. Robert Fusari, President of Real Estate Service of Connecticut, spoke in opposition due to his proposed development and spoke regarding homeownership. D. Klepper-Smith, an economist, spoke regarding the moratorium. Robert Fusari concluded at length. G. Harris, the attorney for Robert Fusari, requested an amendment. William Warner provided clarification on the population. Comm. Carl Bolz commented on the census and using The Meadows at

ITEM 2b.1
ADOPTED AN
AMENDMENT
TO THE ZONING
CODE AND SUB-
DIVISION REGU-
LATIONS TO IN-
STITUTE A NINE
(9) MONTH MORA-
TORIUM ON RE-
SIDENTIAL SUB-
DIVISIONS IN EX-
CESS OF THREE
(3) LOTS WITH
AN EFFECTIVE
DATE OF 2/19/03

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Riverbend Subdivision. William Warner commented on growth, the number of children, costs and the ability to read data. Mary Ellen Rubino spoke on the loss of farmland, the quality of life and school crowding. R. Sidell commented on population growth and questioned Robert Fusari's comments on kids, the boost in the economy, and traffic. G. Abbott questioned Robert Fusari's population figures and supports the moratorium. M. Segal spoke in support of the moratorium and is against any grandfathering. On motion and second by Comms. James Fortuna and William Wilson the Commission closed the public hearing. Vote was unanimous. A motion to adopt an amendment to the Zoning Code and Subdivision Regulations to institute a nine (9) month moratorium on residential subdivisions in excess of three (3) lots with an effective date of February 19, 2003 was made by Comm. Andrew Rak and seconded by Comm. William Wilson. Comm. Carl Bolz questioned multi-family. William Warner responded that there is no urgency and that there is limited growth in multi-family. Comm. Andrew Rak spoke in support and the need to revise the regulations. He feels houses will still be built. Comm. Carl Bolz commented on the grandfather clause. Comm. Stephen Gadomski feels a grandfather clause will defeat the purpose. Comm. Carl Bolz commented on capping to nine months. William Warner responded. The motion passed unanimously. Proponent P&Z Comm. Z2002-

On motion and second by Comms. Andrew Rak and William Wilson the Commission tabled a proposed fifteen (15) lot re-subdivision with a Special Exception for a large lot environmentally sensitive subdivision of the property of Howard and Noreene Carlson located on the south side of Kelsey Street across from the Paterson Drive intersection to be known as Clearview Estates. Vote was unanimous. Applicant/agent Howard and Noreene Carlson/Christopher Bell S2002-25

ITEM 2b.4
TABLED A PROPOSED FIFTEEN RESUBDIVISION WITH A SPECIAL EXCEPTION FOR A LARGE LOT ENVIRONMENTALLY SENSITIVE SUBDIVISION OF THE PROPERTY OF HOWARD AND NOREENE CARLSON LOCATED ON THE SOUTH SIDE OF KELSEY STREET ACROSS FROM THE PATERSON DRIVE INTERSECTION TO BE

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William Warner indicated that Thomas Nigosanti, Chief Engineer, mapped the sidewalks and commented on feasibility. Comm. Carl Bolz commented on the intersection. Tom Nigosanti responded. A motion to grant preliminary approval of a proposed seven (7) lot resubdivision of the property of William King located between Ridgewood and Poplar Roads to be known as Ridgewood Meadows was made by Comm. Andrew Rak and seconded by Comm. George Lapadula. Comm. George Lapadula commented on the CL&P easement. Comm. John Pieper commented on the driveway for Lot #1 and the slope. Atty. Michael Dowley commented on giving the city the corner piece. Comm. Andrew Rak modified the motion to include the condition that: 1) the land from and including the CL&P easement to the intersection be deeded to the city; and 2) the driveway for Lot #1 be on Ridgewood Road. Comm. George Lapadula agreed. The motion as amended passed unanimously. Applicant/agent Bricon Custom Homes, Inc./Conklin & Soroka, Inc. S2002-19

Comm. George Lapadula feels the issue should be tabled until there is clarification on the foreclosure. William Warner commented on the foreclosure. Comm. Andrew Rak questioned the relevance of the foreclosure and doesn't see it having an impact on the Commission. Comm. George Lapadula commented on liquor. A motion to grant a Special Exception to convert an existing building at 606 Main Street from plumbing supplies to a liquor store was made by Comm. Andrew Rak and seconded by Comm. William Wilson. A motion to table a proposed Special Exception to convert an existing building at 606 Main Street from plumbing supplies to a liquor store was made by Comm. George Lapadula and seconded by Comm. Carl Bolz. The motion to table failed. The motion to grant passed with Comms. Stephen Gadowski, James Fortuna, Andrew Rak, William Wilson, John Pieper, and Carl Bolz in favor and Comm. George Lapadula opposed. Applicant/agent John Bagley/Joseph Milardo, Jr. SE2002-8

