

COMMISSION ON THE CITY PLAN AND ZONING - PUBLIC HEARING - WEDNESDAY -  
MARCH 11, 1970 - COUNCIL CHAMBERS - MUNICIPAL BUILDING - MIDDLETOWN,  
CONNECTICUT

Commission Edward F. Button, Chairman  
Members John J. Higgins, Vice-Chairman  
Present: Philip M. Salafia, Secretary  
Robert F. Chamberlain  
Joseph S. Colonghi

Members James T. Rolle, Alternate  
Absent: Joseph P. Otfinoski, Alternate

Staff George Reif, Director  
Present: William Kuehn, Jr.  
Althea Rinaldi  
Pat Hutton

Others Mayor Anthony Sbona  
Present: N. Misenti, Deputy Dir. Public Works  
Atty. M. Dowley, representing Feitel, Oakcliff Road  
Sam MacDonald, Middletown Press Reporter  
and approximately fourteen (14) members of the public-  
at-large

Chairman Button called the meeting to order at 7:30 P.M.

CHM. BUTTON: I will now open the public hearing. Mr. Secretary.

COMM. SALAFIA: Public Hearing, March 11, 1970, starting at 7:30 P.M.  
Municipal Building, Middletown, Connecticut, Council Chamber and Room  
202.

At this time I would like the Chairman, Mr. Button, to say a few words  
on this item.

CHM. BUTTON: Right. In regard to one of the items on the hearing  
listed tonight and advertised on the proposed text amendments to the  
zoning code and subdivision regulations, item three - Planned Res-  
idential Development, Section 45.03 to include R-3 zones as permitted  
locations for Planned Residential Development.

This was advertised over the name of the Chairman. It is the Chairman's  
responsibility to see to it that what is done is within the law.  
This chairman was negligent in this case and referring to Chapter  
124.8, Section 8-3B of the General Statutes, it is necessary when a  
zoning ~~commissioner~~ of any municipality proposes to establish or change  
a zone or any regulation effecting a use of the zone any portion  
which is within five hundred (500) feet of a boundary of another  
municipality located in the operation of a Regional Planning Agency,  
the zoning commission shall give in written notice of such proposal  
to such Regional Planning Agency not later than thirty (30) days be-  
fore the public hearing.

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Therefore, I remove this item from the agenda tonight and publicly announce that a hearing will be held thirty (30) days hence on the proper hearing date. The Director of Planning will hereby set forth and notify all appropriate Regional Planning Agencies of this pending hearing. It will be readvertised to meet the regulations and without further adieu, Mr. Secretary, will you continue on the agenda.

COMM. SALAFIA: The first item on the agenda is Subdivision -

1. Resubdivision of Lot#3 into parcel 3A and 3B on Oakcliff Road, Owners Edward and Marion Feitel.

Here is a letter -

Commission on the City Plan  
City Hall  
Middletown, Connecticut

Feb. 13, 1970

Gentlemen:

This letter is to request a hearing for the consideration of the resubdivision of lot #3 Oakcliff Section One, Oakcliff Road, Middletown, Connecticut.

This property is owned by Edward R. and Marion Fietel, Oakcliff Road, Middletown, Conn.

Sincerely yours,

T. Jackowiak

And another letter -

George A. Reif, Director  
Commission on the City Plan and Zoning  
City of Middletown, Connecticut

Dear Mr. Reif:

Following are reports on four requests to be heard before your Commission on March 11, 1970:

Subdivision of land on parcel 3A and 3B. Public Code Regulation Sec. 19-13-B20c (d) now requires that all plans for subsurface sewage disposal systems shall include all pertinent information as to basis of design, soil conditions, ground water and ledge rock elevations, both original and finished surface contours and elevations, property lines, building location, water courses, ground and surface water drains, nearby wells and water service

lines. In order to be acceptable this information must be prepared by a qualified professional engineer in the State of Connecticut.

