

COMMISSION ON THE CITY PLAN - PUBLIC HEARING - THURSDAY, MAY 7, 1964 - 7:30 P.M.
MAYOR'S CONFERENCE ROOM (205-206) - MUNICIPAL BUILDING - MIDDLETOWN, CONNECTICUT

Present: Mayor John S. Roth
William P. Spear, Vice-Chairman
Nathan Shapiro
I. Robert Traverse
William Anderson, alternate member, sitting in official capacity
Robert Steinle, alternate member, sitting in official capacity
Carmelo J. Mazzotta, Jr., alternate member, sitting in official capacity
(Vice-Chairman Spear appointed alternate member Anderson to act in
behalf of Chairman Higgins, alternate member Steinle to act in
behalf of Secretary Warner and alternate member Mazzotta to act in
behalf of Commissioner Passanesi)

Absent: John J. Higgins, Chairman
Helene B. Warner, Secretary
Seb J. Passanesi

Also

Present: B. Ralph Gustafsson, City Planner, Petitioners and Counsels and
approximately forty-five members of the public.

The meeting was called to order by the Vice-Chairman at approximately 7:32 P.M.

COMM. SPEAR: It is after 7:30 and we will open this hearing. If you give me
your attention I'll read the legal call. Sitting as the Planning Commission,

(1) to consider an eighteen-lot (18) resubdivision entitled "Westfield Manor -
Part III", Carl Pitruzzello, subdivider, and located on the northeasterly
corner of the intersection of Westfield Street and East Street. Counsel -
Harry Hagel, Attorney at Law, 1 MacDonough Place, Middletown, Connecticut - and

(2) to consider a four-lot (4) subdivision entitled "Oakcliff", Edward W. and
Marion F. Feitel, subdividers, and located on the westerly side of Bartholomew
Road, between New Route 9 and Byrd Road. Counsel - None.

A legal notice of this Public Hearing was published in the Middletown Press
on Wednesday, April 29, 1964.

ANY AND ALL PERSONS INTERESTED MAY APPEAR AND BE HEARD. All abutting property
owners have been notified by Certified Mail.

Prints of the proposed subdivisions have been transmitted to the Department of
Public Works and the Department of Public Health for their study.

John J. Higgins, Chairman
City Plan and Zoning Commission

Does somebody wish to be heard on number 1.

ATTY. HAGEL: Yes, Mr. Chairman, members of the Commission, my name is Harry
Hagel and I practice law in Middletown. I'm here representing Mr. Carl Pitruzzello

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concerning the resubdivision known as "Westfield Manor Estates", we have on the plan as revision of parts I and II, I see you have revision of part 3 in the notice and in connection with this there are 19 lots altogether of which 5, I believe, which would be numerically numbers 1, 16, 17, 18 and 19 are already on an approved subdivision which was approved by this Body some 3 or 4 months ago, I believe and since then there have been certain revisions of the interior area and I feel that it is probably in good engineering and good legally to have the entire map here in a complete revision which incorporates the previous 5 lots that were approved and also the lots that approval is requested tonight before this Body. Now as you will note in reference to this we have a proposed road known as Meadowood Drive and there is a lane off to the west thereof called Meadowood Lane. The 19 lots are all in excess of 20,000 square feet and they will be serviced by these 2 roads in addition to the 5 lots that are on Westfield Street and East Street, respectively.

COMM. SPEAR: Anybody else wish to be heard on this particular item.

MRS. BUMSTEAD: May I ask just one question.

COMM. SPEAR: Certainly.

MRS. BUMSTEAD: My name is Phyllis Bumstead and I own the property ...

COMM. SPEAR: Mrs. Bumstead would you please come up so we can get a record of this, we have a mick (microphone) here.

MRS. BUMSTEAD: I'm sorry, and the property, that's right by Mrs. Moddy and I just have a question. This is my first venture into property owning and if you put this road along the side that gives us more frontage, right; and

COMM. SPEAR: Well you merely make the statement, Mrs. Bumstead, and we'll listen.

MRS. BUMSTEAD: Oh, I see, I'm sorry, I'm asking a question I'm not making a definite statement, I want to know if the road is going along side of our property.

COMM. SPEAR: Ask the question of Attorney Hagel.

ATTY. HAGEL: I think that Mrs. Bumstead, is that, is referring to the parcel of land which is designated as now or formerly of Elizabeth R. Moody.

MRS. BUMSTEAD: That's right.

ATTY. HAGEL: Which is at the intersection of Westfield Street and the proposed Meadowood Drive and I think her question might be relative to the fact with Meadowood Drive going along the easterly portion of her property, do you have

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more frontage, is that

MRS. BUMSTEAD: Right.

