

PLANNING AND ZONING COMMISSION REGULAR MEETING FEBRUARY 25, 2009, 7:00 P.M. PAGE 1 OF 6

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

MEMBERS
PRESENT

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

MEMBERS
ABSENT

William Warner, Director

STAFF

There were thirty (30) 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 items on the agenda will be moved around for more efficient timing.

ITEM 2
DISCUSSION

Christopher Holden, Assistant Chief Engineer for the Water and Sewer Department, explained the G.S.8-24 request and the location of the water line. Comm. Ron Borelli questioned the water line. Comm. Bolz questioned Atkins Street. On motion and second by Comms Ron Borelli and James Fortuna the Commission gave an affirmative G.S. 8-24 Review for the extension of water mains, pressure reducing stations, buildings, telemetry, Supervisory Control and Data Acquisition (SCADA), and other improvements intended to manage water pressure and fire flows in the area west of I-91. Vote was unanimous. Applicant/agent City of Middletown Water and Sewer Department/Guy P. Russo, Director

ITEM 5.1
GAVE AN AFFIRMATIVE
G.S. 8-24 REVIEW FOR THE EXTENSION OF WATER MAINS, PRESSURE REDUCING STATIONS, BUILDINGS, TELEMETRY, SUPERVISORY CONTROL AND DATA ACQUISITION, AND OTHER IMPROVEMENTS INTENDED TO MANAGE WATER PRESSURE AND FIRE FLOWS IN THE AREA WEST OF I-91

Christopher Holden explained the proposal. Comm. Ron Borelli questioned the location. Comm. Catherine Johnson commented on the map quality. Comm. Quentin Phipps requested information on the project. Christopher Holden responded to all the questions. On motion and second by Comms. Ron Borelli and James Fortuna the Commission gave an affirmative G.S. 8-24 Review to install a booster pump on Bartholomew Road to enhance pressure in the Randolph Road Super High Service Area and to obtain an easement for the property. Vote was unanimous. Applicant/agent City of Middle-

ITEM 5.2
GAVE AN AFFIRMATIVE
G.S. 8-24 REVIEW TO INSTALL A BOOSTER PUMP ON BARTHOLOMEW ROAD TO ENHANCE PRES-

town Water and Sewer Department/Guy P. Russo, Director

SURE IN THE
RANDOLPH
ROAD SUPER
HIGH SERVICE
AREA AND TO
OBTAIN AN
EASEMENT FOR
THE PROPERTY

Christopher Holden explained the proposal. William Warner explained. Comm. Carl Bolz questioned the location. On motion and second by Comms. Ron Borelli and James Fortuna the Commission gave an affirmative G.S. 8-24 Review to construct a concrete block and metal storage building at the Water and Sewer Department located at 82 Berlin Street. Vote was unanimous. Applicant/agent City of Middletown Water and Sewer Department/Guy P. Russo, Director

ITEM 5.3
GAVE AN AF-
FIRMATIVE
G.S. 8-24 REVIEW
TO CONSTRUCT
A CONCRETE
BLOCK AND
METAL STOR-
AGE BUILDING
AT THE WATER
AND SEWER
DEPARTMENT
LOCATED AT
82 BERLIN
STREET

Atty. Ralph Wilson explained the proposed resubdivision. Pat Benjamin explained the proposal and indicated it was in conformance with zoning. No one from the public spoke. On motion and second by Comms. Ron Borelli and James Fortuna the Commission closed the public hearing. Vote was unanimous. On motion and second by Comms. Ron Borelli and James Fortuna the Commission granted final approval of a 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 3.4
GRANTED
FINAL AP-
PROVAL OF A
TWO (2) LOT
RESUBDIVISION
OF THE PRO-
PERTY OF
GOFSCO, LLC
LOCATED IN
THE HOME
DEPOT PLAZA
ON WASHING-
TON STREET

Michael Ennis, a member of the Conservation Commission, explained the proposal to amend the 1993 Open Space Plan. Comm. Ron Borelli questioned the amendments. R. Linehan commented on room layout. Earle Roberts speaks on easements across the open space. D. Baldwin expressed concerns over maintenance. Kate Miller spoke in support. Lawrence Buck spoke on taxable difference, open space versus development. Sheila Stoane, Chair of the Conservation Commission, indicated taxpayers voted to buy the property as part of the bond issue. Comm. Carl Bolz questioned the purchase of development rights. Jeffrey Pierce asked for a list of

ITEM 3.2
ADOPTED AN
AMENDMENT
TO THE 1993
OPEN SPACE
SECTION OF
THE PLAN OF
CONSERVATION
AND DEVELOP-
MENT TO DE-

properties and loss of tax dollars. Lawrence Buck commented on costs to the taxpayers. A. Morse lives across street, wanted it designated and wanted to know the potential activities and costs. Sheila Stoane indicated the city would be buying the development rights only. On motion and second by Comms. Quentin Phipps and James Fortuna the Commission closed the public hearing. Vote was unanimous. On motion and second by Comms. Quentin Phipps and James Fortuna the Commission adopted an amendment to the 1993 Open Space Plan section of the Plan of Conservation and Development to designate the entire Merriam property on Middlefield Street as proposed open space with an effective date of March 4, 2009. Vote was unanimous. Applicant/agent City of Middletown Conservation Commission.