Developer should also be aware that Sec. 19-13-B20K (a) requires that leaching systems constructed in areas where there is no definite schedule for the extension of sanitary sewers within five years shall be laid out in such a manner that a reserve area of suitable soil is provided equal in area to that occupied by the leaching system, for the purpose of enlargement or replacement of such system in case of failure. This means that any dwelling built on these lots must be set back a good distance up the hill to leave sufficient space for expansion of the system, if needed.

The lots are on a steep grade, and use of public water supply is imperative; no wells will be allowed because of the danger of pollution from subsurface sewage disposal systems.

CHM. BUTTON: I beg your pardon, Mr. Secretary. In regard to the first item on the agenda, you have read the report for Gelinis which is...

COMM. SALAFIA: Well, that concerned the three of them.

CHM. BUTTON: Alright. Oakcliff - read specifically on that.

COMM. SALAFIA: It's the same thing. See that section. It refers to exactly the same thing.

CHM. BUTTON: Okay. Any other correspondence.

COMM. SALAFIA: No. That's all. Just from the Public Works and the Health.

CHM. BUTTON: Would the proponents of this resubdivision or their representative wish to speak?

MR. JACKOWIAK: My name is Theodore Jackowiak and I made the map concerned with this resubdivision. I believe these new sanitary regulations came up after we submitted this.

CHM. BUTTON: That's a point that we will have to look into.

MR. JACKOWIAK: I don't suppose it makes much difference whether we.. (inaudible) I am reasonably certain they did. You would have to look it up.

CHM. BUTTON: Have you checked that?

MR. REIF: Is it being suggested that they don't apply to the subdivision?

MR. JACKOWIAK: No, I'm not.

CHM. BUTTON: No. No. He wants to know the date these came out in relation to his application.

MR. JACKOWIAK: Alright, we will make these...

CHM. BUTTON: You will.

MR. JACKOWIAK: Do you want an explanation of this here or...

CHM. BUTTON: Yes.

MR. JACKOWIAK: It's a resubdivision as stated of lot 3. It was originally made by (inaudible name) in the year 1962. And it was a very large lot. As you can see it had about three and a half acres. We have broken it up into two lots, lot 3B which is one and a quarter acres approximately, and lot 3A which is two (2) acres approximately, and there are no violations of the zoning code.

We have the frontage and we have much more than the average and the existing house will not be in violation. Both lots have the required frontage and I haven't had any opposition from any of the people who live nearby and close in there.

CHM. BUTTON: Thank you. Is that all?

MR. JACKOWIAK: Any questions?

CHM. BUTTON: No. Does anyone have any questions? Anyone else wish to speak for or against this particular resubdivision. If not, I declare this portion of the hearing closed and open up the next one.

A four lot subdivision - south side of Plumb Road. Owners - Robert and Kathleen Ann Gelinis. The same provisions that were given by the Public Health Department apply to this subdivision also. Are there any other letters?

COMM. SALAFIA: No.

MR. REIF: I believe there is correspondence from Public Works.

COMM. SALAFIA: There is one here, Mr. Chairman.

No public sewer available at the present time nor in the immediate future.

BOORUM & PEASE

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Because of the high elevation of the property, the water pressure available to this site is below the 30 psi, considered generally as a minimum requirement.

We would suggest that if subdivision is allowed, the developer is required to install water pressure boosters in the basements of the homes.

The Water Department has plans to make permanent improvements to the water systems in this area within the next five years.

Frank J. Opalacz,  
Water & Sewer Dept.

CHM. BUTTON: The gentleman who gave me this..a letter from Pickett, Dzialo and Allen, would you please read it and explain it.

