

CITY PLAN COMMISSION - PUBLIC HEARING - THURSDAY, MAY 6, 1965  
COUNCIL CHAMBERS - MUNICIPAL BUILDING - MIDDLETOWN, CONNECTICUT

Present: John J. Higgins, Chairman  
Carmelo J. Mazzotta, Jr., Vice-Chairman  
I. Robert Traverse, Secretary  
George J. Achenbach  
Edward F. Button  
Joseph W. Masselli, alternate member

Absent: Mayor Kenneth J. Dooley, member w.v.p.  
Frederick W. Atkins, alternate member  
Joseph P. Otfinoski, alternate member

Also

Present: Jack Daley, Hartford Courant Reporter, B. Ralph Gustafsson,  
City Planner, Barbara Davis, City Plan Office Secretary,  
Petitioner and Counsel and approximately forty-six members  
of the public.

The meeting was called to order by the Chairman at 7:30 P.M.

CHM. HIGGINS: This Public Hearing is called for 7:30. I'll now ask that everybody who is here in attendance of the Public Hearing, is ready and wants to speak on this can do so. If you will please state your name and your residence so that the girl will pick it up on our tape recorder for the purpose of being transcribed into the minutes, not too far away from the table here, because the mic is on the table. Anybody who wishes to speak on this petition will be allowed to do so after I read the correspondence on it from the Department of Public Health and the call of the Hearing.

City Plan Commission - Public Hearing - Thursday, May 6, 1965, 7:30 P.M.  
Council Chambers - Municipal Building, Middletown, Connecticut.

To consider a ninety-one (91) lot subdivision of Mary C. Petruk, subdivider, and located on the south side of Westfield Street, between Ballfall Road and Higby Road. Counsel - Thomas H. Fanning, Law Offices of Gilman and Marks, 49 Pearl Street, Hartford, Connecticut.

A legal notice of this Public Hearing was published in the Middletown Press on Tuesday, April 27, 1965.

Any and all persons interested, may appear and be heard.

All abutting property owners have been notified by Certified Mail, and prints of the proposed subdivision have been transmitted to the Department of Public Works and the Department of Public Health for their study.

The property owners number 24. They were the abutting property owners and all received certified mail to notify them of this Public Hearing. I now have also, a communication from the Department of Health, City of Middletown. RE: Proposed subdivision of "Mary C. Petruk"

Dear Sir:

For the purpose of making a report to the City Plan Commission an inspection was made of the proposed site and 3 test pits were dug to a depth of 7 feet approximately as shown on the accompanying map.

Test pit #1 showed about one foot of top soil and 6 feet of small stone and clay. While no water was encountered at the 7 ft. depth, a little began to bleed at the 4 ft. level and collected at the bottom of the pit.

Test pits #2 and #3 showed approximately the same findings except that the clay content was proportionately higher and in pit #3 below six feet there was found a little more sand.

When the three pits were checked 3 hours later, there were 5 inches of water in pit #1, the second pit was dry and the third held 8 inches of water.

Inspection of the tract showed a difference in elevation from 520 at the highest point on the west to the lowest of 350 on the east, a difference of 170 feet. The width of the tract is approximately 1100 feet, making the grade rather steep from west to east.

There is an area about three to four acres in size in the northeast part of the tract which is a swamp. Water flows in a southerly direction through a culvert under Westfield St. from the north into this swamp which forms in reality a reservoir because there was found no outlet from the swamp.

The relatively poor type of soil, the undesirable topography of the land and the swamp in the northeast portion of the tract are three factors which, in my opinion, would make the tract of land in question undesirable for development if individual sewage disposal systems are to be used. An additional unfavorable factor is the lack of a common water supply, which means that a well must be drilled on each lot to serve each dwelling. Some difficulty may be encountered in obtaining potable water from wells because of the steep grade and concentration of homes. We have already encountered well water pollution from detergents in another sector of Westfield Street.

May I report further that a rather extensive system of storm water drains underground and not in the form of drainage ditches together

with many curtain drains will be required to drain storm and ground water in order to keep the soil from becoming saturated.

Based on the above reasons, it is my sincere recommendation that the petition for this proposed 91 lot subdivision be denied.

Yours truly, M. L. Palmieri, M. D., Director of Health

Now, if there's anybody who wishes to speak on this subdivision you may stand up and call your name and we will be glad to hear you.

