

COMMISSION ON THE CITY PLAN AND ZONING - PUBLIC HEARING - WEDNESDAY  
APRIL 11, 1973 - 7:30 P.M. - MUNICIPAL BUILDING - COUNCIL CHAMBER  
DEKOVEN DRIVE - MIDDLETOWN, CONNECTICUT

Ralph M. Shaw, Chairman  
Robert F. Chamberlain, Vice-Chairman  
David B. Mylchreest, Secretary  
Seb Passanesi  
Eric Lowry  
Fredrick Congdon, Alternate  
George Augustine, Alternate  
Gerald J. Lentini, Alternate

COMMISSION MEMBERS  
PRESENT

George A. Reif, Director  
Catherine V. Raczka, Ass't Director  
Althea Rinaldi, Recording Secretary

STAFF

Atty. Chester J. Dzialo, Mr. Jerry Brophy, Mr. Vincent  
Patrella all representing A.R.C. Lloyd Hubbard; John  
Bart, Reporter Middletown Press; Mrs. Louise Nicholas

OTHERS

CHM. SHAW:

I'm going to call the meeting to order, this is the  
Public Hearing for the Commission on the City Plan and  
Zoning. I'll ask our Secretary to read the call.

SEC'Y. MYLCHREEST:

THE MIDDLETOWN COMMISSION ON THE CITY PLAN AND  
ZONING WILL HOLD A PUBLIC HEARING ON APRIL 11,  
1973 STARTING AT 7:30 P.M. IN THE COUNCIL CHAM-  
BERS OF THE MUNICIPAL BUILDING, DEKOVEN DRIVE,  
MIDDLETOWN, CONNECTICUT, to consider:

1. Proposed resubdivision of Wild Apple Farm,  
Orchard Hill Lane, and Apple Lane located off  
East St. Rt. 217 George J. Achenbach, owner.

LEGAL NOTICE OF  
WILD APPLE FARM

CHM. SHAW:

Before we go further with the meeting and the official  
call, I would like to make two announcements, first, I'd  
like to introduce our newest member of our staff, our  
new assistant to the Director, Miss Cathy Rackza, who is  
sitting to the left of our Director, Mr. Reif. She has  
just joined our staff and is our latest addition and I'm  
sure one that you will find most helpful to you when you  
work with our office in the future. In reviewing our  
general rules and regulations as far as a Public Hearing  
is concerned, we will first hear proponents for any par-  
ticular application. After all proponents, all people who  
wish to be heard as proponents have spoken, we will hear  
those who are opponents or in opposition to a particular  
application. We will proceed with the first item, the  
request on Wild Apple Farm. George, do you have any com-  
ments to make about this?

MR. REIF:

We have certain letters from various departments. It might  
be better to have the proponents. (coughing, inaudible)

CHM. SHAW:

Alright, who's to speak for the proponents?

ATTY: DZIALO:

Mr. Chairman members of the Planning and Zoning Commission, my name is Chester J. Dzailo attorney practicing in Middletown with the firm of Dzialo, Pickett & Allen. I represent Mr. George J. Achenbach and Ingham Hill, the developer of Wild Apple Farm. The matter before you today, this evening, is consideration of making four lots...there appear to be four lots on the map of Wild Apple Farm and changing the four lots into three lots. In 1968 the then Planning and Zoning Commission of Middletown, did approve five, lots 5 through 12, leaving lots 13, 14, 15 & 16. We would like to convert those four lots into three lots. With respect to lot # 10. There appears to be within that lot, the confinds of that lot, an item called a 50 foot right-of-way to the City of Middletown. We would like to have that deleted from that lot so that that area which is in effect part of that lot to become the whole lot and not have that particular item on the map. I have with me this evening, two individuals from the Achenbach Realty Companies to explain the map concerning the four lots. One individual will address himself to that plus the right-of-way within the lot area, lot 10, and another individual will speak with reference to drainage and other items that might be apropos to this application. Mr. Jerry Brophy is of the Achenbach Realty Companies. He will speak first, followed by Mr. Vincent Patrella also of Achenbach Realty Companies. Jerry.