ATTY. HAGEL: I imagine that your frontage is still considered, your house is on Westfield Street, in other words, you have a corner lot, yes, if that answers your question, yes, you have a corner lot instead of an interior lot if this subdivision is approved.

MRS. BUMSTEAD: Right, fine.

COMM. SPEAR: Does that answer your question, Mrs. Bumstead?

MRS. BUMSTEAD: Yes, thank you.

COMM. SPEAR: Your entirely welcome. Anybody else wish to be heard?

AL RASCH: I want to know about the water, Harry, where are you getting it from?

COMM. SPEAR: Would you please come up and ask the question so we'll have the record.

AL RASCH: The Health Officer refused the

COMM. SPEAR: Would you give us your name, please.

ALFRED RASCH: Al Rasch, East Street. The Health Officer refused to give them the right to build this 15 lot subdivision so he said they wanted City water, I was wondering where are they going to get the water from for this development.

ATTY. HAGEL: Well, I believe that the matter has been taken up with the Department of Health and insofar as I am aware the Department of Health has not rejected this type of plan when this plan calls for individual wells.

AL RASCH: That's what I wanted to know, another thing is, this is a dead-end street.

ATTY. HAGEL: This is what you are referring to for the record is the northerly end of Meadowood Drive which has an indicated turn-around which is proposed for this present layout. Now in accordance with the recommendations of the Planning Commission and I believe that this Commission is aware of it and maybe Al your not, what we are doing is leaving an access to your property on the south side of your property which in the future if you choose to sell your property to some developer or if you choose to develop it yourself you can then tie into this road, otherwise, it's just a turn-around area, in other words that's in accordance with the, as I understand it the recommendations of planning nowadays, is to try to acquire outlets for property that otherwise would be blocked off from the highway.

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AL RASCH: The reason I ask about the water, I put a fire pump around the . . . below and you wouldn't have enough pressure to push it up over the hill in case you are trying to do that.

ATTY. HAGEL: Well, thank you, Al.

COMM. SPEAR: Anybody else wish to be heard on this item, if not we will declare that item closed.

ATTY. HAGEL: Thank you, Gentlemen.

COMM. SPEAR: Okay, and take up item number 2, is anybody here like to be heard on item 2 which is the "Oakcliff" subdivision. Nobody wants to be heard on this item, if not we will declare this section closed.

The meeting adjourned at 7:40 P.M.

Respectfully submitted:

Barbara Davis
Barbara Davis, Recording Secretary

ZONING COMMISSION - PUBLIC HEARING - THURSDAY, MAY 7, 1964 - 7:40 P.M. -
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Present: B. Ralph Gustafsson, City Planner, Petitioners and Counsels and
approximately forty-five members of the public.

The meeting was called to order by the Vice-Chairman at approximately 7:40 P.M.

COMM. SPEAR: The Commission now sits as the Zoning Commission, I'll read the
call of the meeting.

to consider a Top Soil, Peat Moss, Sand and Gravel petition of E. Leroy Brock.
A request that sand and gravel be permitted to be removed from land located
on the north side of Prout Hill Road, between Sunnyslope Drive and Ridge Road.
The area in question is 18 acres in size. Counsel - Richard C. Parmelee,
Attorney at Law, Parmelee and Snow, 164 Court Street, Middletown, Connecticut.

Legal notices of this Public Hearing was published in the Middletown Press
on Friday, April 24, 1964 and Friday, May 1, 1964.

ANY AND ALL PERSONS INTERESTED MAY APPEAR AND BE HEARD.

Copies of the proposed Top Soil, Peat Moss, Sand and Gravel petition have been
filed in the Office of the Town Clerk and are available for public inspection.

Prints of the proposed Top Soil, Peat Moss, Sand and Gravel petition have been
transmitted to the Department of Public Works for their study.

John J. Higgins, Chairman
City Plan and Zoning Commission.

Does somebody wish to be heard on this. Before, Dick, you appear will you just
have a chair for a minute, I would like to read this letter from the Department
of Public Health.

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City Plan and Zoning Commission, City of Middletown, Connecticut
"Gentlemen:"

The following is a report from the Department of Health on applications to be heard at the public hearing on May 7, 1964:

1. Petition of E. Leroy Brock.

If the petition is granted, petitioner should make every effort to keep from creating a dust nuisance by a wetting process and ceasing operation on windy days. In addition, the sand and gravel operation should be fenced in to keep children from playing on the premises because of the danger of sandslides and possible suffocation of any children caught in the landslide.

The above constituted the most common complaints on the part of neighbors when the area was used on a previous occasion for the removal of sand and gravel. M. L. Palmieri, M. D. Director of Health.