ATTY. DOWLEY: Good evening, gentlemen. My name is Atty. Michael Dowley. I have provided for the Commission a letter which I will read into the record and make part of the record. It is a letter to the Commission on the City Plan  
Municipal Building  
Middletown, Conn.

re: Robert Gelinas

Dear Sirs:

We are representing Robert C. Gelinas and Kathleen A. Gelinas in their application for approval of a three lot subdivision on Plumb Road, Middletown, Connecticut. All three lots are standard lots of 100' x 255'.

Although Lot No. 4 appears on the subdivision map, we are not requesting approval of this irregular lot. It is being sold to the contiguous owner immediately to the south of the property, Stanley J. Bysiewicz. I have attached a copy of the agreement of sale for your convenience.

Yours very truly,  
Michael F. Dowley

CHM. BUTTON: Alright Sir. The plot map will only be accepted if it is shown on it that this new property...

ATTY. DOWLEY: We will use it as our final map.

CHM. BUTTON: This will have to be part of the record so that it will be a three lot subdivision with this provision.

BOORUM & PEASE "NO BEAR" (S)

ATTY. DOWLEY: Right. The reason I think for putting it on the initial map is just for the Commission's approval so that they would know what was being done with a lot that apparently had a seventy-three (73) foot frontage.

What is being done is that its being conveyed to a southerly owner and therefore it is becoming a part of another lot. It is not a building lot and I thought if you saw it on the map..

CHM. BUTTON: Which owner is it becoming conveyed to?

ATTY. DOWLEY: It's being conveyed to Stanley J. and Shirley R. Byszciewicz.

CHM. BUTTON: I'm not sure that this would comply with the regulations in the sense that you still have a seventythree (73) foot frontage.

ATTY. DOWLEY: Their frontage is on another street.

CHM. BUTTON: This will be considered by the Commission.

ATTY. DOWLEY: This is..we are only seeking a three lot subdivision. One, two and three. The thing is cut as if..two weeks ago we cut out parcel #4.

What I would like to say in regard to the Health Report. I have spoken to the Doctor. The regulations as read by the Secretary say that where a sewer is not to be provided or not planned for the next five years, by the Commission which is the situation that we are involved with here as the response from the Sewer Commission has sent up.

The regulations provide that you are going to have to have at least two fields and I am sure you know an additional reserve area according to the new regulations in the State Code. A reserve area equal to the size of your first leaching field. The lots are substantial and there will be room depending upon, of course, the Health Departments percolation and study of the soil.

I spoke to the Doctor. He plans to do that. It has been suggested that and it is our request that we improve the map and with the condition that we comply with the Health Department regulation. And that is what we are requesting tonight.

CHM. BUTTON: Does anyone else wish to speak on this particular petition? If not we will move on to the next item on the agenda.

COMM. SALAFIA: Request for Special Exception - Proposed development of a three unit dwelling at 641 High Street - Owner, Mario Gurciullo

CHM. BUTTON: Any correspondence?

COMM. SALAFIA: No correspondence.

CHM. BUTTON: The proponent for this petition. Please identify yourself.

MR. GURCIULLO: My name is Mario Gurciullo. 641 High Street. I would like to make three rooms upstairs in the attic. I would like to add just a kitchen and a bedroom.

COMM. SALAFIA: You are going to add one room. Two rooms already there?

MR. GURCIULLO: Two rooms. I want to make a kitchen and a bathroom.

MR. HIGGINS: He is proposing to turn a two family house into three.

MR. GURCIULLO: Yes.

CHM. BUTTON: Three families?

MR. GURCIULLO: I have nothing else to say just that...

CHM. BUTTON: Alright. Does anyone else here wish to speak for or against this proposal?

MR. REIF: I think that he wants to show that he has adequate parking area on the site.

MR. GURCIULLO: I have enough...

CHM. BUTTON: Will you assist him, Mr. Reif?

MR. REIF: This sketch shows the adequacy ----(inaudible) indicates the circumstances. Go ahead.

MR. GURCIULLO: I am going to make more parking spaces. I have already a two car garage and one parking stall.

COMM. SALAFIA: You could accommodate how many cars in that lot?