JERRY BROPHY:

First of all the initial subdivision concept was laid out with Apple Lane running to the northerly boundary of our property. What we are proposing in the resubdivision is to terminate Apple Lane at about 100 feet northerly of the existing Orchard Hill Lane. We feel that this serves the purposes of the subdivision and works well with the conditions that exist in this particular area. There is a wet area generally in here and to extend the road all the way to the property line seems to serve no purpose other than to disturb the wetlands area that does occur in here inasmuch as the Bysiewicz property border is on the north, does have considerable frontage on Ridgewood Road. We still feel that the man has access to his property. The other thing that the short cul-de-sac enables us to do is dissipate the limited storm drain generated by the short piece of road on our own property which will be inaudible. The developer feels that people living at Wild Apple Farm..inaudible.. generating thru traffic through the subdivision..inaudible..the other matter being the right-of-way on lot #10 we feel serves little if any useful purpose in that the properties abutting to the west, mainly Surowiec and Kreh do have frontage on East Street. The other property that can conceivably benefit from the future extension of this road if it ever works past would be Higgins,

who has substantial frontage on Ridgewood Rd. In addition to the fact that these people do have frontage on existing City streets the properties to the west here are substantially below the existing road and the Higgins property is substantially higher than where the road would go. I believe that concludes my remarks.

ATTY. DZIALO:

Jerry, one question. What is on lot #10 today? Is there a foundation on that lot?

JERRY BROPHY:

Yes we have a foundation on lot #10 that has been there for some time. We have been unsuccessful in selling the property and feel we have lost two potential buyers who have walked away from the property due to the fact that there is the proposed right-of-way around the lot.

ATTY. DZIALO:

Is that the major resistance to the sale of that lot?

JERRY BROPHY:

Yes.

ATTY. DZIALO:

Any questions for Mr. Brophy?

MR. VINCENT PATRELLA:

My name is Vincent Patrella, I would like briefly to go over the utility system that we will be using on the proposed resubdivision. First of all the proposed roadway is a cul-de-sac at approximately 150 feet in length. A right-of-way which is 50 feet wide, the pavement 30 feet wide. The cul-de-sac radius to the street line is 50 feet at 50 feet. The pavement radius 40 feet. The maximum percent of grade will be used for this roadway will be in the vicinity of 5%. The other utilities such as sanitary sewer, water and storm drainage. I'll start out with sanitary. As everyone knows in this portion of town there has not yet been made available on East Street sanitary sewers. Therefore, these proposed three lots will be serviced by septic system, as the other lots in the subdivision. The other utilities being storm drainage, will be serviced at an outlet at the end of the cul-de-sac. The existing drainage shown here at the 10 yard line is now concentrating at this area just off the existing roadway. That drainage is now operating there. I have some figures that I'd like to present to the Commission on the drainage. At the outlet end of the existing 15 inch rcp at this location the flow rate is approximately 6.4 cubic feet per second. The addition of the proposed road in the vicinity of 500 sq. ft. will add .08 cubic feet. This figure is arrived at by assuming first of all a 50 year storm, a time of concentration of 5 minutes and a runoff of .09. The existing outlet as I mentioned before, now

vents 6.4 cubic feet per second. The additional 500 sq.ft. of paved area will contribute approximately .08 cu.ft. per second which will give a total vented storm drainage at the flared end section that we proposed of 6.8 cu.ft. per second from an 18 inch pipe. This is a decrease of more than 500 sq.ft. or approximately 1.5%. The existing storm drainage as it vents now, runs northerly approximately 450 ft. before it leaves Mr. Achenbachs property. By the addition of some 150 ft. of storm drainage that distance will be 300 ft. which will give the outlet of water an opportunity to dissipate in everyy and to disperse along with the caretaking to create a non-silting ditch in this area and let the water flow out very gently off this property where it has been naturally flowing.  
Thank you.

CHM. SHAW:

We allow the Commission to ask its questions first and then you'll have an opportunity to ask those questions. I think you may find that some of your questions are covered as the Commission asks its questions. There is a question in my mind, you keep referring to 500 sq.ft. and I believe that you've add 5000 sq.ft. of black top unless you already inaudible...the indication is that you have 30 ft. wide by 150 ft. long area which should be 4500 sq.ft. plus whatever is additionally cul-de-sac. I presume that your figures are correct based on the 5000 sq.ft. of black top.

MR. VINCENT PATRELLA:

Yes you're right, I'm sorry.

CHM. SHAW:

Did you figure your flow on 5000 sq.ft?