Yes Dick.

ATTY. PARMELEE: My name is Richard C. Parmelee, I'm an attorney practicing law in Middletown with Charles W. Snow and I'm appearing tonight for Mr. E. Leroy Brock, the petitioner, and at this time I would like to call upon Mr. M. D. Helfgott, an engineer, to testify. Would you give your name and address.

MR. HELFGOTT: My name is M. D. Helfgott, I am an engineer in Middletown, I live on Hobson Street. The maps that I have in front of me, I believe, you have copies of, is that not correct.

(Commission reviewing maps)

ATTY. PARMELEE: Would you tell the Commission of what schools you are a graduate of and what organizations you belong to.

MR. HELFGOTT: I'm a graduate of the School of Technology, the City University of New York, a long time ago. I have a B. S. and Senior Degree from that Institution, I have a professional license in the State of New York, in the State of Connecticut and a land surveyor license in the State of Connecticut. Is that sufficient?

ATTY. PARMELEE: And how long have you been engaged in your profession in Connecticut.

MR. HELFGOTT: I could almost give my age. I've been in Connecticut over 15 years but I have been practicing engineering almost 30, now.

ATTY. PARMELEE: Would you tell this Commission based upon your knowledge, experience and your examination of the premises whether or not there is sand and gravel at the location described in the petition belonging to Mr. Brock.

MR. HELFGOTT: Sometime ago at the request of Mr. E. Leroy Brock I checked the area thoroughly and found gravel in several locations. It is not a uniform deposit of gravel, there is sand silk gravel and some top soil, it is not of

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any uniform thickness.

ATTY. PARMELEE: Did you prepare the maps that are before the Commission?

MR. HELFGOTT: Yes, these maps were prepared sometime ago but because of an Ordinance that the City of Middletown passed I believe, it was last February some changes have been made so as to conform with the Ordinance. One of the changes shows a minimum distance of 30 feet between any other property other than Mr. Brock's and the limit of excavation on the premises, other than that I do not believe that this has been changed from the previous drawings that were submitted to the Zoning Board of Appeals sometime ago.

ATTY. PARMELEE: Now, if the plan of excavation is carried out at what level will the premises be left, that's including this entire operation.

MR. HELFGOTT: If the entire operation is completed the premises will be at an elevation which is above Sunnyslope Drive to the east and Prout Hill Road to the south. In other words, this will not end up as a pit, it will end up as a highly desirable piece of land which will then be even more suitable for residential purposes than it is now.

ATTY. PARMELEE: What provisions in the plans that you've drawn, if shown, have you made for drainage on the premises.

MR. HELFGOTT: The drainage will all go from west to east which is where it goes now and will follow natural water courses. This will not add any burden of water to any existing water course, the slopes as you may note vary from about 1/2 percent to a maximum of 7 percent from west to east and from about 1 percent to a maximum of 4 percent from south to north except for a small portion at the southerly end which is not going to be disturbed and now does drain to Prout Hill Road southerly, that's where we have 1 percent between stations 0+0 and 2+0, that would be on the profile, Mr. Traverse

(Commissioner's examining maps)

ATTY. PARMELEE: What do your plans show as to the proposed embankments that may be left where the grade will be different to the low grade.

MR. HELFGOTT: You mean the side slope?

ATTY. PARMELEE: Yes.

(Mr. Helfgott referring to maps with Commission)

MR. HELFGOTT: The maximum side slope we will have will be 1 vertical on 2 horizontal that's only at station, between station 6 and 4 the rest of it as I told you conforms to the existing . . . there will be no banks in other words except between station 4 and station 6.

MAYOR ROTH: How much of a bank, translate that into laymen's language, I don't understand this 1 plus 4 and all that business, how many feet, I can always understand feet.

MR. HELFGOTT: All right, so the slope would be 2 horizontal for 1 vertical, what I am saying is that for every foot you travel vertically, you travel 2 feet horizontally about like that, this is 2 and this is 1, actually that already exists, we aren't going to touch that, that exists now, in fact we have one area which we intend to fill in because there is a slight pit and that's at station 4 if you will look on the profile . . .

MAYOR ROTH: How many feet is that in from some line either the street . . .

(Mr. Helfgott and Mayor Roth referring to map)

MR. HELFGOTT: These are all measured from Prout Hill Road, the total will be 400 feet from the north street line from Prout Hill Road.

ATTY. PARMELEE: That's all unless you Gentlemen have any questions.

MAYOR ROTH: If Prout Hill Road is 100 as I remember

MR. HELFGOTT: No, it is 0.