MR. GURCIULLO: Now I can park three cars. I could build another parking space.

COMM. SALAFIA: You could build another parking spot.

MR. REIF: You need one and a half spaces for each unit. You can easily have six.

CHM. BUTTON: Alright. No one else has anything to say about this particular petition? If not, I close it and move on to the next.

Thank you sir.

COMM. SALAFIA: Request for Special Exception - Proposed Drive-In establishment for film processing service - Washington Street at Washington Plaza. Owners - Fotomat Corporation.

CHM. BUTTON: Any correspondence?

COMM. SALAFIA: No correspondence.

CHM. BUTTON: Sir, will you identify yourself and read this letter into the record please?

MR. AKERS: Yes sir. Tom Akers with Fotomat Corporation, gentlemen .

City Planning Commission  
Middletown, Connecticut

Gentlemen: February 26, 1970

We hereby make application for the Grant of Special Exception use of a tract of land owned at present by Phillips Oil Company at 827 Washington Street in Middletown, Connecticut. This property adjoins the Washington Plaza Shopping Center.

We have signed a lease to operate a Drive-Thru Film Development and Retail Sales Outlet at this location.

Our operation requires a small space of property, which is 27'x27' square. Our building is very small, containing only 40 square feet of actual floor space. One person works in this building to service the public as they drive up to a window on either side of the building to drop off and pick up their film.

Copies of the blueprints for the building are attached hereto, along with a small color photograph of the unit.

Because the property is located in a center of commercial activity, and because the operation of the business will benefit the general public by giving them a better service than they now are able to get, we feel this request to be justified.

We hereby submit the following items with this application:

- (1) One copy of blueprints for our facility
- (1) One color photograph of our unit
- \$25.00 filing fee to the City Planning Commission

Below are the names of property owners on abutting property:

- |   |  |
|---|--|
| (1) Middletown Associates<br>8 Shawmet Road<br>W. Hartford, Connecticut | (2) Harriet B. Redford<br>797 Washington Ave.<br>Middletown, Conn. |
|---|--|

4 copies of site plan by certified engineer to follow by no later than March 3, 1970. Said site plan to conform to requirements of Section 44.03.01 of the Zoning Code.

Respectfully submitted:

Thomas W. Akers

CHM. BUTTON: Thank you. Would you like to explain your diagram a little bit.

MR. AKERS: Yes sir. This is the tract of land in question that we are applying for permit to build our unit. The Phillips Station is on the property and is sixty feet from our location, here.

And we have a traffic flow plan designed here and there is also an optional plan that we can follow if the Commission designates us to do so and that would be coming in and out behind the lane on the --- (inaudible word) station which the Phillips' people have already given us permission to do so.

And as I said in the application, the building is a very small building. Actually one young lady works in the building and services the cars as they drive up to and from our unit.

Here are copies of our buildings in complete detail.

I also have a colored photograph that might give you gentlemen a better concept of the size and type of operation that we have.

CHM. BUTTON: Do you have any other correspondence?

MR. AKERS: No sir. I have one further document that shows on a larger scale a traffic pattern and also locates the Phillips Station on the site that I would like to submit.

CHM. BUTTON: Thank you. Anyone else wish to speak for or against this particular petition? If not, we will move on to the next item.

COMM. SALAFIA: Request for Special Exception - Proposed Day Nursery at 37 $\frac{1}{2}$  Silver Street, owner Josephine Bellamo.

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COMM. SALAFIA: No correspondence.

CHM. BUTTON: Any correspondence.

COMM. SALAFIA: No. No correspondence.

J. CRESCIMANNO: I am representing Josephine Bellamo who is my mother and who owns the land but I plan to open a Day Nursery on that particular property.

My very rough sketches are things that I've drawn so I hope you can gather from them. Is there anything that you particularly want to know so that I can..

