

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

Lydia Brewster, representing the North End Action Team Board of Directors, commented on Item #5.2, the new Community Health Center, and noted that on a first impression the Board is in favor of the proposal.

ITEM 2  
DISCUSSION

Comm. Ron Borelli excused himself from discussion and voting on this item. A representative from Buckeye Partners, LLC, commented on the approval process: the Common Council meeting on January 5, 2009; the Inland Wetlands and Watercourses meeting on March 4, 2009; a meeting with the Siting Council and G.S. 8-24 Review approval from the Planning and Zoning Commission. Bill Corvo discussed the route, indicated that the fully permitted power plant is sixty-eight (68%) percent complete and that it will be the cleanest permitted plant in New England. Bill Corvo indicated that the plant is expected to open June 2010, that it will be a long term tax revenue to the city under a tax stabilization agreement and that wells for the city will also be developed. He also noted: 1) that the routing pipeline was proposed in 2002; 2) that it is critical to the success of the project; 3) that it is permitted for dual fuel; 4) that eighty-five (85) to ninety (90) percent will be natural gas; 5) the VLSF will use scrubbers to clean the emissions and will be restricted to a certain number of days per year, about thirty (30) days per year, twenty-two (22) percent which will be in gallons; 6) there will be an eight (8) million gallon storage tank; 7) Middletown is unique in that the Buckeye pipeline runs from New Haven and feeds Portland storage; and 8) the pipeline's environmental advantages. Steve Schory, STV Incorporated, showed a video flyby of the pipeline route. Comm. Carl Bolz questioned if there would any changes to the existing pipeline from New Haven to Portland. Steve Schory indicated there would be no changes and the new pipeline would tie into the existing junction. From the public, Lawrence Buck owns property on Lamentation Mountain, is in favor of the project, indicated that the Commission's action tonight requires that it meet the Plan of Conservation and Development and that he would hate to see a cost to the taxpayers. Barrett Robbins-Pianka handed out written comments and then read them into the record. He indicated that he is opposed to the proposed route and the process this proposal followed for review. Sebastian LaMeche of Cynthia Lane indicated that he is against the pipeline because it will disrupt traffic and felt that Northeast Utilities should have the responsibility to provide the electricity. Beth Emery questioned if the pipeline would be above

ITEM 3.1  
GAVE AN AF-  
FIRMATIVE  
G.S. 8-24 RE-  
VIEW FOR  
THE CON-  
STRUCTION  
AND THE  
GRANTING  
OF EASEMENTS  
FOR A 12-INCH  
ULTRA LOW-  
SULFUR  
DIESEL PIPE-  
LINE 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

ground near Green Street and felt it should be underground. Dimetri D'Alessandro, Bridge Street, had concerns, indicated it would be in his backyard, noted that the pipeline would be going through low-income neighborhoods, and questioned why the Planning and Zoning Commission and the Common Council would approve a power plant but not a pipeline at the same and thought it seemed backwards. Lydia Brewster indicated that the North End Action Team would appreciate the basketball court offer, would like to have a neighborhood consultant at the first meeting about what to do for the site at the corner of deKoven Drive and Green Street and felt it was more important on how the site would be managed. Earle Roberts, 785 Bow Lane, asked that the Commission keep in mind that they can vote yea or nay and that a nay vote would send the proposal back to the Common Council for a two-thirds vote and then to the Siting Council. He noted that there were no comments from the Public Works Department about disruption to the streets. Earle Roberts: 1) questioned reuse of the existing houses and felt they should be sold and the funds used for open space acquisition for greater public use; 2) questioned how the roads would be repaired; 3) indicated he would like to see the pipeline stay in a city road; 4) hoped that the safety plan is sufficient; 5) felt an easement should not interfere with the public's right to use the property; and 6) questioned the economic condition to allow the burning of oil instead of natural gas. Comm. Catherine Johnson indicated that she would like like to see the Bow Lane route that Earle Roberts has. Mayor Sebastian Giuliano indicated that he had not intended to speak but since Earle Roberts raised the issue, he requested that the houses be sold or the funds be used for demolition. He noted that this Buckeye proposal will give the city the demolition of the houses at no cost and that the pipeline is considerably underground and will hug the boundaries of the properties. Comm. Carl Bolz asked if the State had replied to Mayor Sebastian Giuliano's request. Mayor Sebastian Giuliano indicated that he had received a response from the State. Atty. Ralph Wilson noted that he is in support of the proposal, indicated the recent blasting had damaged his house, wondered if more blasting for a pipeline would cause even more damage to his house, felt this was a better proposal and route and requested that the pipeline not come up Bow Lane. George Frincy, Bridge Street, indicated that most residents do not have off-street parking and that this causes problems getting to work and parking. The Buckeye Partners, LLC representative responded and had a copy of a letter from the State Attorney General. He noted that the city had requested demolition of