MR. PATRELLA:

The flow was figured on 5000. I wrote down 500.

CHM. SHAW:

Any questions from the Commission?

COMM. PASSANESI:

Has there been a perk test in that area? What's the results of your percolation test?

MR. PATRELLA:

There has been some deep tests taken in the area I don't have the results of the deep tests nor do I have the results of the perk test. The lot adjacent to the side both support septic systems without any problem.

SEC'Y MYLCHREEST:

But you don't have information on the 3 lots or 4 lots you're talking about tonight? Where's that 18 inch pipe terminate? Can you show it?

MR. PATRELLA:

Right here at this point. Approximately 10 or 15 ft. off the edge of the right-of-way.

CHM. SHAW:

Thank you. Counsellor do you have further account? Is there any one else to speak for the proponants for this application? If not I'll ask Mr. Reif to show us what correspondence he has.

MR. REIF:

We have an item from the Department of Public Works

Gentelmen:

The following comments are offered concerning the above referenced project: 1. the proposed drainage system should be extended on Lot #14 to a point at least beyond the end of improvements (grading, house erection, septic system, etc.) 2. The City of Middletown should be given an agreement for a right-to-drain on Lot #14. Within that agreement should be a clause to absolve the City of future obligations to extend the system if the future property owner desires such action. 3. The right to discharge waters across and onto the land of Bysiewicz should be sought before approval is granted. 4. Certification that all monuments, including those on Orchard Hill Lane, will be installed before approval is granted. The foregoing may be explained more in detail upon contact with this office. Signed: John C. O'Brien, Director of Public Works.

DEPT. OF PUBLIC  
WORKS

MR. REIF:

So far we have no response from the Health Dept.

CHM. SHAW:

That's the only correspondence?

MR. REIF:

Yes.

CHM. SHAW:

I will now entertain any comments from people who would be in opposition to this application. If within your comments you have questions, it is possible that the proponants will be able to respond to them at this time. They are not required to do so but if they wish to I will allow them to do so. Now, is there anyone who wishes to speak in opposition to this application? Please come forward and identify yourself for transcript.

JOAN SOKOLOWSKI:

We said before that that whole area is like a water-table its actually a...there's too much water going through all that area. I don't know what they propose in this area to take all that. I don't think it will no matter what they do in there. Because recently since any digging was done our water has been silty every time they

dig. I can't see where the septic tank water also should come right into our wells which is at least a quarter of a mile away from any of the homes that went up. So I say that the retesting of all of the lots that homes haven't been built on should take place before any of this is resubdivided again.

CHM. SHAW:

Can you identify where you are in relationship to this? She points to map and explains.

JOAN SOKOLOWSKI:

Our home is here the nearest home. Right here of course they have been digging all through so this whole hill and that water seeps right through all the area so I don't see how any drainage will take care of this whole area with so many home septic tanks and wells being put in. It's just not, I think it's premature till such a time they put a sewage system in and I think the City has a lot more sewage problems, changeovers from--this was in the paper last night. This was, is all premature I think as far as the septic tank the whole building of homes there. That is all I have to say.

CHM. SHAW:

Thank you very much. Anyone else who wishes to speak in opposition? (Voice in background, Mr. Chairman.) Will you identify yourself please for the transcript.

KEN KREH:

I live on East St. I'm an adjoining owner. Isn't it customary in a case of this kind that the adjoining property owners receive notice of this meeting?

CHM. SHAW:

It is customary I don't know.....

MR. REIF:

We think we did send a notice to everybody who was on the map, the abutting property owners. Would you step up and see if your name is on the map.

CHM. SHAW:

Would you identify the location on that map where your property is and how it would be affected by the property which is in question this evening. I believe that's abutting to lot #10.

MR. REIF:

We have a list here of all the people we sent notice to and we certainly didn't intend to slight you. What's your name again? Kreh? (In background Althea reads names of abutting property owners.) Is that K R E H? There's no question about it your name is on the map.

MR. KREH:

And the one next to it Surowiec, and the one next to that Sokokowski?

MR. REIF:

It was certainly an oversight, simply not intended.