ATTY. SHUSTER: Attorney Carl H. Shuster, Gilman and Marks. Tom Fanning is sick this evening, I'm standing in for him. Just speaking about the subdivision in general, it is over 65 acres of what is really very beautiful land in a residential section in Middletown. The homes that will be going in here will be between \$25,000 and \$50,000 homes and we hope to make this area entirely compatible with the rest of the neighborhood and have a really fine residential community. John Miller, engineer of the project has taken great pains to lay up the lots in such a way to make, what we feel would be a really beautiful subdivision. As far as the water supply goes we hope to be able to make some arrangement that would conform to the regulations of the Department of Health, at some time, assuming we get the preliminary approval of this subdivision as such. Now, I would like to call on some other people, if I could, to speak on behalf of the subdivision.

CHM. HIGGINS: Well, if anybody wants to speak they can stand and be recognized, state their name and address for the record. That's all.

MR. WILSON: My name is Burn Wilson. I live at 300 Russell Street, Middletown. I'm very much in favor of this subdivision because I think it is a very nice location and there are some nice homes in the area.

CHM. HIGGINS: Thank you. Anybody else here to speak on this subdivision.

MRS. MCGARRY: Mrs. Robert McGarry on Higby Road.

MARY PETRUK: I'm Mary Petruk.

CHM. HIGGINS: One at a time, Mrs. Petruk.

MRS. MCGARRY: I'm not opposed to any subdivision. However, if there is a problem of contamination and sewerage that will not be carried off properly, I think this should be looked into by the City. There are too many residences in this area now with wells and without city sewer, so no matter whether a home is \$25,000 or \$50,000 if the sewerage for 91 homes is not properly absorbed and carried off, then all the residents in that area suffer.

CHM. HIGGINS: Thank you, Mrs. McGarry. Anybody else wish to be, Mrs. Petruk do you want to.

MRS. PETRUK: My name is Mary Petruk and I own the land and I'm in favor of this subdivision. I myself, expect to build a home, buy 2 lots and expect to build a \$40,000 home.

CHM. HIGGINS: Thank you. Anybody else to speak on this.

MR. SPANG: . . . Spang, Ballfall Road. I still feel the same as the lady here did, about the sewerage end of it and have we any securities to that end, that it will not be contaminated.

CHM. HIGGINS: Well this is a condition which the Department of Health handles. That is why we ask the Department of Health's opinion on a subdivision and you can be assured that before we grant permission for this subdivision, that the regulations stipulated by the Public Health and also by the Public Works will have to be upheld. Anybody else to talk on this subdivision.

MR. BEYERS: Frank Beyers from Ballfall Road. I'm very much opposed to anything the Health Department doesn't agree to, and this I think is the primary concern of everyone there. The sewer disposal or the way it is going to be carried off. I think this is the answer everyone wants to hear. In view of the fact, of what you read there from Mr. Palmieri, evidently he is very much opposed to it too, am I right?

CHM. HIGGINS: I read Mr. Palmieri's opinion. Yes, as it stands now, I would contend that he is opposed yes. Anybody else wish to speak on this subdivision.

MRS. STAWSKI: Doris Stawski from Ballfall Road and I was wondering if we could have a few minutes to look at the map and study the lot layout and topography and so forth, so we could be a little more informed. Some of us have just come in and haven't had a chance to see any of this and know what any of it is. Lot sizes, proposed speed of development as well as pollution and I have several questions in mind. I'm not opposed but I am concerned.

ATTY. SHUSTER: I have an extra copy of the map here.

MRS. STAWSKI: I don't mean just me. There are probably others.

CHM. HIGGINS: All right. We will give you a ten minute recess to look at the map.

(RECESS)

Anyone who wishes to speak on this petition, please stand and give your name.

MR. ARESKO: I'm Joe Aresco and I live on White Road. I know it is not on this plot plan or whatever you call it, that those lots are marked. There are lots marked that go underneath Hartford Electric Light's power. Does that mean that the Hartford Electric Light Company is going to sell this land too?

CHM. HIGGINS: Well this is a right-of-way granted to the Hartford Electric Light Company's power. Now, this problem is one the subdivider would have to handle himself. I mean this is not our problem.

MR. ARESKO: But from the way it looks, I don't think it is right. In other words, what I'm getting at, that lot would go from the one street all the way down and abut this other property.

CHM. HIGGINS: I don't understand what you mean but there is a power line right-of-way there, described on the map and as I say, this is a problem for the subdivider. I don't know how he intends to get around it. I know that if you had a house built in the middle of the lot, you wouldn't want the power line to go through your kitchen. I'm certain of that. Yes Sir.