MAYOR ROTH: Well 0, well how high is the highest, is it 20 feet or those contour lines there, how high is the hump?

MR. HELFGOTT: How high is the hump above Prout Hill Road?

MAYOR ROTH: Yes.

MR. HELFGOTT: The hump here is about 112 and Prout Hill Road is about 102, it's about 10 feet that's at station 4 when you go further north its considerably more at station 6, for example, would be about 23 or 24

MAYOR ROTH: Is that the highest point?

MR. HELFGOTT: Yes, I think so, yes.

MAYOR ROTH: So you are about 20 feet

MR. HELFGOTT: Prout Hill Road

MAYOR ROTH: Is that what they wanted to cut down, is that it

MR. HELFGOTT: That's right, but that 23 foot elevation gradually reduces as you go

MAYOR ROTH: Oh, yes I understand that, I'm familiar with the place, I've been out there, I've looked at it but I was just wondering.

ATTY. PARMELEE: Any other questions the Commission may have.

COMM. SPEAR: That completes you Dick?

ATTY. PARMELEE: That completes me with this witness.

COMM. SPEAR: Oh, call your next witness.

(Plane going by)

ATTY. PARMELEE: Mr. Brock, would you give your name and address please.

MR. BROCK: My name is E. Leroy Brock and I live at 796 Ridge Road.

ATTY. PARMELEE: And would you be seated. What is your present occupation, Mr. Brock.

MR. BROCK: Dairy farmer.

ATTY. PARMELEE: And do you own the land on which this sand and gravel operation is proposed?

MR. BROCK: I do.

ATTY. PARMELEE: And how long have you owned it?

MR. BROCK: Since 1937.

ATTY. PARMELEE: In connection with this application will you be selling to one party or to more than one party?

MR. BROCK: More than one party.

ATTY. PARMELEE: And do you have any particular customers at this time?

MR. BROCK: No, I do not.

ATTY. PARMELEE: And that's because you haven't the permit, is that so?

MR. BROCK: Yes.

ATTY. PARMELEE: If this permit is granted you want it for the maximum period provided in the Ordinance for 2 years, is that correct?

MR. BROCK: That is correct.

ATTY. PARMELEE: And is your plan to provide all necessary fencing, or that may be required?

MR. BROCK: That is.

ATTY. PARMELEE: Is there fencing around your property now?

MR. BROCK: Yes, completely.

ATTY. PARMELEE: And what type?

MR. BROCK: On the road it is woven wire.

ATTY. PARMELEE: And in your plan of operation at what point do you propose to have the trucks that would be taking the sand and gravel enter and leave your property?

MR. BROCK: On to Prout Hill Road where its been going out to my . . . house for 50 years.

ATTY. PARMELEE: And is it your intention purely to sell sand and gravel that will be loaded on the premises?

MR. BROCK: Yes.

ATTY. PARMELEE: You do not plan to have any operation such as screening or washing?

MR. BROCK: No process

ATTY. PARMELEE: No process. Is it your plan to seed and plant the ground from which it is removed as fast as it has gotten down to the grade provided in Mr. Helfgott's plans?

MR. BROCK: Yes, that's what we've done in the past, we've seeded it down to where we want it.

ATTY. PARMELEE: Would you be seeding once or twice a year or how often the parts from which excavation would take place.

MR. BROCK: Spring or Fall you could, the proper time.

ATTY. PARMELEE: You heard the letter read from Dr. Palmieri's office in connection with the wetting down during dusting periods. Are you willing to comply with this plan?

MR. BROCK: Yes.

ATTY. PARMELEE: And in respect to the requirements that during substantially windy days that the operations will cease.

MR. BROCK: I would imagine, yes.

ATTY. PARMELEE: For what purposes is the land in this general area now used?

MR. BROCK: It is useless at the present, most of it is useless in the present condition.

ATTY. PARMELEE: But it has been used in connection with your farms.

MR. BROCK: Oh, yes.

ATTY. PARMELEE: Now as this operation progresses and the land is cleared down to the grade provided in the plan, to what use will it then be put?

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MR. BROCK: Well at the present time for agriculture, I just assume it will be for housing later on.

ATTY. PARMELEE: And when you say housing you mean residential housing ?

MR. BROCK: Yes.

ATTY. PARMELEE: You have sold numerous building lots along Ridge Road and in that general area of Middletown for residential building prior to this time, isn't that so?

MR. BROCK: Yes.

ATTY. PARMELEE: And in that area there are some better than average homes..

MR. BROCK: I would say up to \$45,000 homes.

ATTY. PARMELEE: And would it be your intent with respect to the leveling and grading of your land to keep it in a very highly desirable state for residential purposes?