Atty. Joseph Marino and Jean Gullitti explained the request for the modification. William Warner disagreed with Items #1 and #2. Atty. Joseph Marino continued. William Warner agreed with Items #3 and #4. On motion and second by Comms. Andrew Rak and William Wilson the Commission approved Items #3 and #4 in the letter dated December 4, 2002 pertaining to the conditional approval for Kelsey Estates Subdivision located off Pheasant Drive. Vote was unanimous. Applicant/agent CDS Developers, LLC/Jean Gullitti S2002-5

KNOWN AS CLEAR-
VIEW ESTATES

ITEM 3.1
GRANTED PRE-
LIMINARY AP-
PROVAL OF A
SEVEN (7) LOT RE-
SUBDIVISION OF
THE PROPERTY
OF WILLIAM
KING LOCATED
BETWEEN RIDGE-
WOOD AND POP-
LAR ROADS TO
BE KNOWN AS
RIDGEWOOD
MEADOWS

ITEM 3.2
GRANTED A
SPECIAL EX-
CEPTION TO
CONVERT AN
EXISTING BUILD-
ING AT 606 MAIN
STREET FROM
PLUMBING SUP-
PLIES TO A
LIQUOR STORE

ITEM 3.3
APPROVED ITEMS
#3 AND #4 IN THE
LETTER DATED
12/4/2002 PERTAIN-
ING TO THE CON-
DITIONAL AP-
PROVAL FOR
KELSEY ESTATES
SUBDIVISION LO-
CATED OFF

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On motion and second by Comms. George Lapadula and Stephen Shapiro the Commission tabled a request for Final Approval of the Country Farm Subdivision located at 1340 Randolph Road. Vote was unanimous. Applicant/agent Atty. Stephen T. Gionfriddo S2002-3

PHEASANT DRIVE

ITEM 3.4
TABLED A RE-
QUEST FOR
FINAL AP-
PROVAL OF
THE COUNTRY
FARM SUB-
DIVISION LO-
CATED AT 1340
RANDOLPH ROAD

On motion and second by Comms. George Lapadula and William Wilson the Commission scheduled a public hearing date of March 12, 2003 for a proposed two (2) lot resubdivision of the Marino Main Realty, Inc. property at 222 Main Street Extension. Vote was unanimous. Applicant/agent Marino Main Realty, Inc./Conklin & Soroka, Inc. S2002-27

ITEM 4.1
SCHEDULED P.H.
3/12/2003 FOR A
PROPOSED TWO
(2) LOT RESUB-
DIVISION OF THE
MARINO MAIN
REALTY, INC.
PROPERTY AT
222 MAIN STREET
EXTENSION

On motion and second by Comms. James Fortuna and William Wilson the Commission scheduled a public hearing date of March 12, 2003 for a proposed Special Exception to construct a new and used car dealership to be located at 1153 Newfield Street north of Mile Lane. Vote was unanimous. Applicant/agent 1153 Newfield Street/Middletown, LLC/Michael F. Dowley & Associates SE2002-6

ITEM 4.2
SCHEDULED P.H.
3/12/2003 FOR A
PROPOSED
SPECIAL EXCEP-
TION TO CON-
STRUCT A NEW
AND USED CAR
DEALERSHIP TO
BE LOCATED AT
1153 NEWFIELD
STREET NORTH
OF MILE LANE

Michael Guarini, Deputy Director of the Water and Sewer Department, and D. Ouellette explained Phase 2A of the C.R.I.S.P. project. Comm. Andrew Rak questioned the sewer service area. D. Ouellette clarified. On motion and second by Comms. George Lapadula and William Wilson the Commission gave an affirmative G.S. 8-24 Review for approval of Phase 2A of the Connecticut River Interceptor Sewer Project (C.R.I.S.P.). Vote was unanimous. Applicant/agent Middletown Water and Sewer Department/Guy P. Russo, Director

ITEM 4.4
GAVE AN AF-
FIRMATIVE G.S.
8-24 REVIEW FOR
APPROVAL OF
PHASE 2A OF THE
CONNECTICUT
RIVER INTERCEP-
TOR SEWER PRO-

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On motion and second by Comms. James Fortuna and George Lapadula the Commission tabled a proposed Lot Line Revision between Lots #103, 104, and 105 Eastbury Hill Drive of the Eastbury Hill Subdivision. Vote was unanimous. Applicant/agent Thaddeus P. Bysiewicz L2003-1

On motion and second by Comms. George Lapadula and James Fortuna the Commission tabled a proposed Site Plan Review to construct a new retail auto parts building at 926 Washington Street adjacent to the McDonald's and Subway Restaurants. Vote was unanimous. Applicant/agent AutoZone, Inc./BL Companies SPR2002-205