MR. KREH:

Mr. Chairman and Commissioners, I have a statement here I would like to read to you. Several years ago when the original proposal for the Wild Apple Farm subdivision was presented to the Middletown Commission on City Planning & Zoning, it was opposed by residents of the area because Orchard Hill Lane terminated in a dead end and did not lend itself to the future development of all rear land in the vicinity. The Commission saw merit in the taxpayers argument and when the final plan was approved it included a right-of-way 50 feet wide along the subdivisions western boundary and the end of Orchard Hill Lane south to the northern boundary of the Higgins farm. The approved plan was prepared in 1968 certainly by this time, over four years later, unless someone has been remiss in his duties, The City of Middletown has aquired title to this right-of-way. It seems Mr. Achenbach has a great deal of confidence in his influence at City Hall. Last week he bulldozed over trees and dug two parallel septic tanks leaching trenches within this right-of-way. This is most presumptuous on his part since we are only now involved in a hearing to determine the disposition of this right-or-way. Is it possible that Mr. Achenbach has information that has not yet been released to the general public? Why has Mr. Achenbach who has now made the matter of principal as important as the fate of the right -of-way. These times when land is becoming increasingly scarce the users could make further use of what we have. It is the opinion of the residents and property owners, in the vicinity of this right-of-way, it is important to the future development of the area and should be retained for the same valid reasoning the Commission recognized previously. Thank you gentlemen.

CHM. SHAW:

Thank you. Is there anyone else who wishes to speak in opposition to this?

PETER FRENZELL:

I'm Peter Frenzell, I live at the corner of East St. & Ballfall Road, and I understood from previous discourse here that we might ask questions and I would like to do so at this time. I would like someone to answer for me the situation of the two septic tank leaching fields which apparently were dug before the time of this meeting.

JERRY BROPHY:

I'm not sure that I have information on that but the septic systems to my knowledge have been in existance on those lots as long as the foundations have been there.

PETER FRENZELL:

Is it not on the right-of-way?

JERRY BROPHY:

I can't answer your question. I know the septic systems have been there for some time they were approved by the Health Department. inaudible

PETER FRENZELL:

Well my understanding from what Mr. Kreh has said that there was digging that has gone on within the last week on the right-of-way which as far as I can see, and I may be wrong, the Corporation has no right to undertake such projects.

MR. KREH:

Mr. Frenzell, with the Chairman's permission, last Friday there was a shovel in there and dug these two parallel leaching trenches approximately 150 ft. long, starting right at the curb line at the cul-de-sac south for a distance of 150 ft. There're within the 50 foot right-of-way. This was done I believe Friday. He hurried up, he got the tile in, he got the crushed stone in he got the paper over the stone and we left Friday night. Saturday morning before I was out of bed, there was a bulldozer over there and covered the whole thing over very nicely.

CHM. SHAW:

Are there any other comments about this application? Obviously there are a couple of areas which will require some answers in response. Later the Commission will take these up.

MR. KREH:

I have some pictures of those two open trenches I don't have them with me because they aren't back from the printers but you are more than welcome to them when they come back.

CHM. SHAW:

Thank you very much. Any other comments?

LAMONT BENEDICT:

My name is Lamont Benedict and I'm the chairman of the Fire Commissioners of the Westfield District. As you know a cul-de-sac is not a good arrangement for access with a fire truck. A 40 foot radius at the end of a cul-de-sac does not permit the turning of a large fire truck. It might permit a small one. I feel that this area should have access for future development. That area, I'm sure, is going to be developed some time in the future. Maybe not the immediate future but if you shut that access off now then that will be permanent and you won't be able to get back to the thing. The access is there now and we think it should remain so for the benefit of the future.

CHM. SHAW:

It's obvious that the mailing went only to those four lots which are being reduced to three and not to those which abutted property lot #10. I think definitely there is a lack here and it will be corrected.

MR. SIBLEY:

Mr. Chairman, I am a resident of the area and my residence is on East Street and I think that all the comments that have been made here tonight, Mr. Chairman, serve a purpose. My concern about what has happened to our beautiful farm district in Westfield, and I feel that I speak correctly for the majority of people in our area we are very, very disappointed with what has taken place and how it has been done by this corporation, A.R.C. We hope that your Commission will be very careful and will inform and help us to prevent further destruction of the open spaces that we have left out there. We are very, very much disappointed and I'm sure I speak for the majority of people out there. That it is really a shame that the concern that we have here tonight was probably not focused on the original planning, so that possibly some of this could have been prevented. Thank you.