MR. BROCK: Oh, yes, part of it now would not be accepted because of the slope.

ATTY. PARMELEE: Will your removal of the sand and gravel from the area in question better the land for farm operation or what effect will it have on the land for your farm operation?

MR. BROCK: Very much improved.

ATTY. PARMELEE: Why?

MR. BROCK: Because of the steep contour of the land, it is very hard to adapt equipment to that.

ATTY. PARMELEE: Have you had experience in the past in seeding down areas from which sand and gravel has been removed?

MR. BROCK: Yes, I've raised alfalfa in a moist year 3 to 4 feet high.

ATTY. PARMELEE: How long after the sand and gravel operation stopped?

MR. BROCK: Next year.

ATTY. PARMELEE: That's all unless the Commission has questions.

MAYOR ROTH: Mr. Brock I have a question. Have you read the new Ordinance that was passed very recently?

MR. BROCK: Yes I have.

MAYOR ROTH: Your familiar with the contents of that Ordinance?

MR. BROCK: I believe so.

MAYOR ROTH: And you are willing to comply with the provisions of that Ordinance?

MR. BROCK: Yes Sir.

MAYOR ROTH: That's all.

ATTY. PARMELEE: By the way if I may renew my questions, Mr. Brock did you have the Chief of Police and a representative of the Police Department visit this area, recently?

MR. BROCK: Yes.

ATTY. PARMELEE: And do you remember who came out there?

MR. BROCK: You pronounce it.

ATTY. PARMELEE: Lieutenant Hilary Klimkowski, does that refresh your memory ?

MR. BROCK: That's right.

ATTY. PARMELEE: At this time I would like to offer to the Commission a letter which I will first read to you.

Office of the Police Department, Middletown, Connecticut. May 5, 1964

Mr. Richard Parmelee, Parmelee and Snow, Attorneys at Law, 164 Court Street, Middletown, Connecticut.

Dear Mr. Parmelee:

As requested in your letter of April 16, 1964, Lieutenant Hilary Klimkowski conducted a survey of the area where Mr. Leroy Brock plans to remove sand and gravel.

He can see no traffic hazards in the area, except the shrubs and bushes, obstructing the view. It is suggested that these be removed. The Police Department will post the necessary traffic signs.

Lieutenant Klimkowski suggests that persons using the driveway familiarize themselves with the traffic law pertaining to entering or leaving a private driveway.

If we may be of any further assistance, please do not hesitate to call upon us.

Very truly yours, Vincent S. Marino, Chief of Police.

Are you willing to cut the brush as requested by the Police Department at the proposed driveway?

BOORUM & PEASE "N"

BOORUM & PEASE "NOEAR" (R)

MR. BROCK: Yes.

ATTY. PARMELEE: Now in discussion of entrance and exits and the study of that area did you decide that this entrance by way of Prout Hill Road would appear to be the best way of getting the sand and gravel and the trucks carrying it off the property?

MR. BROCK: they say its been for a personalized 50 years and long before that.

ATTY. PARMELEE: The other ways of taking it off would be by, to what streets?

MR. BROCK: Well I own property to Ridge Road and also to Millbrook Road.

ATTY. PARMELEE: And how about Sunnyslope Drive?

MR. BROCK: To that too.

ATTY. PARMELEE: The character of the housing around Ridge Road is different to that of Prout Hill Road where this entrance is, is that so?

MR. BROCK: I would say higher.

ATTY. PARMELEE: And this was gone over with Mr. Klimkowski at the site, is that correct?

MR. BROCK: Yes.

ATTY. PARMELEE: That's all.

MAYOR ROTH: I have some questions. Do you have exit roads to these other streets, to Ridgewood Road and Sunnyslope Drive?

MR. BROCK: Ridge Road you mean?

MAYOR ROTH: Yes, do you have an exit road now?

MR. BROCK: No, not in use now, I just own property to that.

MAYOR ROTH: Oh, I see, you could build a road out..

MR. BROCK: Well, it would interfere with our carrying on with our farming .

MAYOR ROTH: That's all.

COMM. SPEAR: Any other member of the Commission have a question of Mr. Brock or Mr. Parmelee. Any other witness, Dick?

ATTY. PARMELEE: That's all.

COMM. SPEAR: You have no other witness?

ATTY. PARMELEE: No other witness

COMM. SPEAR: Anybody else wish to be heard on this, at this time on this particular item?

MAYOR ROTH: In favor or against?

COMM. SPEAR: In favor or against.

ATTY. EDELBERG: I want to be heard against, Mr. Spear if you are all through with those that are for.

