

Chm. Stephen Gionfriddo, Vice Chm Cos Giuffrida (arrived at 7:25 P.M.), Sec'y Carta(arrived at 7:10 P.M.), Comm Steven Leinwand, William Pillarella, Sebastian Passanesi, Alternates: Stephen Gadowski, Thomas E. Hutton, Richard Thompson, Ex-Officio Mayor Sebastian Garafalo.

Comm Rose Sbalcio, Aternate Paul Parisi and Ex-Officio Dir. P.W. Salvatore Fazzino

Lucas Held, Middletown Press, Jackie Cutler, Hartford Courant, Channel 8 News, Phil Bauer, P. W. and 90 members of the public

Dir. George Reif, Nino Martucci, Planner, Sec'y Hope Kasper

Commissioner Thompson acted for absent Comm. Sbalcio, Comm. Leinwand was designated as Acting Secretary.

Comm. Leinwand

Legal Notice, Middletown Planning & Zoning Commission, Public Hearing May 8, 1985, 7:00 P.M., Council Chambers, Municipal Building, DeKoven Drive, Middletown, CT, to consider: Item #1: Continue the proposed Subdivision Regulations revision.

ITEM # 1: CON-
TINUE SUBDIVI-
SION REGS RE-
VISION

Chm Gionfriddo

Okay, we've all received in the mail a draft from Midstate Regional Planning, their suggested draft of our Subdivision Regulations. The Public Hearing is open for any additional comments. Anyone from the public might wish to make with respect to subdivision regulations, I'd only ask that you not be repetitive of any comments that you might have made in the past. Is there anyone from the public wishing to speak?

Ann Loffredo

Ann Loffredo, Westfield Residents. Do you want us to speak...

Chm Gionfriddo

Is your microphone on, Ann?

Ann Loffredo

Yes

Chm Gionfriddo

Okay

Ann Loffredo

Do you want us to speak tonight on what Midstate proposed or do you prefer that we wait until next week? Has everyone had a chance to review it?

Chm Gionfriddo

What we are intending to do, what I was going to say once we continue the Public Hearing again for one last time, is that we are going to give Staff a period of two weeks to look at the Midstate proposal and to make any suggestions that they might have for improvement, give the Commission an additional two weeks to look at what comments Staff might make and I think some additional changes that Midstate is going to be sending

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Chm Gionfriddo
to us, and hopefully on the 22nd we will have one last Public Hearing
and perhaps, hopefully, on that evening come to some kind of determination,
so....

Ann Loffredo
May 22nd?

Chm Gionfriddo
Yeah

Ann Loffredo
Rather than go into it tonight would you accept written comments from
us?

Chm Gionfriddo
Yes, that would probably be more beneficial.

Ann Loffredo
Fine, thank you.

Chm Gionfriddo
Anyone else from the public?

Ted Jackowiak
Ted Jackowiak, 26 Greenlawn Road, Middletown. Will we have a chance
to review what has been submitted? I have no basis for comment right
now.

Chm Gionfriddo
The only thing I would suggest is there...George (Reif), where could
Ted(Jackowiak) get a copy? Will you be able to make him a copy?

George Reif
Based on some decisions you just made, we will be able....

Chm Gionfriddo
You can get a copy at the Planning Office.

Ted Jackowiak
Thanks.

Chm Gionfriddo
Anyone else from the public wishing to speak?

Kashen Coley
Kashen Coley, Mapleshade Road. I have a question. My comment-I was
going to say the same thing that Ann Loffredo said, 'we have only just
received this, it is very voluminous and we don't have, we have some
initial reactions to certain sections. If we wait and give them next
week-next meeting-and that's your last time, are you going to vote on
it that night? Anything we say next meeting won't really-you won't have
time to reflect on it.

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hm Gionfriddo

I would suggest-you know, I don't know whether we will vote on it next time, my hope is that if it is possible that we will, this has dragged on quite an extensive period of time. My suggestion would be if you have comments that you can make in the interim that you might do like what Ann suggested - put them in writing so that we can get them between now and the 22nd.

Cashen Coley
Okay, thank you.

