

PLANNING AND ZONING COMMISSION REGULAR MEETING APRIL 8, 2009, 7:00 P.M.  
PAGE 1 OF 6

Acting Chair Richard Pelletier, Comm. James Fortuna, Comm. Barbara Plum, Comm. Les Adams, Comm. Ron Borelli, Comm. Catherine Johnson, Comm. Deborah Kleckowski, Comm. Carl Bolz, Comm. Quentin Phipps

MEMBERS  
PRESENT

Mayor Sebastian Giuliano, Ex-Officio, Asst. Dir. P.W. Robert Dobbmeier, 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

Beth Emery indicated she had an issue with the minutes of the March 25, 2009 regular meeting and that she spoke at that meeting and an important point was left out. She questioned the handicapped parking and bike safety.

ITEM 2  
DISCUSSION

There were no Public Hearing items.

ITEM 3  
PUBLIC  
HEARINGS

There was no Old Business.

ITEM 4.1  
OLD BUSINESS

On motion and second by Comms. Barbara Plum and James Fortuna the Commission scheduled a public hearing date of May 27, 2009 for a proposed fifteen (15) lot subdivision of the property of Madelyn Cerritelli located at 85 Flynn Lane to be known as Poplar Estates. Request for a waiver of the sidewalk requirements. Vote was unanimous. Applicant/agent Del Favero Designs, LLC/Bolduc Land Consultants, LLC S2008-2

ITEM 5.1  
SCHEDULED P.H.  
4/27/09 FOR A  
PROPOSED  
FIFTEEN (15)  
LOT RESUB-  
DIVISION OF  
THE PROPERTY  
OF MADELYN  
CERRITELLI  
LOCATED AT  
85 FLYNN LANE  
TO BE KNOWN  
AS POPLAR  
ESTATES

Comm Deborah Kleckowski questioned the application. Comm. Ron Borelli questioned if the application was complete. On motion and second by Comms. Barbara Plum and James Fortuna the Commission scheduled a public hearing date of May 27, 2009 for a proposed three (3) lot subdivision of the property of the Estate of John A. Bak & Josephine Tenerowicz located at 42 Middlefield Street. Request for a

ITEM 5.2  
SCHEDULED P.H.  
5/27/09 FOR A  
PROPOSED  
THREE (3) LOT  
RESUBDIVISION

waiver of the sidewalk requirements. Vote was unanimous. Applicant/agent Del Favero Designs, LLC/Bolduc Land Consultants S2009-2

OF THE PROPERTY OF THE ESTATE OF JOHN A. BAK & JOSEPHINE TENEROWICZ LOCATED AT 42 MIDDLEFIELD STREET

Comm. Deborah Kleckowski made a motion to wait for the applicant or otherwise table the item until the next meeting. There was no second. On motion and second by Comms. Deborah Kleckowski and Catherine Johnson the Commission tabled a request for location approval for sale of used cars under G.S. 14-54 at 597 Saybrook Road. Vote was unanimous. Applicant/agent P&D Garage and Auto Sales, LLC

ITEM 5.3  
TABLED A REQUEST FOR LOCATION APPROVAL FOR SALE OF USED CARS UNDER G.S. 14-54 AT 597 SAYBROOK ROAD

On motion and second by Comms. Barbara Plum and James Fortuna the Commission scheduled a public hearing date of May 27, 2009 for a proposed Zoning Code text amendment to modify Section 44.08.30(B) Bed and Breakfast Uses and Section 60.02.30 Bed and Breakfast in the RPZ . Vote was unanimous. Applicant/agent Lori Montazella Z2009-2

ITEM 5.4  
SCHEDULED P.H. 5/27/09 FOR A PROPOSED ZONING CODE TEXT AMENDMENT TO MODIFY SECTION 44.08.30(B) BED AND BREAKFAST USES AND SECTION 60.02.30 BED AND BREAKFAST IN THE RPZ

On motion and second by Comms. Barbara Plum and James Fortuna the Commission scheduled a public hearing date of April 22, 2009 for a proposed Special Exception for a daycare center to be located at 369 Butternut Street at the northeast corner of the intersection with West Street. Vote was unanimous. Applicant/agent John Milardo & Amy Milardo SE2009-4