COMM. SPEAR: Are you fellows through. Harry will you come up, will you make room for Attorney Edelberg please, thank you.

ATTY. EDELBERG: Well for the record my name is Harry Edelberg and I practice Law in Middletown. I represent some of the neighbors who are in opposition to this petition of Mr. Brock's. When I say I represent some of the neighbors those neighbors whom I represent are those who will have to keep their windows closed in the summertime because of the dust and those who will have to eat dust with their meals and those who will have to be careful of their kids running out in the streets when these trucks come by with these heavy loads of sand on them. I'm not talking, I don't represent anybody from Margarite Road or some of these other areas where I understand petitions have said in the past that they have favored this petition. Now I might say parenthetically in regard to this business of eating dust with all ones meals and having to keep the windows closed, there is no efficient completely practical way, there is no completely efficient and practical way of not raising dust in the operation of the type that Mr. Brock has in mind there's got to be dust raised and its got to fly in the homes of these people whom I represent. I might also say that when Mayor Roth asked Mr. Brock as to the, as to where he plans to remove that sand at the location of that hump, if you Gentlemen grant this petition tonight, this applies not only to the so-called hump that is out there but also to 18 acres of land. Now how much of that he is going to take I don't know and I don't think you Gentlemen know either but once you grant that petition, you grant him the right to take gravel all the way for the entire 18 acres of land and not just the big mound that's stuck up there in his lot. Now with regard to the, I do want to raise one or two legal questions here, I first want to raise the question of the validity of the legal notice. Now as I have heard from, as I've heard mentioned here tonight there is a petition pending here tonight drafted in behalf of Mr. Brock by his Attorney that permission be given or a permit be given to remove sand and gravel. Now the legal notice says that this hearing is for the purpose of considering a proposed amendment to the Zoning Ordinances. Now there is no proposed amendment to my knowledge so looking further into this thing I read this notice a little more closely and it refers to Chapter 43 of the General Statutes of the State of Connecticut. I have two different sets of the General Statutes in my office,

one which is the official state publication, the other which is put out by a private Law Book publishing company and there is no Chapter 43 in either one of those volumes so that I do not feel that this notice is, this legal notice gives, serves a purpose which it was intended for namely, to give legal notice to those people who are interested in this petition. Now one other so-called legal matter that I wanted to bring up and that is this, that under Section A of this Ordinance which you Gentlemen adopted in the spring or in March, rather, it says any such operation shall not affect the health, safety and general welfare of the citizens of the City of Middletown" and I submit, Gentlemen, that the neighborhood in which Mr. Brock wants to operate his gravel pit, or he wants to take out gravel is a pretty well built up neighborhood, this isn't the neighborhood that was prevalent when Mr. Brock, this isn't the same neighborhood by any means that was present when Mr. Brock or the Brock family operated a pit there many, many years ago. They have homes all along the east side of Ridge Road, we have homes along Sunnyslope Drive which is a comparatively new street and we do have more homes on Prout Hill Road so from the point of view of the health of the citizens of the City of Middletown I say that its got to be a nuisance to them in the area no matter how well handled this is and I add one further thing, I perhaps am being presumptuous when I go against the word of Lieutenant Klimkowski of the Middletown Police Department he is much more experienced in traffic conditions from what I am but on the other hand, I live on Prout Hill Road and Gentlemen I'd like, if some of you are not familiar with Prout Hill Road, I would like to have you go out there and I'd like to have you see the slope of that road, it is one of the steepest hills in the City of Middletown, it's one of the steepest roads in the City of Middletown and if that isn't danger having big trucks pull the sand and gravel coming along that road I wonder what is danger, so I submit, Gentlemen that it is a violation of Section A of this Ordinance that you passed. Now with regard to the period of time that Mr. Brock and his Attorney have talked about they have made an application to have the maximum time, namely 2 months, 2 years, that material in there can be removed in 6 months, I don't see why 2 years ought to be granted if it must be granted, and I say it shouldn't be but if it must be granted let's get it over with, let's get it over with in 6 months and get it out of the hair of the neighbors once and for all and might say this too, that on the question of time I say this without being critical of anyone in City Hall and I mean this sincerely, but that anyone who is determined enough to get his way on a zoning matter will get this way provided that he is not met with an injunction which is privately sought in the courts. Now let me explain that for a moment, Mr. Brock's petition is an excellent example, he was first denied permission for this in 1957 for people in that neighborhood they spent an awful lot of money, they even went so far as to get an injunction in the Superior Court to stop Mr. Brock from operating and now after 7 years with determination he has finally gotten to the point where he is, may possibly be legally granted such a permit. Now from the . . . point of view, in every situation in the City since I've been a practicing Lawyer with which I have been familiar where a person has not wanted to abide by the instructions of the Zoning Authorities by over a period of time they have been able to get away with it because of various reasons, it is not, I have been on that side more often, I have been on the side of those who have been offended more often than on the side of let's say