ATTY. SHUSTER: Carl Shuster again. Just speaking to that for a moment.

CHM. HIGGINS: Please don't direct any questions, no cross examinations.

ATTY. SHUSTER: I just want to answer the question.

CHM. HIGGINS: Well you can direct it to the Commission, please.

ATTY. SHUSTER: All right.

CHM. HIGGINS: Thank you.

ATTY. SHUSTER: Mr. Chairman, on the Hartford Electric Light Company line. This is a matter of restrictions in the easement which has been obtained by the property owner and presumably the easement does not allow a building within the limit of that line or limits the instruction and so forth and this is strictly a matter between the owner of the property as the easement was given to the Light Company. Now getting back again to the Board of Health's report. It's been pointed out that City sewer and water facilities are available within a half a mile of this subdivision and therefore it is very possible, if not probable, that some sort of linkage could be made to that system and water and sewer is brought down into Westfield Road and into the subdivision and all standards by the Board of Health. There is absolutely no intention to go ahead with this subdivision, as far as building homes, until every requirement of the Board of Health has been met. We ask tonight for preliminary approval of the plot as laid out so that we have an indication of the acceptance of the general layout. This absolutely does mean that every minimum

requirement of the Board of Health as far as water and sewer will be met and this will be worked by our engineers, and there will be absolutely no problem, I'm sure.

CHM. HIGGINS: Thank you Attorney Shuster. Yes, Doctor Bridgeford.

DOCTOR BRIDGEFORD: Doctor Bridgeford, Ballfall Road. I would like to address myself to the next point of view of this subdivision. Until the owners of the property have established the fact that it can be used for a subdivision bringing in the evidence themselves, prior to a preliminary approval.

CHM. HIGGINS: Thank you Doctor Bridgeford. Anybody else wish to be heard on this subdivision. Yes Sir.

MR. GAGNON: Al Gagnon. I live on Sisk Street which is opposed to the proposed development.

CHM. HIGGINS: Speak a little louder or come closer, please.

MR. GAGNON: There was some mention made of meeting the minimum requirements of the Health Department. Now, supposedly the minimum requirements were met when they built my house and all the houses adjoining, yet we are having trouble with our septic tanks. Everyone is having overflow, seepage and alot of odors around. The question in my mind is, are the minimum requirements going to be sufficient to cover the 91 homes that they propose to put up.

CHM. HIGGINS: Thank you. Yes Sir.

MR. DOYLE: Mr. Doyle and I live in the area adjacent to Mr. Gagnon. And, I would like to say to the Chairman of the Board, that definitely . . . . . with this. I feel that the area itself is right now in a minimum area as far as the Board has given it and I think realistically that this should be considered very carefully.

CHM. HIGGINS: Thank you. Yes Ma'm.

MRS. MCGARRY: I have a petition signed by over 50 residents of adjacent and abutting property owners all of whom object to this subdivision and I would like this petition to be made a matter of record.

CHM. HIGGINS: If you will bring it up, we will put it into the record of the Hearing. Anyone else wish to be heard on this. Mr. Bogdan.

MR. BOGDAN: Mr. Chairman. My name is Ed Bogdan. I live on Westfield Street across the road from this proposed subdivision. Although, I'm not opposed to anyone selling any kind of property, I am opposed to a 91 lot subdivision in its present state. We have, of course, conducive evidence here brought

forth by our Health Department that the area is not suitable. I further believe, that the topography of the area is such, as pointed out here from a height of 700 and some feet, down to swamps is such, that eventual pollution and seepage of wells will take place as long as there are wells in the area. For this reason, I am opposed to the subdivision.

CHM. HIGGINS: Thank you. Yes.

ATTY. SHUSTER: May I ask that the objections contained in the petition be enumerated for the benefit of those who have not seen the petition.

CHM. HIGGINS: It merely states here,

We the undersigned are opposed to the ninety-one lot subdivision of Mary Petruk on Westfield Street, Middletown, Connecticut, as per notice of Public Hearing in the Middletown Press on April 27, 1965.

and the names of the opposing people are listed on 3 sheets of paper.