Atty. R. Pierson explained the past history, the legal requirements of a Special Exception approval and explained what is in the record such as drainage and traffic. Glenn Russo explained the modifications to the plan due to parking reductions and increase in impervious area. He reviewed the reasons for the last denial such as detention pond reduction, fencing and landscaping. Glenn Russo also commented on the traffic light and indicated that the job is funded and would be going out to bid in June 2003. He also indicated that he would bond the cost of installing the light if the state doesn't do it prior to issuance of a building permit and that the light would be in place prior to the issuance of a Certificate of Occupancy. Glenn Russo noted that there is a decrease of impervious areas, that twenty (20) units were eliminated and that the new plan compares with the density of other multi-family projects in Middletown. He indicated there will be no public services and a very limited number of kids. Comm. Carl Bolz questioned one versus two bedrooms. Glenn Russo responded. Comm. William Wilson questioned the traffic light on Route 66. William Warner and Glenn Russo responded. Charles Auger, First Selectman of the Town of Middlefield, submitted materials and expressed concerns over the modifications. He read a resolution from the Board of Selectman into the record, commented on the Town Engineer's report and feels the traffic im-

JECT

ITEM 4.5
TABLED A PROPOSED LOT LINE REVISION BETWEEN LOTS #103, 104, AND 105 EASTBURY HILL DRIVE OF THE EASTBURY HILL SUBDIVISION

ITEM 4.6
TABLED A PROPOSED SITE PLAN REVIEW TO CONSTRUCT A NEW RETAIL AUTO PARTS BUILDING AT 926 WASHINGTON STREET ADJACENT TO THE MCDONALD'S AND SUBWAY RESTAURANTS

ITEM 2b.5
CONTINUED THE P.H. FOR A PROPOSED SPECIAL EXCEPTION FOR 180 MULTI-FAMILY DWELLINGS TO BE LOCATED ON THE WEST SIDE OF GEORGE STREET BETWEEN WASHINGTON STREET AND BOSTON ROAD TO BE KNOWN AS NOHL CREST III

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pact would be intolerable. R. Tsong, a civil and traffic engineer, commented on the light on Washington Street, drainage, topography and the detention pond. C. Smith, the attorney for the Muracas and other residents, feels it is a similar application, is in need of a substantial and material change, submitted an Intervention petition and commented on the wetlands impact, the driveway crossing and the R-15 zone. Atty. Smith reviewed documentation that was submitted and commented on Section 44 of the regulations, traffic impacts to George Street and the access to Washington Street. Comm. William Wilson suggested going on to the next meeting. Glenn Russo indicated that his attorney will be out of the country and asked that the public hearing continue and be closed tonight. L. Jahart is opposed due to traffic. Henry Novicki is opposed due to traffic and drainage. W. Kominski of Rockfall, is concerned over traffic. Comm. Stephen Gadomski read a letter from a resident into the record. Janet Muraca reviewed the history of the denials, spoke in opposition due to property values and traffic and commented on the Inland Wetlands Agency. R. Giacco submitted pictures of the area, noted previous denials and commented at length in opposition due to traffic and the detention pond. Kate Miller spoke in opposition due to traffic and drainage and referred to Section 44 of the regulations. D. Brown spoke in opposition due to traffic and the environment. Glenn Russo rebutted on density, building design and the Inland Wetlands approval. R. Pierson indicated that all departments had signed off, that there were no issues, submitted a letter from a wetlands scientist and that there also were no issues. He offered a fence around the detention pond and rebutted on the M residential zone and Section 60 of the Zoning Code. R. Pierson commented on the M zone, the traffic impacts and the Special Exception criteria. He agreed with the suggestions from the engineer from Middlefield. Atty. C. Smith objected to submitting new information. The Acting Chair ruled that they will accept Atty. Pierson's concluding remarks. The Commission asked the applicant to extend the public hearing. Glenn Russo agreed to extending the public hearing to the next meeting. On motion and second by Comms. George Lapadula and James Fortuna the Commission continued the public hearing for a proposed Special Exception for 180 multi-family dwellings to be located on the west side of George Street between Washington Street and Boston Road to be known as Nohl Crest III. Vote was unanimous. Applicant/agent Landmark Development Group, LLC/Glenn Russo, Manager SE2002-7

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On motion and second by Comms. James Fortuna and George Lapadula the Commission tabled the minutes of the January 22, 2003 meeting. Vote was unanimous.

ITEM 5.1
TABLED THE
MINUTES OF THE
1/22/03 MEETING

The Commission tabled the Zoning Enforcement Officer Report. Vote was unanimous.

ITEM 5.2
TABLED THE
ZEO REPORT

There was no discussion.

ITEM 6
DISCUSSION WITH
PUBLIC

On motion and second by Comms. George Lapadula and James Fortuna the Commission adjourned the meeting at 12:24 a.m. Vote was unanimous.

ITEM 7
ADJOURNMENT

Respectfully submitted,

William Warner, AICP
Director of Planning, Conservation and Development