those the offenders but on occasions I've been on the side of offenders and I have at times been one of the City Officials that has not acted with promptness with which City Officials are expected to act, this is, you have human beings who are involved in the enforcement of it and you are bound to get some, there apt to be busy at times, there are other reasons why these things are not handled promptly, now assume for a moment that Mr. Brock goes out there on a windy day, now in Dr. Palmieri's letter I noticed where he talked about windy days, now Mr. Parmelee's already modified that because when he was questioning Mr. Brock he says on Substantially windy days so we get into the question is it a windy day, is it a substantially windy day and by the time we resolve this question the day is gone and the next day is a nice day and in the meantime the sand and gravel have been taken out of there on that windy day. The point I want to make is this, that if we restrict Mr. Brock to 6 months let him come in at the end of 6 months and then we will know whether or not he is complying with all of the regulations set, if you give it to him for 2 years I don't know whether or not there will be that compliance, now there are, I am told this, that there is a way of getting out onto Randolph Road it seems to me that Randolph Road would be the best means of, for everybody in the situation to get on to a State Highway, it's a highway that is built for big traffic and for truck traffic and I would suggest that if you Gentlemen seek fit to grant this petition that you consider that I've said about, all I want to say at this time and thank you very much for your attention.

MAYOR ROTH: May I ask you a question?

ATTY. EDELBERG: Yes Mayor.

MAYOR ROTH: Is Prout Hill Road black top?

ATTY. EDELBERG: Yes it is.

MAYOR ROTH: Isn't the danger in traveling on that road downgrade depending on the speed of the truck rather than the mere fact the truck travels down there.

ATTY. EDELBERG: Yes.

MAYOR ROTH: And don't you think the speed could be controlled by proper Police enforcement.

ATTY. EDELBERG: Yes, yes, it could Mayor, but the thing is these trucks carry a big load, they carry a big load and there are such things as brakes not holding, there are mechanical failures in these things, we see them all the time, it's, this would frighten me if I saw trucks going down there constantly with big loads on their back occasionally a truck does go up there I think brings his trucks up there once in awhile, I think he is working on Margarite Road now and he brings some of his heavy equipment up there once in awhile but it is not on a steady basis, an all day long basis.

UNKNOWN SPEAKER: May I ask a question, Harry?

You mention there's an outlet to Randolph Road also.

ATTY. EDELBERG: There isn't any road built out to Randolph Road.

UNKNOWN SPEAKER: There's no road built?

ATTY. EDELBERG: No, but I think that this property of Mr. Brock's fronts on it, I'm not sure I was told this just a little while ago, I'm not sure that it is.

MAYOR ROTH: Could we have that question cleared.

ATTY. PARMELEE: Mr. Brock owns no property adjoining Randolph Road, none whatsoever.

ATTY. EDELBERG: He owns none.

ATTY. PARMELEE: None.

ATTY. EDELBERG: Well I hesitated in saying it positively because I haven't checked it out myself.

COMM. SPEAR: Anybody else wish to be heard at this time?

MR. WILCOX: Mr. Spear I'm

COMM. SPEAR: Will you come up here, Sir, if you please.

MR. WILCOX: I'm Horace Wilcox from Millbrook Road. As Mr. Edelberg brought out this has been up before and there is one point that has never been touched on either at the former hearing nor tonight. If those trucks come out onto Prout Hill Road and down the hill they have got to go over Millbrook Road. Millbrook Road has no base for trucks, the only base there is to that road is rocks and gravel that farmers drew in there 35, 40 years ago and it has been oiled and scraped and when you get some heavy truck traffic over it, your road goes to pieces. I don't recall how many years ago but 7 or 8 years ago there was some tile brought out there and put at the foot of Prout Hill Road. . . . with Millbrook Road and we were promised a new road. On Millbrook Road those tiles stayed there for 3 years and they finally came out there and hauled them away, we still have no new road and I think all you need to do is go out there, travel from well either from my house at the corner of Wilcox Road south or from Randolph Road north or from what we call the Ironpipe Bridge, that's been replaced now north, you'll see that trucks are going to break that up tremendously so that it won't be safe for anyone to drive on. I don't know whether Mr. Brock's reason still prevails, is his reason given in 1957, I think it was he wanted to level the land so it could be sold for building lots. I have no profession, there's no initials after my name but I don't think you have to be an

engineer or a lawyer or anything else to see that all he has to do is to take top soil off from that land and take a bull dozer and fill up the hole and he'll have saleable building lots and he hasn't got to ask permission of anybody because he will be working on his own land.