CHM. SHAW:

Any further comments?

ATTY. DZIALO:

Everything that Mr. Achenbach has done everything that he can do, is doing, has come before some regulatory body. Before the Planning Commission, Zoning Commission, and other regulatory agencies. I cannot give you the answers as to what occurred on lot #10. If what did occur or what was said to have occurred is correct, there is some question as to whether or not it was proper. Lot #10 is owned by Ingham Hill. The designation of a line calling the right-of-way does not take title away from the owner. If it was meant to be a road therefore there might be some interference with the use of that right-of-way for road purposes. I don't know whether or not a leaching field would do that. I think everyone here has received notice of this particular meeting, otherwise they would not be here. At one time I do recall that letters were sent to abutting property owners. I think that was by regulation whether or not that is still true I do not know. Mr. Achenbach has, is and will continue to do everything which is right and proper. And I make that ascertain both to the Planning and Zoning Commission and to the people who are concerned as they should be. Thank you very much.

CHM. SHAW:

I see a hand.

ROSALIE KURWACKI:

My name is Rosalie Kurwacki, I also live on East St. and in Westfield in preserving that as much as we can, a lovely area, that it can be. I have said tonight to my 14 year old son, Wouldn't you like to come to the hearing and see government in action? But he had too much homework so he could'nt come. Now I'm beginning to wonder if it's just as well he didn't come here. I myself had heard about the right-of-way (inaudible).... and I was treated

was treated very courteously. First I went to the Town Clerk's office to see if there ever was a deed to that property Ingham Hill or whatever the name, and no record was found. So I was advised why don't you go to the Tax Assessor's office he can tell you who has been paying taxes. So I did. Mr. Threll said there definitely should have been a deed, however, it is Ingham Hill. He said let's go down to the Planning and Zoning and see what we can find. Well, I saw the two maps the old map very definitely showed the right-of-way and the new map which didn't show it at all. I was told that mainly this meeting was concerned with those lots that are being changed. However, with that right-of-way not being shown on the map, had there been no interest by the homeowners who knew about that right-of-way, the new map would have been presented and been accepted. And nothing would have been, could have been done about this right-of-way strip. Now the fact that no one on that right-of-way received a notice and the fact that the main point of interest supposedly in this zoning meeting was focused on those other lots, it makes me wonder. It may seem like a small thing, maybe even picayune to you people sitting there. But to people who had enough interest in "68" to appear before a Zoning Board, such as yours, and have the Zoning Board agree that indeed this would be a good thing (inaudible)...It seems a little strange.....that I'm glad that people are showing up, are taking an interest and if there's nothing to hide that all plans are perfectly fine, everything that is being done is for the betterment of the community, no one has any objection. But we do object to things of this sort. I think it is time for Westfield people to become aroused and show that they are interested. Bring their interest more out in the open so that if these are honest mistakes, fine. Thank you.

MR. KREH:

I have a question. It would be interesting to know in the course of over 40 years, why the City didn't acquire title to this property.

CHM. SHAW:

I don't believe that I can answer from a legal standpoint other than there is no responsibility for the City to accept right-of-way until such time that it might be used. There is no intention, at the moment, to use it maybe no intention at the moment to extend it through there. I believe counsel would support that position.

ATTY. DZIALO:

I'm not going to be presumptuous enough to give a lecture on procedure, but, I'll just briefly state what I believe the procedure to be. Whenever a developer wishes to subdivide a cost of land and within that subdivision plan roadways are shown, and the Planning Commission approved its inaudible..In the present procedure the developer's allowed to obtain building permits and go on with the construction.

However, no C.O.'s are issued until such time as the road is installed, the utilities are installed. Once the developer has done this, then the matter is brought before the Public Works Commission for review. The Public Works Commission then holds a hearing on the acceptance of a road with utilities. Thereafter, if the Public Works Committee approves the road then it's sent to the Common Council. The Common Council holds a hearing and thereafter accepts the roads. At this point and only at this point will the Town attorney and will the City accept a deed to a roadway. In this instance since there is no road in existence, the developer had not intended to put on in, there is no cause for the City to accept the right-of-way. It would just be a burden to the City itself. With respect to why was this tied in, I must say this, there indeed was no intent to hide in any way what we were seeking this evening. The Planning Commission knew what it was, Mr. Reif knew what it was, we took the liberty to informally show the Commission what we intended to come up with this evening. We presented our thoughts on resubdivision and our thoughts on this 50 foot right-of-way. Again I cannot explain the notice factor, it was publicized in the newspaper and there was no attempt at all in any manor whatsoever to do anything that was't proper. Thank you.