Chm Gionfriddo

Okay? Anyone else? I have two pieces of correspondence I want to read and then I'll call on Commissioner Leinwand. Okay. The first one is addressed to me as Chairman and states, 'I respectfully request the following comments that I make regarding the proposed Subdivision Regulations be read into the hearing record. 1.-Proposed Section 3.2.08 - Definition of Streets - The bottom line of the proposed changes is that the Commission is trying to improve some misinterpretations that have been made in the past. I do not recommend to the Commission that they make any changes to the existing regulations as it applies to the length of streets and boulevards. A street is a street. To allow a longer dead-end street just because it has a strip of land in the middle, does not shorten the distance which emergency vehicles have to travel. The lengthening of the current dead-end street limits will just exacerbate the problems which these vehicles will have to travel to give the assistance that is necessary. I call your attention to a PRD currently in a southern section of town, west of Route 17, this PRD has proven to be a great asset to city planning. The streets in this development have reached about the logical limit that a dead-end street can and still allow for a person or emergency vehicle to find his or its way out. The Commission is now proposing to expand this an inordinate amount provided that a strip of land is maintained between the in and out lanes, it still is a dead-end street and should not be encouraged by the Commission. The proposed subsection E borders on the absurd, there are no safeguards built into this proposal, a developer could come in and propose a 3,000+ foot long street, provide a beautiful turnaround will revert to the abutting landowners, build the development and then disappear. The Commission would be obligated to approve this 3000 foot dead end street. You may say that this can not happen. This proposal is not clear. The intent may be one but the outcome may be very different. The Commission should not approve this subsection. Article VIII-Waivers Sections 8.0, 8.1 and 8.2 - I strongly ask that the Commission look carefully at this entire proposal. Any developer should be able to develop his property if it is in the proper zone and if it meets the Zoning Regulations. That is the purpose of the Regulations. Every decade the Town Plan of Development is supposed to be updated. The Planning arm of the Commission looks at the town and along with public input develops and fine tunes this plan. Based on this plan, the Commission is supposed to develop Regulations that provide for the implementation of this plan. Here, in Article 8, the Commission is throwing all of this Planning out of the window. They say that it requires a "three quarters vote", that "the conditions of these regulations be waived without IMPAIRING the integrity of the Zoning Regulations", and "The Commission shall review and waive, but not be limited to the following". What you are saying is that yes, you need to convince three quarters of the members present but you or they can do anything and everything opposite from these regulations.

Chm Gionfriddo

There really are no parameters to guide the Commission. It is entirely up to the feeling of the Commission. Certainly, this cannot be considered proper planning. It could very easily result in some very inappropriate developments. This proposed section no longer borders on the absurd. I appreciate this opportunity to address this Commission. Very truly yours, William Wamester'. One last one addressed to me as Chairman. 'I respectfully request the following comments that I make regarding the proposed Subdivision Regulations be read into the hearing record. The question does arise as to which proposed Subdivision Regulations the Commission is proposing to consider and adopt. I have seen those composed by the department staff and now there are those proposed by Midstate Regional Planning Agency. I won't reiterate my previous comments regarding those proposed by the department's staff. Also, I have the following comments regarding those proposed by Midstate Regional Planning, Section 4.04.03-Cul De Sac - Dead-end Streets-if an expansion would result in a through road than there is no cul-de-sac and its link becomes moot. If the road will become expanded in the future it should not exceed 800 feet in length when initially approved by the Commission. What we anticipate seldom occurs; what we least expect generally occurs'. 2.-Sect. d04.04.04 Sidewalks - The Commission has worked diligently to have sidewalks required in subdivisions. The words 'when deemed necessary' should be deleted. Respectfully submitted, William Wamester'. Councilman Leinwand, uh, Commissioner Leinwand.

Comm Leinwand

When you -- I would submit to put the issue of Subdivision Regulations on the Agenda as Item 6.5 under Old Business to at least review the five points that we got tonight.

Chm Gionfriddo

How about 7.5 under New Business?

Comm Leinwand

Fine

Chm Gionfriddo

Was there a second to the motion? Any discussion? All those in favor? Any opposed? That will be Item 7.5 and we will continue the Public Hearing until the next meeting. Commissioner Carta is now present, Comm. Thompson is still sitting for Comm. Guiffreda, Comm. Gadowski will now sit for Comm. Sbalcio and Comm. Hutton is back to alternate. We will go to Item #2 on the Public Hearing

Comm. Leinwand

Item #2: Subdivision of two new lots on Arbutus Street owned by E. Baldwin.

E. Baldwin

I want to make a new lot on a piece of property that I own out there for my son to build a house on. It has 200 foot front and meets all the requirements.

Chm Gionfriddo

Members of the Commission have any questions that they wish to address to Mr. Baldwin?

Comm. Leinwand

George(Reif)Are there any department comments on this?

ITEM #2: SUB
DIVISION/AR-
BUTUS ST/E.
BALDWIN

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Mr. Reif

we had those the last time. The key department will be the Health Department since there is no water and sewer. They say, 'lot #1, existing dwelling okay, lot #2, soil evaluation complete and approved'.

Comm. Leinwand

So this is as simple as it looks.

