

COMMISSION ON THE CITY PLAN AND ZONING - PUBLIC HEARING - WEDNESDAY,
MARCH 10, 1971 - 7:30 P.M. - MUNICIPAL BUILDING - COUNCIL CHAMBER -
DEKOVEN DRIVE - MIDDLETOWN, CONNECTICUT

Edward F. Button, Chairman
Philip C. Alexander, Secretary
Robert F. Chamberlain
Dr. Henry Sherwood
David B. Mylchreest
Joseph S. Otfinoski, alternate

COMMISSION
MEMBERS PRESENT

Salvatore Lisitano, alternate
James T. Rolle, alternate

MEMBER ABSENT

George A. Reif, Director
William M. Kuehn, Jr.
Althea Rinaldi, Recording Secretary

STAFF PRESENT

Mayor Anthony Sbona
Atty. Jack Cartelli for petitioner, Fazzino
Atty. Harry Hagel for petitioner, S. & P. Realty
Approximately twenty-four (24) members of the public
at large

OTHERS PRESENT

The public hearing began at 7:35 P.M.

CHM. BUTTON: Are we all set? I will now open this public hearing. And before we start, perhaps most of you are aware of how we conduct the hearing. We will ask the proponent of each item or petition to step forward and explain it and when he gets through, we will allow any citizen to speak for it or against it.

Come forward and give your name and address and tell whether you are for or against the item discussed. Keep your remarks to the point and as brief as you can be and get in all you need to say. Mr. Secretary, will you read the agenda.

MR. ALEXANDER: This is the legal notice as appeared in the Middletown Press.

The Middletown Commission on the City Plan and Zoning will hold a Public Hearing on March 10, 1971, starting at 7:30 P.M., in the Council Chamber, Municipal Building, DeKoven Drive, Middletown, Connecticut to receive and hear proposals.

LEGAL NOTICE

There are five proposals tonight. Interested Persons may appear and be heard. Edward F. Button, Chairman Commission on the City Plan and Zoning

The first item on the agenda tonight is a subdivision of land, east side of Smith Street, into three building lots. Owners Salvatore A. and Dina S. Fazzino.

I have three pieces of correspondence here from other city agencies. The first agency is the Department of Public Works. Dated February 18, 1971

To the City Plan Commission
Municipal Building
Middletown, Conn.

LETTER: PUBLIC
WORKS

Re: Fazzino Subdivision
S71-3 East Side of
Smith Street

Gentlemen:

After review of the above named development this office offers the following comments:

1. The installation of a sidewalk should be given some consideration.
2. Sanitary sewer is under construction in the street at the present time and will be available to developer.
3. There is no storm sewer available to the developer.
4. City water is available in the street for use by the developer.

If further explanation of the above is required, please contact this office at your convenience.

Very truly yours,

John C. O'Brien,
Director of Public Works

The second piece of correspondence is from the Director of Health to the Commission on the City Plan and Zoning. LETTER: HEALTH DEPT

To: Commission on the City Plan and Zoning Staff

From: Department of Health

Date: February 22, 1971

Re: Fazzino Subdivision S71-3

The Smith Street area has proven to be marginal in relation to subsurface sewage disposal systems.

It is our recommendation that developer tie proposed houses into the sanitary sewer line on Smith Street.

It is expected that the sanitary sewer in Smith Street will be ready on or about July 1, 1971.

Eric Gordon, M.D.
Director of Health

The third piece of correspondence is from the Department of Water and Sewer.

REPORT FROM WATER
& SEWER DEPT.

Basically "water is available and sewers will be completed on or about July 1, 1971".

CHM. BUTTON: Alright. The petitioner please come forth.

ATTY. CARTELLI: For the record, I am Atty. Cartelli of Middletown. From the Law firm of Fortuna and Cartelli representing the petitioner, Mr. Salvatore Fazzino.

The map of the proposed subdivision is already with the Commission and I believe it is self-explanatory together with the communications from the various town agencies.

Certainly Mr. Fazzino intends to avail himself of the water facilities which are now existent on Smith Street and the construction on these three lots will take place during the summertime and he intends to avail himself of the sewer facilities which will be available according to the communications on July 1 or thereabouts.