the houses and a basketball court in addition to a cash payment and indicated there would be no above ground piping. The representative indicated that: 1) the route was selected in order to go around the aquifer and to avoid Bow Lane; 2) with regard to maintenance of the road, they would work with the Public Works Department with respect to all the roads and public utilities; 3) the use of oil is limited to 22.9 million gallons or thirty (30) days per year and cannot be exceeded; and 4) with regard to Bridge Street and off-street parking, plans are being developed to maintain access to all the residents and businesses, which would include detours. Comm. Carl Bolz requested a review of the map that showed the pipeline above ground and below ground. Acting Chair Richard Pelletier questioned if anyone could tell if the company was there after the work is done. The representative indicated that they will have to restore the area. Comm. Catherine Johnson questioned what rights the Middletown residents will have to be in the easement. Colleen Ford, Buckeye Partners, LLC, indicated there would be co-existence with many walking trails, such as rails to trails, that people will not be restricted from walking in the corridor, that their concern is digging that may be proposed, and that there will be signs along the route near streets, boundary lines and water crossings. Acting Chair Richard Pelletier felt the maintained area should be mowed and made easier for people with disabilities. Colleen Ford indicated that the area would be maintained and mowed. Comm. Catherine Johnson questioned why thirty (30) feet. Colleen Ford indicated it was the minimum width needed for access to maintain the pipeline. Comm. Carl Bolz asked if the North End Action Team had more to say and if the applicant would be willing to work with them. Bill Corvo indicated that Buckeye Partners, LLC, would prefer to provide funds and let the city decide and that the Mayor or the city could make those decisions. Mayor Sebastian Giuliano indicated that the city would not want to build something that people would not like and that the city would work with the neighborhood. Comm. Deborah Kleckowski questioned the construction timeline. Bill Corvo indicated six (6) months, will hopefully start in April and will need to start testing with oil in January 2010. Steve Schory indicated that with open trenching they can make one hundred (100) to two hundred (200) feet a day and that they will not be parked in front of anyone's house for three (3) weeks. Colleen Ford indicated that there would be no problem providing notices to the residents. Comm. Les Adams requested more detail on the scrubbers. Bill Corvo indicated that the ammonia scrubbing system will be a standard higher than the previous standard. Comm. Les Adams questioned trenching specifications. On motion and Comms. Carl Bolz and Quentin Phipps the Commission closed the public hearing. Vote was unanimous. Discussion ensued. A motion to give an affirmative G.S. 8-24 Review for the construction and the granting of easements for a 12-inch ultra low-sulfur diesel (ULSD) 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 was made by Comm. Carl Bolz and seconded by Comm. Les Adams. Comm. Carl Bolz offered a friendly amendment that there be notification to the residents along the route and that the City work with the residents on improvements to the corner of Green Street and deKoven Drive. Comm. Catherine Johnson indicated that she is supportive of the route through the city streets but was not in support of the proposal. Comm. Carl Bolz felt the route was the most prudent and was in favor of the proposal. Comm. Deborah Kleckowski questioned that if the open space is not affected and the recreation easement is protected why there is a problem. Comm. Catherine Johnson felt it does not allow nature to do what it does if the area is maintained, that blasting is not right but that there will be blasting and that the Commission does not know why this route was chosen. Discussion ensued regarding restoration. Comm. Quentin Phipps indicated he was in support of the motion and would like the applicant to talk to the residents. He had concerns that use of the open space would set a precedent. The main motion as amended passed with Acting Chair Richard Pelletier, Comm. James Fortuna, Comm. Deborah Kleckowski, Comm. Les Adams, Comm. Quentin Phipps and Comm. Carl Bolz, seated for Comm. Ron Borelli, in favor and Comm. Catherine Johnson opposed. Applicant/agent Buckeye Partners L.P., STV Incorporated/Steve Schory, P.E., Project Manager