CHM. BUTTON: Well, Mr. Reif, will you assist the lady in explaining the diagrams.

MR. REIF: Yes. This is the building she plans to use on Silver Street. The lot is the play area. She has available forty two (42) feet by sixty (60) feet. She has a diagram here of the room she wants to use. Its about seventeen (17) feet by twenty (20) feet.

She has indicated the things that are beyond needing to be indicated because they are involved with the Health Department.

She shows over here that she has sufficient area for the required off-street parking. This is an existing building. It is merely the use that is involved. No new construction involved.

CHM. BUTTON: We'll have the ---(inaudible) from the Health Department anyway.

MR. REIF: Have you covered your experiences with the State?

J. CRESCIMANNO: I have already contacted the State and have gotten their requirements and have followed through on that. And have contacted the Fire Chief and Dr. Palmieri and the Building Inspector and all the ..are there to inspect these and make approval so that this will then go to Hartford and I will be able to get the license through Hartford once the zoning has gone through.

CHM. BUTTON: Fine. Will you ask these same people, if necessary, through Mr. Reif, to give copies onto the Planning Commission of their remarks.

MRS. CRESCIMANNO: Of their remarks. Yes, I see.

CHM. BUTTON: Prior to our meeting in two weeks.

MRS. CRESCIMANNO: They should come into you before the approval is made?

CHM. BUTTON: Well, it will be two weeks before approval is made.

MRS. CRESCIMANNO: I see and these should come to you before the two weeks. Okay fine. I will contact them tomorrow. Thank you.

CHM. BUTTON: Does anyone else wish to speak on this petition. Okay. The next item on the agenda.

COMM. SALAFIA: Proposed Text Amendments to Zoning Code and Subdivision Regulations:

1. Site Plan Review Requirements - Addition of item 55.09 to Section 55 establishing a time limitation of one year to secure a building permit after Site Plan Review Approval.
2. Special Exception - Relocation of Section 53.0204 time limitation to Section 44 as item 44.06.01 and changing valid period of granted Special Exception from six months to two years.

Number three is off the agenda as explained by the Chairman before.

4. Establishing certain environmental responsibilities, for developmental entrepreneur, as Section 10.09 of Zoning Code and Section 19C of Subdivision Regulations.

CHM. BUTTON: Thank you. George, would you give us a short description of items one and two.

MR. REIF: They are self-explanatory. The idea is to establish time limits for after your approval of Site Plan review to get a building permit so that the problem or the approval doesn't go onto one decade after another. This provides for more orderly development.. Since there is a sequence of events that occurs in development and this is another step to try to assist that tempo that must be involved.

Now number two on the Special Exceptions. The code allows six months after the granted of Special Exception to carry out the project and the proposal is here of course to make that a more realistic figure because it takes sometimes beyond six months to get a project moving. So its simply an extension of the six months to twenty four months.

CHM. BUTTON: Is there a provision at the end of each period for an extension of time?

MR. REIF: Yes, it is always the prerogative of the Commission to extend the time if it is requested.

CHM. BUTTON: Thank you. Mr. Secretary would you kindly read item 4 in detail?

COMM. SALAFIA: Environmental Responsibility - All developers, contractors, and builders involved in any capacity of construction, whether public or private shall be responsible and liable for correcting erosion damage to contiguous property, roads, streets, drainage systems, and natural waterways whether caused directly or indirectly, by their operation.

To prevent or minimize such erosion damages the following requirements shall be followed:

1. Sites, where stripped of vegetation during site preparation and construction, shall be sown with a cover crop of vegetation in sufficient time to prevent erosion during the winter months.
2. Where necessary to assure that all waters leaving the site during site preparation, construction, and after completion of the project are free of soil, silt, and pollutants indigenous to the project site, the construction of de-silting basins shall be required. The Commission, may at its discretion, request the technical advice of the U.S.D.A., Soil Conservation Service, or Civil Engineers concerning the feasibility of and type of erosion control structures and de-silting methods applicable to particular sites.
3. All developers, contractors, and builders involved in any capacity of construction, whether public or private for all uses including residential, business, and industrial shall be required to provide air pollution control devices on equipment as approved by the Health Department.