WATER & SEWER
AVAILABLE

Each lot conforms with regard to square footage, frontage, In all respects to the present zoning requirement of this area. Mr. Fazzino is a small builder who has built several homes in this area and the Cromwell area and he would be most happy to answer any questions which the Board or citizens may have of him.

LOT SIZE

If this Board has any questions, I or Mr. Fazzino will be happy to try to answer. The houses which he intends to construct will be comparable in nature to the houses that are already in the area. I am sure that any interested person who may be concerned with the type of house will be constructed.

CHM. BUTTON: Does anyone else wish to be heard. For or against this petition. Anyone else...either for or against this petition? Sir.

MR. BIRDSALL: My name is Paul Birdsall and I live on Smith Street and I have lived across from the property in question for close to fifteen (15) years. I wish to oppose this request for the following reasons.

OPPOSITION

I am quite aware that water and sewerage are available in the street. On the other hand I note with interest the comment by a city agency that this has been a marginal area in the past and that no storm sewers are available.

There is quite a serious drainage problem and water problem on the north end of this property where it abuts Smith Street and it abuts the property of Mr. Melina. And I feel that to break this into three building lots...There may be room for one or two houses here, but for a third house it would necessitate probably doing some filling which will only throw the drainage problem further over onto Mr. Melina's property.

These are my reasons and I think....of course, it is a truism to say before exceptions or requests of this types are granted, that we must consider the impact on the area and question how it effects the implementation of zoning...(inaudible) as a whole. Thank you.

CHM. BUTTON: Thank you. Is there anyone else who wishes to speak on or against this petition? I am not going to allow you to speak the second time. We will move on to the next item on the agenda.

MR. ALEXANDER: The next item on the agenda is a Sub-division of land, southerly side of Butternut Street into sixteen (16) building lots. Project to be called Edgewood Acres. Owners S. & P. Realty Co.

I have one piece of correspondence from other city agencies.

From the Department of Public Works - Feb. 5, 1971

City Plan Commission
Municipal Building
Middletown, Conn.

LETTER:PUBLIC WKS.

BOOK M & PEASE "NOISE" (1)

PEASE "NOISE" (1)

Re: Edgewood Acres - Butternut Street

Gentlemen:

After review of the above named development, please be advised of the following comments:

1. All storm water drainage systems and all highways must be designed and certified by a registered professional engineer.
2. Sidewalks must be shown on both sides of street around Lots 14, 15 and 16.
3. Pavement at intersection with Butternut Street must be made with minimum 15 ft. radii at curb lines.
4. Street lines must be connected with a curve having a radius of 10' minimum at southwest corner of intersection adjacent to lot 12.
5. All construction must be according to City of Middletown specifications and noted as such.
6. Typical cross-section should be revised to show 4 ft. sidewalk on both sides (built to City of Middletown specifications); max. slopes beyond street line at 2 to 1; bituminous courses of pavement should be 1 in. wearing surface (dense grade) on 2 in. binder course.
7. Plan and profile of storm sewer should show flow line elevations of all pipes, gradients of all pipe lines and elevations of the tops of frames of catch basins.
8. Angle point at Station 18 + 20 as shown on profile of centerline should be eliminated by use of vertical curve to meet grade at Station 18 + 56.86 or 8 + 50.

If further explanation on information is required concerning the above, please contact this office.

Very truly yours,

John C. O'Brien, Director of Public Works

That's all the correspondence from other agencies.

CHM. BUTTON: Will the proponents please step forward?

ATTY. HAGEL: Mr. Chairman, my name is Harry Hagel. I am representing S. & P. Realty Corp. in this subdivision known as Edgewood Acres. And as is recited in the call, it is a sixteen (16) Lot subdivision and it is intended that the subdivision shall be served by public sewers and there is water available at Butternut Street.

WATER & SEWER

I believe the plan as submitted shows that there is a sewer line that will feed into a pump station and by virtue of a course main connect to I believe it is Henry Court where there is sewer available and we abut this property. Or this property abuts Henry Court.