COMM. SPEAR: Anybody else wish to be heard at this time, oh yes, Miss Gilbert would you state your name please.

MISS GILBERT: Miss Virginia Gilbert, 411 Millbrook Road. Mr. Brock and I have been good neighbors all our lives and back in 1950 when I decided to develop our property I went to him and talked a couple of hours to see if he wanted to go along with me in developing so that perhaps I could put in a road straight across to connect on with some road that he might have and we could plan things out together he didn't seem interested at that time in planning things out together, my mother and I being left alone, together, well I felt that we better go ahead by ourselves which we did and we made what we feel is a very nice development and we are very pleased with all the people in our development. We have very nice homes up there, what bothers me is that I hate to come up and speak against a neighbor who's been a good neighbor for 50 years, I don't mind telling my age I think I'm doing pretty well, for 50 years, but I do want to say this, that I think it is to bad, I sold my lots, my mother and I in good faith to the people they bought the land and thought they were in a strictly residential area they never dreamed that they were going to come in a commercial project that will go on for 2 years and could be renewed to a maximum of 4 years and you know what the big machinery does and all that sand and gravel can fly around. I know you have all this Zoning Code now and Mr. Brock said he will abide by it, I'm sure he will and I certainly hope he will but I go along with Mr. Edelberg first, I'm against this in behalf of the people who have built nice homes and thought they were in a strictly residential area and it is only fair that I support them and I go along that if you must grant this petition that it does seem to me that he could get in there and get busy and do it in 6 months and not cause some discomfort to people who have nice homes and came out and built in what they thought was strictly residential area and would not be disturbed by being in a commercial area. Thank you.

COMM. SPEAR: Anybody else wish to be heard at this time. Nobody else.

ATTY. EDELBERG: Well I think perhaps some of these people ought to get up and state their names and say whether they are for or against. There are alot of people here.

COMM. SPEAR: It is all right, Harry, we will be very happy to have them do that.

MAYOR ROTH: Those that are for.

COMM. SPEAR: Those that are for, please rise.

ATTY. EDELBERG: May we have also, Mr. Spear, their addresses, where they live, when you say who.

COMM. SPEAR: Yes, it's perfectly all right.

MAYOR ROTH: Let them state their name loud enough and clear enough so we can get it.

COMM. SPEAR: So we can get a record, those who are in favor of this petition may you rise and give your name and address.

David L. Dripps, 576 Ridge Road, I'm for it.

Ruth K. Dripps, 576 Ridge Road, for it.

Edward Binke, 25 Fowler Avenue, for it.

COMM. SPEAR: Anybody else. Now those opposed if you will start there and go across the hall.

Michael Salafia, 17 Sunnyslope Drive, Against.

Elaine Miller, 680 Ridge Road, against.

Lena Unger, 688 Ridge Road, against.

Mrs. Louis Hutensky, 700 Ridge Road, against.

John Perry, 67 Sunnyslope Drive, against.

James F. Flowers, 94 Sunnyslope Drive, against.

Charles D. Gibson, 42 Sunnyslope Drive, against.

Mr. Donald Howley, 73 Sunnyslope Drive, against.

Mrs. Donald Howley, 73 Sunnyslope Drive, against.

Dr. Sidney Unger, 688 Ridge Road, against.

Eileen Palmer, Sunnyslope Drive, against.

Marion Palmer, Sunnyslope Drive, against.

William Hutensky, 700 Ridge Road, against.

S. A. Longworth, 672 Ridge Road, against.

Louis Hutensky, 700 Ridge Road, against.

Grace Gronau, 134 Clover Street, against, I lived on Sunnyslope Drive and went through the awful experience.

A. N. Sweet, 720 Ridge Road, against.

George Gibson, 25 Sunnyslope Drive, against.

Harry Edelberg, Prout Hill Road, against.

Horace Wilcox, Millbrook Road, against.

Marilyn Unger, 688 Ridge Road, against.

Virginia Gilbert, 411 Millbrook Road, against.

Betty Gibson, 42 Sunnyslope Drive, against.

Tom Moore, Prout Hill Road, against.

B. B. Fall, 50 Sunnyslope Drive, against.

COMM. SPEAR: Anybody else?

Louis Petruzzello, 444 Millbrook Road, against.

COMM. SPEAR: Has everybody declared that wishes, so we will declare the hearing ended.

The meeting adjourned at 8:25 P.M.

Respectfully submitted:

Barbara Davis

Barbara Davis, Recording Secretary