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Walter Manecke, 72 Sisk Street

Al Gagnon, 82 Sisk Street

Dick Gibhardt, 62 Sisk Street

Marion Gebhardt, 62 Sisk Street

Dorothea A. Manecke, 72 Sisk Street

Beatrice K. Betcher, 102 Sisk Street

Walter H. Betcher, 102 Sisk Street

Ted Kuzino, 92 Sisk Street

Helen Kuzino, 92 Sisk Street

Gerald P. Guere, 235 Sisk Street

James R. Doyle, 204 Sisk Street

Jeanne E. Doyle, 204 Sisk Street

R. A. Spinnler, Sisk Street

Eleanor Milardo, Sisk Street

Sebastian Milardo, Sisk Street

Sue Nolan, Sisk Street

Robert Kosenski, 170 Sisk Street

Irene Kosenski, 170 Sisk Street

Barney Smith, 212 Sisk Street

Arnold Schultz, Sisk Street

John P. Rasch, 225 Sisk Street

Lillian N. Rasch, 225 Sisk Street

Lydia D. Guere, 235 Sisk Street

Josephine DeRita, Sisk Street

Anthony DeRita , Sisk Street

James P. Franco, Sisk Street

Elizabeth D. Franco, Sisk Street

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Nena S. Smolen, East Street

Henry Smolen, East Street

Harold Conant, Westfield Street

Edna Conant, 830 Westfield Street

Frank Jakubic, 1076 Westfield Street

Phyllis Jakubic, 1076 Westfield Street

C. W. Mantie, Plumb Road

B. H. Mantie, Plumb Road

Mrs. Howard Walters, Higby Road.

Helmut Beutel, 4 Oak Ridge Drive

Lorraine Schultz, Plumb Road

John Schultz, Plumb Road

Joy Seria, 102 Plumb Road

Louis Seria, 102 Plumb Road

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Richard M. McCabe, Ballfall Road

Marie H. McCabe, Ballfall Road

Albert Santostefano, Ballfall Road

Eleanor Santostefano, Ballfall Road

Marie Goodale, Ballfall Road

Gerald Goodale, Ballfall Road

Jean Neag, Ballfall Road

E. I. Schwarz, Ballfall Road

Betty Tomasso, Ballfall Road

Nancy Harvey, Ballfall Road

Arlene C. Blau, Ballfall Road

Allan B. Neville, Ballfall Road

Edward Bogdan, Westfield Street

Alyce Bogdan, Westfield Street

Now, actually you don't have to give any reason why you oppose it. This is a Public Hearing. You state your opinion. The balance or weight of the opposition would not be based on any other factors other than the development of the subdivision and the proper facilities of a subdivision according to the regulations stated in the law. Yes Sir.

ATTY. SHUSTER: Mr. Chairman. If I may, I would like to suggest that perhaps it would be feasible if there were enough community interest in this area to, as a group, look into the question of bringing city sewers and city water down to the area which might help to alleviate

the conditions for all the property owners including our subdivision and all the adjoining owners. This is something that perhaps could be worked out in the future and would help everybody involved and would alleviate the conditions for the entire area.

CHM. HIGGINS: Thank you. Anybody else wish to be heard.

MR. BRASS: Walter Brass, Ballfall Road. Now, that's all well and good in this business of water but you see people, once they get those wells in, they don't want to go to city water and that is an awful lot of wells in that section. That's naturally going to make a drain on the wells existing already and also, that is an awful lot of sewerage. It's all coming downhill.

CHM. HIGGINS: Thank you. Anybody else wish to speak.

MRS. MCCABE: Marie McCabe, Ballfall Road.

CHM. HIGGINS: Please come up, I don't believe you can be heard.

MRS. MCCABE: I just want to say that we object because we have wells, and I would like to ask a question. Is there a sewer available within a half a mile. May I ask this and someone can answer it. This is what we are worried about. My sister-in-law has a well that is contaminated with soapy water. It can travel 7 miles. It can travel more by the State watermen. This is what we are worried about. We have clean water. We don't want sewerage. Terrain is swamp.

CHM. HIGGINS: Thank you. Anybody else wish to be heard. Yes Sir.

MR. MILLER: I'm John Miller from Close, Jensen and Miller from Hartford. We prepared this plan. Unfortunately, I missed the early part of the meeting and I might say something that has been said already or I might clear up something, I don't know. We have made out, primarily a street and lot layout because obviously there are many points which have to be answered before you proceed with the final engineering. One, a big question in our mind. Was the access, a second access on Westfield Street at the possibilities that we have. We felt it was very dangerous but this was a matter up to the Commission and we have to know whether that has to be changed. Also, the road grades. We realize the Town maximum is 10 percent. We feel to develop this land we have proposed a grade of 11 1/2. Knowing it is steep but we thought to use this land we would have to go to that figure. Now, calling to the Commission's attention the grade, the proposed grade when Westfield Street is rebuilt will be 11 percent to the east of the highpoint, in front of Chester Petruk's house and from that high point going down at 9.4 percent to the west. We felt now that this grade was realistic. As I say, we don't know whether this is a prime point with you people but I would like to call this to your attention. As far as the water,