A motion to table Items #4.1 to #4.4 was made. There was no second. Comm. Carl Bolz made a motion to table the items to a further date. There was no second. Comm. Ron Borelli recommended having a special meeting for these items on a meeting date without any public hearings. On motion and second by Comms. Deborah Kleckowski and Les Adams the Commission tabled Item #4.1 Proposed Update of Chapter 6 Future Residential Growth of the Plan of Conservation and Development; Item #4.2 Proposed Update of Chapter 9 Promoting Commercial/Industrial Growth of the Plan of Conservation and Development; Item #4.3 Proposed Update of Chapter 8 Addressing the Urban Dilemma and Statement on Alternate Modes of Transportation of the Plan of Conservation and Development; and Item #4.4 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.

ITEMS 4.1-4.4  
TABLED PRO-  
POSED UP-  
DATES TO  
CHAPTERS  
6, 9, 8, 7, AND  
10 OF THE  
PLAN OF CON-  
SERVATION  
AND DEVELOP-  
MENT

On motion and second by Comms. Catherine Johnson and Les Adams the Commission tabled a proposed Site Plan Review to construct a food processing/manufacturing facility on Lots #10, 11 and 12 of the Liberty Commerce Industrial Park off Middle Street until the next meeting. Vote was unanimous. Applicant/agent Delta Building Corp./Bruce Bannerman SPR2009-17

ITEM 5.1  
TABLED A  
PROPOSED  
SITE PLAN  
TO CON-  
STRUCT A  
FOOD PRO-  
CESSING/  
MANU-  
FACTURING  
FACILITY  
ON LOTS 10,  
11, AND 12  
OF THE  
LIBERTY  
COMMERCE  
INDUSTRIAL  
PARK OFF  
MIDDLE  
STREET

On motion and second by Comms. Deborah Kleckowski and Ron Borelli the Commission scheduled a public hearing date of March 25, 2009 for a proposed Site Plan Review to construct a new medical facility with a Special Exception for a non-retail use on the first floor to be located at the northwest corner of the intersection of Grand and Main Streets. Vote was unanimous. Applicant/agent Community Health Center, Inc./Robert Olson (Robert Olson & Associates) SE2009-5

ITEM 5.2  
SCHEDULED P.H.  
3/25/09 FOR A  
PROPOSED SITE  
PLAN REVIEW  
TO CONSTRUCT  
A NEW MEDICAL  
FACILITY WITH  
A SPECIAL EX-  
CEPTION FOR A  
NON-RETAIL  
USE ON THE  
FIRST FLOOR  
TO BE LOCATED  
AT THE NORTH-  
WEST CORNER  
OF THE INTER-  
SECTION OF  
GRAND AND  
MAIN STREETS

The following corrections were noted by Comm. Catherine Johnson: 1) On Pages 2, 4 and 5, correct Rich Linehan's last name; 2) Comm. Les Adams was not present; 3) There were thirty (30) members of the public present; and 4) On Page 4, change "R. Vellela" to "Ruth Vellela" and "he was opposed" to "she was opposed". Comm. Ron Borelli noted that Acting Deputy City At-

ITEM 6.  
TABLED  
THE MINUTES  
OF THE 2/25/09  
REGULAR  
MEETING

torney Geen Thazhampallath was present and not Acting City Attorney Timothy Lynch. On motion and second by Comms. Carl Bolz and Ron Borelli the Commission tabled the minutes of the February 25, 2009 regular meeting. Vote was unanimous..