Not being an engineer and unfortunately not having an engineer here, I can't respond to anything in respect to the Public Works comments, but I am sure that Mr. Petruzzello who is the principal of the S. & P. Realty Corp. who has built many homes in the Middletown area, and I am sure some of you gentlemen are aware of the type of construction that Mr. Petruzzello has engaged in, in both the Laurel Grove subdivision area and up in the Meadowbrook Area out in Westfield. And sufficed to say, I think they are some of the better homes in our town or in Middletown at this time.

I am sure that Mr. Petruzzello intends to comply with all of the regulations of the City. I understand that in discussing this, that all of the lots as laid out exceed the minimum square footage and as such, comply with the zoning regulations. The comment on sidewalks, I would like a copy of that.

Actually that was a comment from the Public Works and I will pass it on to Mr. Petruzzello and the engineer and we would like your consideration for the approval of this. Thank you.

CHM. BUTTON: Does anyone wish to speak for or against this particular petition?

MR. CECCHINI: I have something I would like to say. Did he say on the south side of

CHM. BUTTON: Your name and address, please.

MR. CECCHINI: I am Mr. Cecchini. I own a piece of land on Middlefield Street and my address is 44 Ferry Street at the time. On the south side of Butternut Street, but which end? ...of Butternut Street?

CHM. BUTTON: Do you know, George? We'll take the map out.

MR. REIF: It is on the west side. Down in this area. What street do you live on?

MR. CECCHINI: On Middlefield Street. Where is the end of Butternut Street on here?

MR. REIF: It leads into Middlefield Street so it is in that general area.

MR. CECCHINI: Okay. One question. I would like to know is the run off sewerage, rain water..is this also going to be pumped out into this pumping station or what? RUN OFF WATER

CHM. BUTTON: No. You can't ...surface water can't be combined where there is public sewer.

MR. CECCHINI: Okay. Then you have a problem. Evidently (shows map) this is my lot. This is the boundary and this is where run off water is now coming off the top of the hill and it is causing land erosion from here to here which is about four hundred fifty (450) feet. If this land water is allowed to run into this drainage system, what happens to the land down in here.

CHM. BUTTON: This is a point. George, you will bring up to Public Works please.

MR. REIF: Where is your lot in association with these?

MR. CECCHINI: Okay. Right here. Across the tracks on Middlefield Street.

CHM. BUTTON: Drainage into the Coginchaug River.

MR. REIF: And you are concerned with the additional run off caused by the development of this land that it would in some way influence your property.

MR. CECCHINI: Well, the run-off going into it now is doing considerable damage.

MR. REIF: Now, this problem that you have now, you think has anything to do with what it might be...

MR. CECCHINI: If this run off water...

MR. BUTTON: You think it will be aggravated?

MR. CECCHINI: It will be aggravated more if this is shot off into this area here.

MR. REIF: Okay. The key point of course..your problem is well taken, but the key point is is it closely associated with this? If it is then it certainly must be considered along with this. If it is isolated then ...

CHM. BUTTON: No, I think you've got to bring this to the attention of Public Works and they have engineers and it is up to them to evaluate this.

MR. CECCHINI: Well, it has already been brought to Public Works and the Mayor and the State and you name it.

CHM. BUTTON: Well, this is something new to us so we are asking Public Works to evaluate it and bring it to us.

MR. REIF: Is that map possibly available to us or is that the only copy you have.

MR. CECCHINI: Well, first of all let me explain one thing. I am not against this building at all. I am not against this at all. The thing I am against is the damage it is going to do to my lot, the water that is coming off the street.

CHM. BUTTON: Well, I think this is a legitimate concern and so George, see if you can follow through on it and have something at the next meeting.

MR. REIF: Do you have an extra copy of that map?

MR. CECCHINI: Mr. Misenti also has one.

MR. REIF: Have you been dealing with Mr. Misenti?

MR. CECCHINI: Yes, I have been dealing with Mr. Misenti, Mr. O'Brien and the Mayor.

REFER WATER PROBLEM
TO PUBLIC WORKS

MR. REIF: Okay. We will attend to that.

MR. CECCHINI: Yes, would you please otherwise I
...Thank you.

MR. BUTTON: Does anyone else wish to speak on this
petition? For or against. Anyone else. Alright. I
close this petition and go on to the next item.