SIGNATE THE
ENTIRE MER-
RIAM PRO-
PERTY AS
PROPOSED
OPEN SPACE

Atty. Greg Kirschner explained the application for disabled persons and the Fair Housing Act and explained the model of family support and recovery process. He requested reasonable accommodations under the Fair Housing Act. Comm. Ron Borelli questioned if Planning and Zoning Commission approval was granted prior to the operation, how many people live there, if there are currently five people in the unit and if this is a request to have nine. Acting Chair Richard Pelletier questioned reasonable accommodation. William Warner questioned the zoning scheme. Acting Deputy City Attorney Geen Thazhampallath commented on the laws. Legal discussion ensued between Acting Deputy City Attorney Geen Thazhampallath and Atty. Greg Kirschner. Comm. Catherine Johnson questioned the surrounding uses and indicated that 48 Loveland Street is a sober house, that there is a Connection house across the street and that 12 Hubbard Street has had police calls. Atty. Greg Kirschner responded. Comm. Carl Bolz felt a business entity chose the location and then advertised to clients and noted that he also had parking concerns. Comm. Ron Borelli questioned parking and over-crowding. Comm. Catherine Johnson commented further on parking and lot restrictions. Lengthy discussion ensued. Atty. Greg Kirschner agreed to lower the number of individuals to eight (8). Comm. Quentin Phipps questioned the definition of family. Comm. Johnson commented on the concentration of sober houses in the downtown. From the public, Atty. Ralph Wilson of 137 South Main Street submitted a prepared statement. Earle Roberts, a resident and a member of the Common Council, also commented. Donald Keyo, Bacon Avenue, indicated that he lives across the street from the Bacon Avenue sober house and commented on procedure, poor management, people making money off of addicts and asked if there was a licensed or certified person managing the buildings. Crystal PocaPELLI spoke in support of safe and sober environments. Comm. Quentin Phipps questioned the recovery process. Danielle Harrison was concerned about the timing and the need to move forward and questioned if there was an alternate location. Patricia Elmore of Loveland Street was opposed. Wendi Clark, the applicant read a prepared statement into the record. E. Madison, an attorney and Chair of the Planning Commission in New Haven, explained how it is done in New Haven. Comm. Ron Borelli questioned

ITEM 3.1
DENIED A
PROPOSED
SPECIAL EX-
CEPTION FOR
A SOBER
HOUSE TO BE
LOCATED AT
133 SOUTH
MAIN STREET

familiarity with the site. Atty. E. Madison agreed that there is not enough parking but felt it needed to be negotiated and spoke in support of Wendi Clark. Mayor Sebastian Giuliano expressed concerns over the business element of sober houses and felt the Americans with Disabilities Act and Federal Housing Administration protected disabled people and not businesses. He felt this is simply a rooming house and noted that the city allowed sober houses in seventy percent (75%) of the town. Jennifer Saines of High Street read a letter of opposition into the record and explained in detail the problems in the neighborhood and the over concentration of these uses. Ruth Vellela indicated she was opposed and stated the same concerns of the previous speaker. J. Mazuka, a recovering addict who is now a taxpayer, stated that this type of housing is important. J. Shilke was concerned about the scale of the project, felt the parking was too dense and commented on the number of accidents at the intersection. D. Russell of Loveland Street made a statement on traffic, sanitation and many other problems and stated that the neighborhood is too crowded. Atty. Greg Kirschner submitted two (2) letters into the record. On motion and second by Comms. James Fortuna and Quentin Phipps the Commission closed the public hearing. Vote was unanimous. Comm. Ron Borelli spoke in opposition and spoke of parking concerns. Comm. Carl Bolz stated that the applicant disregarded the regulations, that the use was misplaced in wrong zone and was causing problems for the neighbors and that the Commission provided for locations for this type of use. Comm. Quentin Phipps felt that the regulations are progressive and ahead of the curve and expressed traffic and parking concerns. On motion and second by Comms. Ron Borelli and Carl Bolz the Commission denied a proposed Special Exception and a request for reasonable accommodations for a sober house to be located at 133 South Main Street based on the parking, the characteristics and the density of the property are the main issue. Vote was unanimous. Applicant/agent New Freedom, LLC/Wendi Clark SE2008-11

Atty. Ralph Wilson explained the proposal and reviewed the special exception criteria. H. Mays, the engineer, explained the proposal. Comm. Ron Borelli questioned the driveways on Mill Street. B. Hilson, the traffic engineer, commented on the review of the Police Traffic Division and agreed to all comments. From the public, R. Linehan expressed his concern about drive-thrus at CVS and Stop & Shop and on traffic. Kate Miller spoke in opposition to the drive thru because of air pollution. Beth Emery commented on smart growth by reducing traffic and being pedestrian friendly. P. Hilton spoke in support. J. Kanabel