CHM. SHAW:

I would like to relieve Mr. Dzialo, and his client of any responsibility for lack of notice of property owners abutting lot #10. It would be the responsibility of this Commission and not of either Achenbach Realty or of their counsel. If there is a deficiency in that notice, the deficiency rests, the responsibility rests with the Commission and our staff and with no one else. We will accept full responsibility for that. Is there any other comment.

TONY AGNUS:

My name is Tony Agnus, I live on East St. I'd like to know, is it necessary to obtain a permit in order to put in a drainage system or a leaching field for a septic tank? And if so, was this done?

MR. REIF:

Yes it is necessary to obtain a permit to put a septic tank in, yes. Whether or not it was done I can't answer.

MRS. SOKOLOWSKI:

Are permits for those lots for building for homes which are not up yet do they have to be redone according to the new code? Tests for percolation for the septic tank?

MR. REIF:

The answer to that is whether they were ever done. That would seem logical but I'm not sure that that is the answer.

MRS. SOKOLOWSKI:

I should think that they would have them all done at once.

MR. REIF:

Yes, you would think so. If this was a new subdivision coming before this Commission, there's no question about it each lot would be tested. Before each home went up they would be tested. They must be.

SEC'Y MYLCHREEST:

One step further, I think before this Commission considers this resubdivision, I for one want to see the results of the tests on the four lots involved.

MR. REIF:

Part of our process is to ask the Public Works Commission or Dept. and Health Department for a report. I read the report from the Public Works Department. I said at that time we do not have a report from the Health Dept. It has not arrived yet.

MRS. SUROWIEC:

Several years ago I thought there was a City procedure that there were to be no dead end roads and any dead end roads had to have a tentative road leading off it. Is that still true?

CHM. SHAW:

That is not the case. The case is we have a limit to the length of a dead end road to a cul-de-sac but we do not have a requirement that the road necessarily attaches directly to another road.

MRS. SUROWIEC:

How about this new.....

CHM. SHAW:

It's much shorter than is required. The length is 850 feet George?

MR. REIF:

Right now 800 feet is the maximum length.

CHM. SHAW:

The maximum length of a dead end street with a cul-de-sac is 800 feet. Any other questions or comments? If not we will move on to item no. 2.

SEC'Y MYLCHREEST:

2. Establishment of a building lot fronting on Acer Dr. from rear of a lot fronting on Maple Shade Rd. L.&R. Hubbard owners.

LLOYD HUBBARD LOT  
SUBDIVISION ON ACER  
DR. & MAPLE SHADE RD.

SEC'Y MYLCHREEST:

Mr. Chairman, will you excuse me from this portion of the hearing?

CHM. SHAW:

The record will indicate that Commissioner Mylchreest has been excused from this particular hearing. He has other interests in this application. Who is here to speak for this application?

LLOYD HUBBARD:

Papers russeling Mr. Hubbard cannot be heard.

CHM. SHAW:

Lloyd, would you come up so we can ask you questions. Are you talking now about parcel B? Is that parcel B at the lower section?

LLOYD HUBBARD:

Yes. This one lot I think it's a little large, over an acre. It would be a very desirable building lot.

CHM. SHAW:

Do the Commissioners have any questions?

COMM. PASSANESI:

Yes, the storm sewers are going where?

LLOYD HUBBARD:

Well, the storm sewers of course there's one on the street, on the middle here there's one at the corner. Of course this will be a driveway.

COMM. PASSANESI:

Where's it flowing, up to here.

LLOYD HUBBARD:

It's flowing up to here, then it's flowing onto the main road.

(Commissioners have discussion amongst themselves about the Hubbard property with Mr. Hubbard.

LLOYD HUBBARD:

There's eleven houses on this street. It's completely finished. This is the last of the property on the street. Thank You.

MR. REIF:

Department of Public Works

Gentlemen:

This office has no comments or objections to offer for the above reference to the project.

Signed: John C. O'Brien, Director of Public Works.

LETTER FROM PUBLIC  
WORKS DEPT.