Acting Chair Richard Pelletier asked if there were any nominations for Chair. A motion to nominate Comm. Deborah Kleckowski as Chair was made by Comm. Catherine Johnson and seconded by Comm. Les Adams. The motion failed. A motion to nominate Comm. Barbara Plum as Chair was made by Comm. James Fortuna and seconded by Comm. Quentin Phipps. The motion failed. Acting Chair Richard Pelletier indicated that five (5) votes were needed. A motion to nominate Comm. James Fortuna as Secretary was made by Comm. Catherine Johnson and seconded by Comm. Quentin Phipps. The motion passed unanimously.

ITEM 6.2  
ELECTION  
OF OFFICERS

Comm. Deborah Kleckowski proposed an amendment that the meetings be adjourned by 11:00 p.m. and that any meeting items not heard be tabled until the next meeting. Comm. Quentin Phipps felt that this would not only help the Commission but also the public as well. Comm. Carl Bolz felt the items should be processed by staff, a copy provided to the Commission and then discussion. Comm. Deborah Kleckowski recommended that whenever there is a change with a revision date that it be bolded. Comm. Ron Borelli commented on Article 12 and felt public hearings should not be schedule without a full application. Comm. Catherine Johnson had questions on the application comments and suggested they be posted on line or on a blog and that it may be something to consider in the future. Comm. Deborah Kleckowski commented on New Business and suggested it be identified if it's a public hearing item or not. She also suggested there be two categories, one indicating review and one indicating scheduling of a public hearing. Comm. Deborah Kleckowski also recommended combining Items #2 and #8. Comm. Catherine Johnson recommended placing Item #8 after New Business items. She indicated that the Commission were given 1996 Bylaws and that they need the 2004 Bylaws.

ITEM 6.3  
COMMISSION  
BYLAWS

Lawrence Buck recommended the Commission review Supreme Court rulings. Eleanor Kelsey commented on keeping the Zoning Code and the 2009 Statutes and questioned the timeline for noticing public hearings. Comm. Ron Borelli questioned the completeness of the Zoning Code. David Bauer commented on the Kolman Farm and the Special Exception requirements and felt the duties should be put on staff. He recommended that the Bylaws be considered a mechanism of inventory by staff and should be certified for compliance. David Bauer indicated that he had submitted a Freedom of Information request for files from the late 1960's for Wesleyan

ITEM 8  
DISCUSSION

Hills PRD and no documents were produced. He indicated that the primary documents had been lost, that it may be legally correct to get rid of these documents but it was not smart and that documents for important projects should be kept. Comm. Carl Bolz ruled a point of order that it was not germane to the business of the Commission. David Bauer believed it was and commented that he was surprised by the North End Action Team, as part of the city, has been offering to buy every parking lot in the city for \$1. Mayor Sebastian Giuliano felt the public should not be left with the thought that the city is destroying documents willy-nilly, that all the appropriate documents are the legally required documents that were required to be filed with the Town Clerk's Office and commented that documents may be destroyed in accordance with State law. Mayor Sebastian Giuliano commented on parking, that the use of a city street is not a Planning and Zoning Commission responsibility, indicated that one time the Planning and Zoning Commission tried to close Spruce Street but that they did not have the jurisdiction to do that and that only the Traffic Authority or the Common Council can act on the use of city streets. David Bauer thanked the Mayor for the clarification but mentioned that the narrative can no longer be found. Comm. Deborah Kleckowski commented on the Jablonski property and the notification to the neighbors and noted that there was a sign on the property. Comm. Ron Borelli indicated that when a Special Exception is approved with conditions there should be a list of conditions that are ongoing on a master list for periodic inspections. Comm. Catherine Johnson felt that the minutes for the last ten (10) years should be placed in the Middletown room at the Russell Library. Mayor Sebastian Giuliano cautioned that the Commission limit conditions of following to staff as the Planning and Zoning Commission cannot direct staff of a different division or department not under their jurisdiction. Comm. Ron Borelli requested that the Acting City Attorney review the proposed changes to the Bylaws.

On motion and second by Comms. Catherine Johnson and James Fortuna the Commission adjourned the meeting at 10:56 p.m. Vote was unanimous.

ITEM 9  
ADJOURNMENT

Respectfully submitted,

Michiel Wackers, AICP  
Deputy Director of Planning, Conservation and Development