MR. ALEXANDER: Item number three on the agenda.
A subdivision of a tract of land to create third
building lot, southerly side of Prout Hill Road,
owners Edwin V. & Edith O. Landell.

I have three pieces of correspondence here from
other city agencies. The first piece of correspondence
is from the Department of Public Works and is dated
February 26, 1971

City Plan Commission
Municipal Building
Middletown, Conn.

LETTER: PUBLIC
WORKS

Re: Edwin V. & Edith O. Landell
Subdivision S71-4, Prout Hill Road

Gentlemen:

After review of the above named subdivision, please
be advised that this office has no comments to offer for
your consideration.

Very truly yours,

John C. O'Brien
Director of Public Works

The next piece of correspondence I have is from the
Department of Health.

LETTER: HEALTH
DEPARTMENT

To: Commission on the City Plan and Zoning

From: Department of Health

Date: March 9, 1971

Re : Edwin V. and Edith O. Landell, owners
Subdivision S71-4, Prout Hill Road

Due to the deep frost line at the present time, it
is not possible to conduct a percolation test.

However, previous experience indicates the soil to be suitable for subsurface sewage disposal systems in the area.

Eric Gordon, M.D.
Director of Health

The third piece of correspondence is a memorandum from the Department of Water and Sewer.

MEMO: WATER &
SEWER

Water is Okay. No Sewer is available at the present time.

CHM. BUTTON: Will the petitioner step forward, please.

MR. WELSHOCK: My name is Edward Welshock. I live on Millbrook Road in Middletown. The house we are proposing to build meets with the standards of the community and it is similar to that of houses on the street. The tract of land which we have conforms with the city code, for minimum frontage on the sewerage.

As indicated on the plan, we plan to subdivide the area so that we may build an additional house on the lot and thereby leave a tract of land not to be built on at this hearing. I want you to consider subdividing it for us so that we can build our house on it. Thank you.

CHM. BUTTON: You are welcome. Does anyone wish to speak for or against this petition? Anyone wish to speak for or against this petition? If not, we will move to the next item.

MR. ALEXANDER: Item four on the agenda. Text Amendment to Zoning Code modifying Section 36, which deals with the I-2 Restricted Industrial Zone, establishing a requirement for a buffer area between each developed industrial site.

CHM. BUTTON: Do you have any correspondence.

MR. ALEXANDER: Mr. Chairman. I have no correspondence with regard to this.

CHM. BUTTON: George, will you go into a description of this or would you want to move to the next item.

MR. REIF: No. Mr. Carney has come here to discuss this issue and it would probably be best to hear from him.

MR. CARNEY: My name is Joseph Carney and I am a resident of Durham and I am appearing in my capacity as a member of the staff of both the town Industrial Development Corporation and the Industry for Middletown. I will leave with you a letter that will cover it briefly.

Gentlemen:

The following representation is made on behalf of the Boards of Directors of Middletown Industrial Development Corporation and Industry for Middletown, Inc. Both of these groups of interested and concerned people have considered the questions of internal buffering and of permanent greenbelt patterns and have recorded commitment in principle to both. We also report concurrence by several existing and prospective industrial clients.

As we understand this matter, the Commission, on its own initiative, is considering the advisability and the proper means of introducing the principle of "between parcel buffering" into industrial zones where it is not now mandatory. We believe that this is a wise move and that it should be done promptly to gain maximum influence in the I-91 and Laurel Brook I-2 zones.

Having endorsed the principle strongly, some comment regarding the means may be helpful. It appears that we are again in excellent agreement with the Commission when we state that we strongly recommend a high degree of flexibility. It is a practical impossibility to write a numerical or structural standard that will serve as a sound means of measuring future compliance with the principle. We have tried and what would serve well in one situation is unworkable in another.

With no suggestion that it does not need further refinement, we offer the following text approach, for possible consideration by the Commission.

It is the intent of this ordinance that industrial development shall take place within and complimentary to, rather than in spite of our natural environment. In developing specific site plans, the designer shall be expected to take maximum advantage of existing topography and tree cover.