MR. REIF:

That's the only department that reported.

CHM. SHAW:

Is there anyone who wishes to speak as an proponent? Is there anyone who wishes to speak as an opponent or make any comments about this application?

WILLIAM COLEY:

My name is William Coley. I live on Maple Shade Rd., and I own 4 acres roughly which the northern boundary is contiguous with the lot in question. I'm not opposed to this, at least I think I'm not, but I do want to get it down in the public record that there are certain conditions, with respect to the land that I see is possibly shifting if care is not taken in view of what's going on on the other end of Maple Shade Rd. I think I'd like this in the record so that if it ever got bad we would, could'nt say that we haven't been warned. My property is roughly bisected by a stream which runs from the south to the north and goes over to a stone wall and divided me from Lloyds property and then goes to an east-west direction. It's fairly sizeable stream at this time of the year. I don't know what his plans are for fill or for possibly diverting that water. I'm not even quite sure of where he's situating the house. It's conceivable that he could be situating the house to the north of this rather pronounced stream that runs from east to west. Now, even if he does'nt and he moves the house nearer to my property line, I'm concerned that the question of fill and or diversion of that water that comes down through my property be undertaken with full recognition of the fact that if such water as goes through the middle of my property gets diverted in any way, it may cause an endangerment to my own septic tank and leaching fields. I have no well at that end of the property so we don't have that problem. But I'm below grade on Maple Shade Road and I am absolutely boxed in on the matter of City sewerage so there is no such thing as an option for me. And I would not like to have the water conditions in that end of my property changed markedly by the building of this building. I was advised to get this on record. It is not an objection, per se, to the application.

CHM. SHAW:

Thank you. Is there anyone else who wishes to speak about this application? If there are none we'll move on to item No. 3.

SEC'Y MYLCHREEST:

3. Text amendment to Zoning Code to allow as Special Exception Uses retail sales, offices, manufacturing and service uses in B2 B3 I1 & I2 zones. Unless such uses are expressly prohibited by code. Specifically this would be a modification of Item 61.02.06 of section 61.02 Special Exception Uses.

PROPOSED TEXT AMENDMENT OF B2 B3 I1 & I2 ZONES

CHM. SHAW:

The references to two business zones and two industrial zones,....George would you care to explain what this would do effectively.

GEORGE REIF:

Basically this would increase the flexibility of the uses

in the four zones that are involved. B2 B3 I1 & I2. Over the past years there have been a number of potential uses that would appear somewhat desirable in some-times an I1 sometimes an I2 or sometimes a B2 or B3 zone and yet those uses were not specifically designated in the Zoning Code. It occurred after observing this situation for a while that there was some justification in allowing the Planning Commission through the Special Exception procedure to determine which uses would be appropriate in which locations. There are a number of different ways that we can introduce flexibility, you can increase the number of zones that there are; or you can just add constantly to the list of permitted uses. This seems like a logical way to proceed since it introduces or continues a process in which the Commission uses its discretion in allowing of various uses. That's essentially it. It adds flexibility to the Zoning Code.

CHM. SHAW:

Are there any comments from the members of the Commission in this regard?

COMM. CHAMBERLAIN:

Mr. Reif, the way this is written, can we have manufacturing in a B2 & B3 zone?

MR. REIF:

If the Planning Commission approved the proposed use, the answer is yes.

COMM. CHAMBERLAIN:

How about a restaurant in an I1 or I2 zone?

MR. REIF:

If the Planning Commission approved that use, the answer is yes.

COMM. CHAMBERLAIN:

So you're saying we're making everything Special Exception basically.

MR. REIF:

It introduces a greater variety of Special Exception uses, yes. It would allow for instance an office building in an I2 zone.

COMM. CHAMBERLAIN:

It would also allow a Burger King in an I1 zone.

MR. REIF:

If the Planning Commission were to chose so, yes. It gives great responsibility, greater than heretofore available to the Planning Commission for it's decisions about the future of the community. No question about it. There are several pieces of literature you'll want to hear.

CHM. SHAW:

Yes go ahead.

MR. REIF:

Gentlemen:

We are writing to you on behalf of our client, Michael Kane Brick Company on Newfield Street, Middletown, Connecticut. The Officers and Directors of the Company, that is, Mr. & Mrs. Cook want to make it known they support certain changes that are up for a hearing before your Commission tonight, April 11, 1973, which would permit a business use that we understand would apply to a large part of their holding on Newfield Street, Middletown.