CHM. BUTTON: Thank you. Are there any comments for or against on any of these particular three items that were just read?

LOUIS JOHNSON: Yes, I'm not here advocating anything. I just happen to be a citizen and a lawyer and I'm not sure as to what I heard. You are about to acree yourselves here. It seems to me that this is a proposal that common law takes care of. The deterioration of a next door neighbor's property. Did I hear that you are requiring a planting of something between one piece or another.

CHM. BUTTON: No. Mr. Johnson I can explain that because I was the writer of most of this in a different language than is presented here. Only if there is a large site that is stripped of all vegetation and you know it is going to go over the winter bare, we can't allow this. It's got to be sown to a temporary cover of rye or grass or something to hold it from erosion during the winter months.

MR. JOHNSON: Is that what it said. I didn't...

CHM. BUTTON: Yes.

MR. JOHNSON: Did you limit the size of the site or...

CHM. BUTTON: No, we didn't limit the size of the site but what we are doing here is when we have a large development of any kind

that is going to strip a site and leave it bare over the winter months..

MR. JOHNSON: Well as I heard this and I'm not sure I did, it might apply to a single house. I don't know. I didn't hear it..perhaps.

CHM. BUTTON: We said all developers, contractors and builders involved in any capacity of construction. That's right, whether public or private shall be responsible..that isn't what you are after is it?

MR. JOHNSON: Well,yes it is. I ..

CHM. BUTTON: Shall be liable and responsible for correcting erosion and damages to contiguous property, roads, streets, drainage systems and natural waterways whether caused directly or indirectly by their operation.

This is something that I have become aware of because as you know I work for the Highway Department and this has been pressed upon us and it has been pressed upon us also to be passed onto developers and to be passed on to communities as an action that the government is sponsoring and it is considered good environmental responsibility.

It doesn't impose any real hardship on any conscientious developer at all. In fact where they have used these methods they have in the long run saved a lot of money because they weren't then required to go out and clean up a lot of catch basins and clean up a lot of streets and have a lot of legal entanglements on their hands. Because they are notified in the beginning that they have this responsibility. They can no longer say this is an act of God.

ATTY. JOHNSON: Well, if I am hearing this correctly you are talking about developers but the way this thing is phrased if I heard you correctly, it can apply to a contractor building a single house for a single person. I don't see any...

CHM. BUTTON: Yes it can. It can. I'm not saying it doesn't.

MR. JOHNSON: Well, how do you enforce that kind of thing? How do you enforce.. who decides what cover they have to spread?

CHM. BUTTON: Where necessary we can call in a Civil Engineer. We can call in U.S.D.A., Soil Conservation Service who are qualified in this field. We can call on our city engineers. We can call on anyone who we feel is capable and qualified to do so.

MR. JOHNSON: Well, I am posing this because I think it is a pretty serious amendment... you are proposing here.

CHM. BUTTON: Oh, I think it is too. I think it is a serious one.

MR. JOHNSON: Oh, its serious to me as somebody who owns a house here and as a citizen and a lawyer. I'm not representing anybody. I'm here on a different thing. But if I heard you..

CHM. BUTTON: Are you suggesting that we leave the individual homeowner out of it.

MR. JOHNSON: Well, that's certainly one thing I'm suggesting. Absolutely. Because any individual homeowner, any individual property owner whose land is damaged by the performance of neglegent acts on adjoining land has their remedy in the law. The Zoning Regulation or the Planning Regulation can't stop that.

Can they come here for instance and sue the injured party and get their damages here or do they have to go to a court?

CHM. BUTTON: Mr. Johnson, I am not going to involve myself in an arguement of legality with you.