ITEM 5.5  
SCHEDULED P.H. 4/22/09 FOR A PROPOSED SPECIAL EXCEPTION FOR A DAYCARE CENTER TO BE LOCATED AT 369 BUTTERNUT

STREET AT THE  
NORTHEAST  
CORNER OF THE  
INTERSECTION  
WITH WEST  
STREET

The following corrections were noted: 1) On Page 1, under Item #3.2, in the sixth line down, change to read "Lengthy discussion ensued regarding parking in the downtown. Comm. Deborah Kleckowski had concerns about the Common Council's Request for Proposals (RFPs) process and deadline, which had not passed"; 2) In the last line, change to read: "Beth Emery commented that the parking study coincided with the Wesleyan University spring break, questioned what handicapped parking spaces were available where, had concerns for pedestrians and especially bicycles coming into Middletown from the Portland Bridge and felt the increased traffic should necessitate a traffic study and perhaps where should be parallel parking in front of Eli Cannon's and the new Community Health Center"; 3) On Page 2, toward the bottom of the page, change to read: "Comm. Catherine Johnson felt the Community Health Center should work toward retail on the first floor in the future"; 4) On Page 4, under Item #6.6, change the third sentence to read: "A motion to remove the chair from the agenda was made by Comm. Deborah Kleckowski and seconded by Comm. Les Adams. The motion failed with Comms. Richard Pelletier, James Fortuna and Carl Bolz opposed and Comms. Ron Borelli, Les Adams, Deborah Kleckowski and Catherine Johnson in favor"; 5) On Page 5, change the last sentence to read: "Comm. Ron Borelli felt Comm. Barbara Plum should be reporting on the Citizens Advisory Committee and the MidState Regional Planning Agency meetings and that the Commission should move on with election of the chair"; and 6) Under Item #9, change to read: On motion and second by Comms. Catherine Johnson and Les Adams the Commission adjourned the meeting at 11:10 p.m." Comm. Quentin Phipps felt the minutes should be brief but not distort the context. On motion and second by Comms. Deborah Kleckowski and Ron Borelli the Commission approved the minutes of the March 25, 2009 regular meeting as amended. Vote was unanimous with Comm. Barbara Plum abstaining.

ITEM 6.1  
APPROVED THE  
MINUTES OF THE  
3/25/09 REGULAR  
MEETING AS A-  
MENDED

Comm. Ron Borelli called for nominations for chair. A motion to nominate Comm. Barbara Plum as chair was made by Comm. James Fortuna and seconded by Comm. Richard Pelletier. A motion to nominate Comm. Deborah Kleckowski as chair was made by Comm. Les Adams and seconded by Comm. Ron Borelli. Comm. Ron Borelli recommended the raising of hands for voting purposes. Comms. James Fortuna, Barbara Plum and Richard Pelletier voted for Comm. Barbara Plum. Comms. Deborah Kleckowski, Les Adams, Catherine Johnson and Ron Borelli voted for Comm. Deborah Kleckowski. Comm. Les Adams indicated he would like to get a definition of the term majority. Comm. Quentin Phipps felt the Commission should not start clarifying words like majority, that it is a slippery slope, and that it is a distraction from the actual business at hand. Comm. Les Adams felt the Commission has reached a point of cavitations.

ITEM 6.2  
ELECTION  
OF OFFICERS

Comm. Catherine Johnson indicated there was a processing error on page 6. Comm. Ron Borelli felt the Commission should go over one

ITEM 6.3  
COMMISSION

BYLAWS

article at a time. Comm. Deborah Kleckowski felt a bylaws subcommittee was needed. Comm. Barbara Plum questioned how the draft bylaws was created. Comm. Ron Borelli indicated that the Commission did not get staff comments in a timely manner in order to digest the information and that it is premature to do it tonight. He felt a subcommittee would help and should include staff to create a thorough review. Comm. Catherine Johnson questioned if the Commission could go through what is before them tonight and vote at the next meeting. Comm. Deborah Kleckowski commented about voting without it being out front in the public. Comm. Les Adams recommended setting up a bylaws subcommittee with other staff involved such as the City Attorney and the Town Clerk. A motion to create a bylaws subcommittee with staff was made by Comm. Ron Borelli and he volunteered to head it. Comm. Carl Bolz felt a subcommittee was not necessary but maybe a workshop with the City Attorney and the Town Clerk present and noted that the Commission is not prepared to work on the bylaws tonight. Comm. Deborah Kleckowski recommended something in the middle, a subcommittee that is open to everyone. A motion to create a bylaws subcommittee was made by Comm. Les Adams and seconded by Deborah Kleckowski. Comm. Ron Borelli noted that he did not care how many members would be involved but they need to attend. Comm. Les Adams felt volunteers and alternates should be able to attend. Comm. Quentin Phipps felt it should be a workshop and not a subcommittee like Comm. Carl Bolz put forth. Comm. Catherine Johnson indicated she liked both ideas and asked if the Commission could do just the edits tonight and deal with the questionable issue later with the City Attorney and the Town Clerk. Comm. Richard Pelletier indicated that he did not like the idea of a subcommittee as it would give a power to less than a full commission and would be voting against the motion. Comm. Ron Borelli indicated that a workshop and a bylaw subcommittee is the same thing. Comm. Carl Bolz indicated he did not have a problem with a subcommittee consisting of all the members and alternates. Comm. Les Adams indicated that changes needed to be made. Comm. Catherine Johnson recommended that the Town Clerk suggest every committee and felt there should be a bylaws subcommittee. Comm. Barbara Plum asked staff who would do the work and keep records. Michiel Wackers indicated that a record of the bylaws subcommittee meeting is required and that staff will try to facilitate the process. Comm. Ron Borelli recommended moving this item forward. Comm. Les Adams felt there is a need to do the work Middletown expects. A motion to create a bylaws subcommittee with all the members and the alternates reviewing the bylaws along with staff, the City Attorney, and the Town Clerk, make recommendations and then report back to the Commission was made by Comm. Ron Borelli.