Mr. Reif

Yes.

Chm Gionfriddo

Are there any other members of the Commission who wish to ask any questions? If not, thank you. Any member of the public wishing to speak in favor of this proposal? Any - whoops - somebody's coming?

Milo Wilcox

Yes, Mr. Chairman, Milo Wilcox. We live directly across the street from the proposal and we have no objection, we support it.

Chm Gionfriddo

Thank you. Anyone else wishing to speak in favor? Any members of the public wishing to speak in opposition or raise any questions? If not, we'll close the Public Hearing and entertain a motion to make this Item 7.6. Motion is seconded. any discussion? If not, all those in favor? Any opposed? Motion carries, we will move onto Item #3 on the Public Hearing.

Sec'y Carta

Item #3: Zoning Code and Subdivision Regulation Amendments to include State requirements for Soil Erosion, Sediment Control Act PA 83-388, Proposed-proposal filed in Town Clerk's Office, Proponent Planning & Zoning Commission

Chm Gionfriddo

I guess George(Reif), would you like to briefly, for the public, state what..Nino?

Nino Martucci

Okay. Back in 1983 the State Legislature passed the Public Act 83-388 which is entitled, 'An Act Concerning Soil Erosion and Sediment Control'. In essence, what it wants is that by July 1, 1985, our regulations must contain, shall require that proper provision be made for soil erosion and sediment control to a soil erosion and sediment control plan be submitted with any application for development when the disturbed area of such development is more than one-half acre and 3.- the Municipality of the soil and water conservation district shall certify that the plan complies with regulations adopted pursuant to said sections. This became effective in 1983 but in July 1, 1985 the sections 5 to 8, those were the sections that set the standards for soil erosion and sediment control. So, there was a committee known as the Connecticut Council on Soil and Water Conservation that developed model regulations that can be applied, so what we did at the Planning Office Department was to get-use these-use this model and we applied it to our regulations and a copy has been sent to everybody and a copy is on file with the Town Clerk for the last two weeks. So, we are mandated by the State in order to do this.

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Chm Gionfriddo
Thank you, Nino(Martucci)

Nino Martucci
Just one - I would like to say just one thing. Since this has to be both in the Zoning Regulations and the Subdivision Regulations we can have a Public Hearing and sort of split it and listen to both and if you make any decision you can hold up the one on the Subdivision Regulations and we can include those in whatever we come up with in the next two weeks.

Comm. Leinwand
To the chair. Couldn't we approve this tonight or in two weeks for both the Zoning Code and the

Nino Martucci
Yeah, allright

Comm. Leinwand
....and the present Subdivision Regulations have it in and simply see that it gets transferred.

Nino Martucci
True, yes.

Comm Leinwand
The thing here about 'shall become effective on July 1st, is that because you can't make it effective prior to that?

Nino Martucci
Public Act 388 specifically states.....

Comm Leinwand
On or before or after?

Nino Martucci
It states that this action takes effect October 1, 1983. except that Sections 5 to 8, inclusive, shall take effective July 1, 1985 and that, these, are the Sections that concerning the standards that you set in your two Codes. Now to give you further bit of information, which we have been following, is that there is a bill in the Legislature today that hasn't been approved, I don't know how far it has gotten to, where they are extending this date to July 1, 1986.

Comm. Leinwand
Is that permissibly?

Nino Martucci
Shall. Shall means it is mandatory.

Comm Leinwand
We have to do it, yes, but is there anything to prevent us from putting this into effect effective

Chm Gionfriddo
It says shall become effective....

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ino Martucci

I can't see any reason why you can't do it beforehand, but it has to be in effect by July 1.

Comm. Gionfriddo

What was the exact wording you just said? 'shall become by or on?

Nino Martucci

Shall be - shall take effect July 1, 1985.

Chm Gionfriddo

That's it. Then that is July 1, 1985, is the date you can't do it any sooner.

Nino Martucci

All right.

Chm Gionfriddo

It says shall take effect on so, that's the date. Okay? That's the date. If you don't have an enabling statute then you don't have the power to do it, do you?

Mr. Reif

Incidentally, we have something very similar to this now, nobody ever objected and this is a refinement.

Chm Gionfriddo

Is there any member of the public wishing to speak in favor of this proposal? Any member of the public wishing to speak in opposition to the proposal or raise any question or discussion? If not, we will close the Public Hearing on 2.3, I don't think we want to put it on, we'll leave it to the next meeting, put that on for old business the next Agenda, George(Reif). We will move to Item #3, Discussion with Public concerning topics that are not or have not been the subject of a Public Hearing.

ADJOURNMENT

Transcribed by

Dorothy Wilson