MR. JOHNSON: It's not an arguement. I have a right to ask a question.

CHM. BUTTON: Your comments are being recorded. They will be considered. I invite you to give your written comments. It will be seriously considered.

MR. JOHNSON: Well it is a public hearing. I assume I have a right to be heard.

MR. BUTTON: You have. But you are trying to involve me in a legal ar guement. And I don't propose to be a lawyer and I don't want to get involved.

MR. JOHNSON: I'm not trying to involve you in a legal arguement. I'm asking you - Is this a proper step for this Commission?

CHM. BUTTON: Yes it is. It is one that is being recommended by the U.S. Government to Zoning Agencies all over the country. I am a party to this.

MR. JOHNSON: It may not necessarily make it desireable because it is being recommended by the U.S. Government. There are a lot of things that they recommend that are not...

CHM. BUTTON: Well, I think it is desireable that we begin to feel that we are responsible for the things that we do that may effect other people.

MR. JOHNSON: Well it seems that you are involving yourself in something where you have no enforceable power. I asked you who is going to determine what seeds they plan and you say well we can call in the U.S. Department of Agriculture or we can send for somebody in Public Works. There is no standard in this thing.

CHM. BUTTON: You are quibbling.

MR. JOHNSON: I'm not quibbling. You have no standards set forth as to who judges whether it is done properly. It is not a quibble.

CHM. BUTTON: I don't think this requires any more standards than some other similar ordinances that we have.

MR. JOHNSON: Well, I do. I do.

CHM. BUTTON: And if that is necessary then we can write the standards.

MR. JOHNSON: Well then alright. Let's have an amended one. You don't have any standards in that. And that's the proposition as I understand it to be.

CHM. BUTTON: It's very simple. It says "A site where stripped of vegetation during site preparation and construction, shall be sown with a cover crop of vegetation." We leave it wide open, you can put anything you want - " in sufficient time to prevent erosion during the winter months".

Now obviously you are not going to do this so that you are not going to have a bare site over the winter months.

MR. JOHNSON: If it is obvious that you are not going to do it what are you trying to cure then.

CHM. BUTTON: Because you have many sites where they are in continuous process of construction and they have stripped acres of land and they have done it right in this city.

MR. JOHNSON: -----(inaudible) and that thing is written to apply to a single house. Built by a contractor for an individual owner. You don't say in that a development...

CHM. BUTTON: I'm willing to withdraw the private homeowner.

MR. JOHNSON: Alright then at least acknowledge a comment.

CHM. BUTTON: Alright. Be it so recorded that we will consider withdrawing..

COMM. HIGGINS: We will consider withdrawing it. Now you acknowledge the comment. That's all.

MR. JOHNSON: That's all I ask.

CHM. BUTTON: We will consider it. Anyone else wish to speak for or against?

REV. DAVAGE: I would like to know..listening to this matter here. I would like to know, when does this become law and who decides that this is law. To strip this land and sow the seed? After hearing and listening to the public hearing here, who decides that this does become a law in the zoning law?

CHM. BUTTON: When this Commission acts on it, it either will or will not be law. That's it.

REV. DAVAGE: Regardless of..

CHM. BUTTON: Not regardless of..we always consider the comments of all the citizens.

REV. DAVAGE: I was wondering because many times we hear the words of people and nine times out of ten the public is disregarded and these laws are passed without any hearing. And ears are closed to those who come down here and to either be for or against these things. I was just wondering how these things are weighed.

CHM. BUTTON: Well, Rev. Davage, the recorder is going here. This is being recorded. This will be transcribed. This will be public information after the minutes are approved by the Commission. We do not operate in that manner, I assure you.

Any other comments? If not, I declare this public hearing closed.

The hearing adjourned at 8:09 P.M.

Respectfully submitted:

*P. Hutton*  
P. Hutton, Secretary

*E. F. Button (H)*  
Edward F. Button, Chairman