ITEM 3.3
GRANTED SITE
PLAN APPROVAL
TO CONSTRUCT
A PHARMACY
WITH A SPECIAL
EXCEPTION FOR
A DRIVE-THRU
AT THE SOUTH-
EAST CORNER

was concerned about traffic reports. Tamika Jackson commented on drug traffic on Russell Street and felt the development would improve the air and that there would be crosswalks in the area. R. Craig spoke in support and indicated it would put the property back on the tax rolls. R. Kellogg lives one mile away and spoke in support. Jennifer Saines was opposed to the loss of the church, the traffic and the lack of pedestrian amenities. D. Baldwin was opposed due to pedestrian problems. J. Hilton walks in the area frequently and has never had a problem walking in the area. Tasia, a resident, spoke in support and stated that competition is good. Danielle spoke in support. D. Hilton spoke in support, felt a church is the people, not the building and noted that this is a shovel ready project to create jobs. S. Devoto spoke in opposition and spoke about his bicycle and traffic concerns. E. King spoke in support. Beth Emery and Jennifer Saines spoke more on sidewalks. J. Roldreine, from Dallas, Texas, spoke in support. R. Linehan spoke further on traffic. E. Kellogg displayed a mud covered shoe. Atty. Ralph Wilson provided a rebuttal regarding the drive thru and the amount of traffic. Comm. Carl Bolz questioned the crosswalk entrance from East Main Street. B. Hilson commented. Comm. Quentin Phipps questioned the number of parking spaces and why there is more than required and noted that Walgreens had accepted a reduction from seventy-three (73) to sixty-five (65). Comm. Ron Borelli commented on Baer Street and the lack of continuity of sidewalks. Comm. Catherine Johnson questioned the placement of the building. Comm. Quentin Phipps commented on parking and questioned if the applicant would propose ten (10) pervious spaces. On motion and second by Comms. James Fortuna and Ron Borelli the Commission closed the public hearing. Vote was unanimous. A motion to grant Site Plan Approval to construct a pharmacy with a Special Exception for a drive-thru at the southeast corner of the intersection of Main Street Extension and East Main Street and adjacent to Mill Street was made by Comm. Ron Borelli and seconded by Comm. Carl Bolz. Comm. Carl Bolz offered a friendly amendment that a crosswalk at East Main Street and Main Street Extension be considered if the Public Works and Police Departments agree and that ten (10) parking spaces at the south end be pervious. Comm. Catherine Johnson spoke in opposition to drive-thrus and the demolition of the church. Comm. Quentin Phipps expressed concerns regarding the amount of parking. Acting Chair Richard Pelletier spoke in support. The motion as amended passed with Acting Chair Richard Pelletier, Comm. James Fortuna, Comm. Les Adams, Comm. Ron Borelli, Comm. Carl Bolz and Comm. Quentin Phipps in favor and Comm. Catherine Johnson opposed. Applicant/

OF THE INTER-SECTION OF MAIN STREET EXTENSION AND EAST MAIN STREET AND ADJACENT TO MILL STREET

agent South Middletown, LLC/Atty. Ralph Wilson SE2009-3

The following corrections were noted by Comm. Catherine Johnson: 1) On Page 2, under Item #3.3, in Line #17, remove “and felt they should not be erecting a neighborhood” from the sentence; 2) in Line #18, change “but must” to “and didn’t” and remove the word “most”; 3) On Page 11, under Item #6.5, change the third line to read “and will first work with the Conservation Commission” and in Line #7, remove “Common Council is not balanced and”; 4) Under Item #6.6, remove “Comm. Deborah Kleckowski recommended scheduling a public hearing date of March 25, 2009 for the Kolman issue”; and 5) On Page 12, under Item #8, correct the spelling of Beth Emery’s name. On motion and second by Comms. James Fortuna and Carl Bolz the Commission approved the minutes of the February 11, 2009 regular meeting as amended. Vote was unanimous.

ITEM 6.1
APPROVED
THE MINUTES
OF THE 2/11/09
REGULAR
MEETING AS
AMENDED

A motion to nominate Comm. Barbara Plum as Chair was made by Comm. Carl Bolz and was seconded by Comm. Quentin Phipps. The motion failed. A motion to nominate Comm. Deborah Kleckowski as Chair as made by Comm. Catherine Johnson and was seconded by Comm. Ron Borelli. The motion failed. A motion to nominate Comm. James Fortuna as Secretary was made by Comm. Carl Bolz and was seconded by Comm. Quentin Phipps. The motion failed. A motion to nominate Comm. Les Adams as Secretary was made by Comm. Catherine Johnson and was seconded by Comm. Ron Borelli, The motion failed.

ITEM 6.2
ELECTION
OF OFFICERS

Eleanor Kelsey commented on testing at Kolmans and questioned what the optimum conditions are.

ITEM 8
DISCUSSION

On motion and second by Comms. James Fortuna and Carl Bolz the Commission adjourned the meeting at 1:10 a.m. Vote was unanimous.

ITEM 9
ADJOURNMENT

Respectfully submitted,

William Warner, AICP
Director of Planning, Conservation and Development