Comms. Les Adams and Deborah Kleckowski seconded. The motion passed with Comms. Richard Pelletier, Les Adams, Deborah Kleckowski, Catherine Johnson and Ron Borelli in favor and Comms. Barbara Plum and James Fortuna opposed. Comm. Catherine Johnson indicated that there are four (4) more public input sessions for the Plan of Conservation and Development and that when scheduling the bylaws subcommittee, there should not be any conflicts. Comm. Ron Borelli questioned who would be on the subcommittee. Comms. Ron Borelli, Barbara Plum and Les Adams volunteered. Comm. Carl Bolz requested that the meetings not be scheduled during the day. Comm. Deborah Kleckowski requested that the meetings not be scheduled during the day. Comm. Catherine Johnson recommended exchanging phone numbers. Comm. Quentin Phipps noted that scheduling the meetings during the day is not in the spirit of previous subcommittees, that it is an inclusive process and that the Commission would need to find the best time possible such as the third Wednesday of each month. Comm. Catherine Johnson indicated that the public input sessions for the Plan of Conservation and Development will be held on the third Wednesday of the month and felt the last Wednesday would be better. Comm. Ron Borelli indicated that his comments are not partisan and that he would be willing to hold the meetings at whatever time is good. Comm. Les Adams agreed with Comm. Quentin Phipps and felt the Commission should be flexible in order to accommodate people. Comm. Barbara Plum asked why not have the commissioners submit their revisions to staff and then they could create a report for the Commission. Comm. Carl Bolz questioned if it could be emailed. Michiel Wackers indicated that it could be emailed and mailed to those who don't have email. Comm. Catherine Johnson commented on the following: 1) when the Commission could have an organizational meeting; 2) In accordance with Freedom of Information, if there is no quorum, the public hearing can still be held; 3) Add the deleted item from Page 2, Organizational Meeting; 4) Item 5, Article X; 5) Page 10, require people to visit the sites; and 6) the date for amending the bylaws be added. Comm. Richard Pelletier felt these are controversial changes and needed to be discussed. Comm. Barbara Plum questioned when the Bylaws Subcommittee meeting would be held. Comm. Ron Borelli indicated that he would be as accommodating as possible. Comm. Deborah Kleckowski questioned if two (2) or three (3) dates would be put together and then calls be made by staff. Comm. Catherine Johnson recommended Thursday, April 30, 2009. Comm. Ron Borelli indicated that he would speak to staff tomorrow. Comm. Deborah Kleckowski felt the Commission should move on.

Comm. Ron Borelli questioned New Business Item #5.3. Michiel indicated that it had been tabled.

ITEM 6.4  
OTHER COM-  
MISSION AF-  
FAIRS

Comm. Catherine Johnson commented on the March 18, 2009 input session and indicated that the notes were present, noted that the next session will be held on Thursday, April 16<sup>th</sup> and to please attend, asked that the Commission see the Greenwich Plan of Development, and noted that the Planner of Hamden had implemented a smart code and would be willing to talk to the Commission for about forty-five (45) minutes.

ITEM 6.5  
PLAN OF CON-  
SERVATION AND  
DEVELOPMENT

Steven Divoto congratulated staff for putting the materials on the website and encouraged staff to post staff comments on the site.

ITEM 8  
DISCUSSION

On motion and second by Comms. James Fortuna and Barbara Plum the Commission adjourned the meeting at 8:23 p.m. Vote was unanimous.

ITEM 9  
ADJOURNMENT

Respectfully submitted,

Michiel Wackers, AICP  
Deputy Director