Signed: Richard Parmalee

We have reports by the general statutes from the Regional Planning Agency. Would you like to here those?

CHM. SHAW:

Yes go ahead.

MR. REIF:

Mr. Reif:

The C.C.R.P.A. finds the zoning amendment proposal concerning Special Exception Uses in the B2 B3 I1 I2 zones are not of regional significance and choses not to comment at this time.

Signed: Arnold L. Beizer, Assistant Director

LETTER FROM PARMELEE  
& SNOW

LETTER FROM THE  
C.C.R.P.A.

LETTER FROM THE MIDSTATE  
REGIONAL PLANNING  
AGENCY

Gentlemen:

Thank you for your letter received on April 6, 1973 notifying the Midstate Regional Planning Agency of the proposed text amendment to section 61.02.06 of the Middletown Zoning Code, in accordance with chapter 124, section 8-3B of the Connecticut General Statutes. As in the past, we are pleased to expedite the regional review for which 35 days is provided for by the above statute. The following comments are offered by the staff.

1. The principal intent of this proposal is to provide for more flexibility and uses within the B2 B3 I1 & I2 zones. While this may be a desirable goal for some areas of the City, certain zones may be adversely affected.
2. The inclusion of service and office functions as Special Exception Uses in the I2 zone would offer a greater mix of compatible activities. Retail uses in the I2 area should have performance criteria established for assuring the integrity of the zone, thereby eliminating retail uses to those which are not in common with the basic industrial park intent of the zone.
3. The introduction of manufacturing activities into B2 & B3 zones would create significant problems, as described in section 32 & 33 of the Zoning Code. The purpose of the B2 & B3

zone area is to permit retail development. The intrusion of manufacturing into these zones not only changes the original intent of the zone, but also disturbs the continuity and liability of the zone as a trade center.

4. Since the four zones in question did not have the same lot requirements, there is a need to specify requirements for various uses as they apply to a particular zone. For example: should a requirement for a manufacturing use in a B2 zone be the same as they are for the I2 zone? This is a question which should be resolved.
5. The alternative to the proposed text amendment would be to create a new zone IB for instance. Within or contiguous with the boundaries of the existing zones designated B2 B3 I1 or I2. In this new zone, retail service, office and manufacturing uses could be permitted by Special Exception.

If you should desire to pursue any of these comments further, the Midstate Regional Planning Agency will be willing to offer assistance. Sincerely yours, Jeffery L. Colegrove. Copy to Mr. Chambers.

Those are the only comments we have on file.

CHM. SHAW:

Are there any questions from the Commission? Is there anyone present who wishes to comment on the proposed changes?

BAXTER PATRICK:.

My name is Baxter Patrick, I'm a real estate broker in Middletown with Coughlin & Coughlin. When I heard that these proposed changes were going to be considered, I felt that from our standpoint it seemed to make good sense. For the reason that as we try to interest business and industrial firms to locate in Middletown, we find sometime that the choices are quite limited particularly with respect to a firm which might have a blend of, for example, warehousing and some perhaps limited retail activities as well. So if you have a combination of functions this might rule out some of the zones for consideration. It would seem further to me that, as I understood the proposal, that they were staying within the existing zoning so it wouldn't be a marked change from the present procedures. So I would just like to say that it seems to be a desirable thing for the town.

CHM. SHAW:

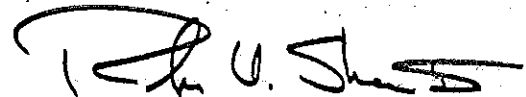
Thank you. Is there anyone else who wishes to speak in regards to this proposal? No other comments? In that case, we'll close the Public Hearing portion of the

meeting. We will move on to other items of business. Any of you present who wish to stay and listen to the other items on the agenda are free to do so. You are not, however, free to take part in the discussion in the Public Hearing form as we have in the past. Those of you who have specific interests or particular requests involved here, of course, will be invited to speak to us and with us about these various items on the agenda.

ADJOURNMENT

Respectfully submitted:

Rosalie C. Ciccarello, Recording Sec'y.



Ralph W. Shaw, Chairman  
COMMISSION ON THE CITY PLAN AND  
ZONING