In those instances where topography and or cover exists or can be augmented, these shall be preserved and augmented to provide a sense and feeling of separation

from adjacent industrial units. Where development is to take place in presently open land, appropriate provision shall be made for the development of terracing and planting or the provision of appropriate man made works or open space, all directed toward enhancing and insuring an uncrowded and uncluttered impression.

Designers are specifically encouraged to consult with the staff of the Commission on the City Plan and Zoning and to suggest imaginative solutions as to proper land treatment and internal buffering.

Obviously we are not experts at writing zoning codes, but if this is at all helpful, we would offer it for consideration.

CHM. BUTTON: Thank you very much.

MR. REIF: Mr. Chairman, while we are considering changes to section 36, I would like to put two other items before the group for your future consideration and that is - one, that right now in an I-2 zone there is a minimum requirement of two acres of land. This seems somewhat restricted, but I think you should consider lowering that requirement.

LOWER LOT SIZE

The other is right now that only 30% of the area of a lot may be used for a building. Because of the many characteristics of industrial buildings, this is somewhat restrictive. For instance, for parking requirements for industrial - you only require one parking space for each two employees and yet a lot of area and this 30% maximum coverage could become (inaudible) so in your deliberations I would appreciate that you consider those two items.

LOT COVERAGE

CHM. BUTTON: Do you have suggestions.

MR. REIF: Yes. The suggestion for the maximum coverage be changed from 30% to 50% and the requirement for a specific minimum size lot be eliminated completely.

MR. CHAIRMAN: You could govern that by the size of the building....

MR. REIF: By the size of the building and the frontage requirement might require something like seventy-five (75) feet of frontage. But it wouldn't necessarily have to have any particular size lot.

CHM. BUTTON: Does anyone wish to speak on these items discussed in this petition? For or against, please?

MR. WALSH: My name is Richard Walsh. I live at the corner of Bordman and Middle Streets. I am very much in favor of good zoning and proper location of buildings. The only point I was wondering if I were to acquire additional land which is contiguous or if I were to sell my land, I presume that these specifications as to buffer zones would only come into play when a parcel of land say owned by one party is being developed?

In other words, it wouldn't be restrictions applied to my land or my property as it exists now and in other words it is undeveloped property at this point. I presume any restrictions or what have you on any buffer zones would only come into play when a particular piece of property is being developed.

CHM. BUTTON: Correct.

MR. WALSH: Yes.

CHM. BUTTON: Correct. We can't make these things retroactive in which case and in your case it would be assuming that we could make it retroactive and say that everyone that exists has to comply to so and so. This we cannot do but if that land were to be developed for a particular industry, then they would have to meet all the regulations that are under....

MR. WALSH: Then there wouldn't be any restrictions applied to an undeveloped piece of land. Two pieces of property. I wouldn't want to see a buffer zone established which never could be developed.

CHM. BUTTON: That's not the intent. That's not the intent.

MR. WALSH: Thank you.

CHM. BUTTON: Does anyone else wish to speak? I will close this item and go to the last. I hope it is. Is it?

MR. ALEXANDER: Right. Item five on the agenda. Amendment to Zoning Map so that a segment of land owned by the City proposed in part to be held as open space and in part to be used as the Westfield Elementary School site be changed to R-1 in lieu of current I-2.

CHM. BUTTON: Alright. Who is to speak on this? His Honor the Mayor is going to speak on behalf of the City.

MAYOR SBONA: Mr. Chairman and members of the Planning and Zoning Board. I would like to request of the Board that you receive the petition and this be changed to an R-1 zone favorably. We are well on our way to building a school in that area.

It is presently being advertised and will be under construction in a very short period of time and it would be catastrophic really if we did not have this zone changed so that it is conforming and would deny this city a school that is desperately needed. Thank you.

REQUEST ZONE
CHANGE

CHM. BUTTON: Correct. Thank you, Your Honor. Is there anyone else who wishes to be heard on this? Does anyone else wish to add his voice? Apparently not.

We therefore close the hearing.

Adjourned at 8:05 P.M.

Respectfully submitted:

P. Hutton
Patricia Hutton
Transcription

Edward F. Button
Edward F. Button
Chairman