septic system, I'm sure the developers are aware that we would not use all of these lots if. It was our understanding in the Town, that certain areas could be approved, he may get 20 lots for a year or may be 20 more but there would be some areas in here he could use and it was the procedure in the Town of Middletown that some areas could be approved. He didn't necessarily have to approve the whole thing. He might build, he might have to build more road than he had last, there may be 10 lots, there may be 20 lots in a given area which he could be given a building permit on. So I'm sure the developer is aware of this. I'm sure aware of it. What we have presented here as I say is primarily a street and lot layout and we contend to work with the town based on their findings on given lots and specific areas for the future.

CHM. HIGGINS: Thank you Sir. Anybody else.

MRS. MCCABE: Mr. Chairman. Marie McCabe again. Why should we have to come to 10 more meetings. This is why we are here tonight. The plan should have been planned and not so that we have to come to 10 or 20 more meetings, to approve 10 or 20 lots approved each time.

CHM. HIGGINS: Thank you, Mrs. McCabe.

ATTY. SHUSTER: Mr. Chairman may I point out this plan is for primary approval. This is for us to get an idea of what the requirements are so that we can fashion a plan that is going to be consistent with every rule in Town. Let me repeat again, that what we are hoping for is a vote of confidence as to a certain number of lots so that we can go ahead and exploit the engineering possibilities of bringing water and sewerage in such a way as to help the entire neighborhood.

CHM. HIGGINS: Thank you. Mr. Schwartz.

MR. SCHWARTZ: My name is Ernest I. Schwartz, Ballfall Road. To find fault with the Zoning Laws for the minimum requirements of a half acre lot. To find fault with the minimum requirements of our Health Department would certainly be an audacity on my part. However, this certainly seems to be a queer case. Just over a hearing on grounds like this should be implied because this certainly means endangering the health of the public if not the folks that are going to have this property. This property is known to be swampy. It is on a hill. It just isn't the same thing as laying out a straight piece of ground where these problems that everybody here seems to be concerned with would offer the problem or offer the reverse problem. Now, I certainly would ask that the Commission, please not issue any permit or even issue a temporary permit on the present status of this until sewers, water, water is quite the problem with sewers, but to permit sewers to contaminate that hill, would be something very bad to put up with. You certainly should very seriously consider this before such property be allowed to be used for a purpose for which it is not suitable, for

which it is not fitted. Notwithstanding. I think only of the legal minimum requirements. There only minimum. There're going to do somebody some harm. And, I respectfully request that the Commission do not do anything until they are fully satisfied. This will be a detriment to the health of the people that are going to live on that hill.

CHM. HIGGINS: Thank you. Anybody else wish to speak. Yes, Mam.

MRS. STAWSKI: Mrs. Stawski, Ballfall Road. I realize the feeling is for one particular property, but at the risk of being out of line I would also like to state that there is an adjoining neighbor who has a subdivision which he has been working on for approximately 7 years. Now, his tract contains quite a few lots. This also, contains a numerous amount of lots and we have a school which will have to expand very soon. I think that the entire area should be considered along with this one piece of property.

CHM. HIGGINS: Thank you. Anybody else wish to be heard. Hearing no further, I'm sorry.

MRS. MCCARRY: I would just like to agree with what Mr. Schwartz has said. I think the health of the people in the area is of the utmost concern. The facilities are not there. This temporary approval or whatever it is should not be granted.

CHM. HIGGINS: Thank you. Yes Mam.

MRS. MCCABE: Mr. Chairman may I ask one more question, I've forgotten. I see Mr. Gustafsson is here and in his new Zoning Map, I don't know, I don't think its been approved.

CHM. HIGGINS: I don't want you to get out of line, Mrs. McCabe. This is a Public Hearing and you can state anything you want. Questions and answers this is not.

MRS. MCCABE: Okay. This area should be a Low Density Residential zone, but, no one, I couldn't find out what that meant. What size lots or anything. It is the only area in the whole City I believe, that has been zoned that way.

CHM. HIGGINS: Thank you.

MRS. MCCABE: I don't know the minimum for the lots.

CHM. HIGGINS: Anybody else wish to be heard. Mr. Schwartz.

MR. SCHWARTZ: I forgot one point, and that point is that perhaps this case clearly shows that where leaching has been a problem. I can give