

COMMISSION ON THE CITY PLAN AND ZONING - PUBLIC HEARING - WEDNESDAY -  
MAY 12, 1971 - 7:30 P.M. - MUNICIPAL BUILDING - COUNCIL CHAMBER -  
DEKOVEN DRIVE - MIDDLETOWN, CONNECTICUT

Edward F. Button, Chairman  
Robert F. Chamberlain, Vice-Chairman  
Phillip C. Alexander, Secretary  
David B. Mylchreest  
Seb Passanesi

COMMISSION  
MEMBERS PRESENT

Frederick Congdon, Alternate

Salvatore Lisitano, Alternate  
Joseph P. Otfinoski, Alternate

MEMBERS ABSENT

George A. Reif, Director  
William M. Kuehn, Jr.  
Althea Rinaldi, Recording Secretary

STAFF

Attorney Joseph G. Lynch, petitioner for  
Edward Baldwin  
Nicholas Misenti, Deputy Director of Public  
Works  
Three members of the public at large.

OTHERS PRESENT

The hearing began at 7:30 P.M.

CHM. BUTTON: We will open this hearing. The  
Secretary will read the agenda.

SEC'Y. ALEXANDER: This is a legal notice that  
appeared in the paper. The Middletown Commission  
on the City Plan and Zoning will hold a public  
hearing on May 12, 1971, starting at 7:30 P.M.  
in the Council Chambers, Municipal Building,  
Dekoven Drive, Middletown, Connecticut, to re-  
ceive and hear proposal for:

1. Application for Text Amendment to the Zoning  
Code to provide a formula so that individual  
lots, in an R-1 Zone, without City water and  
sewer facilities may be acceptable as residen-  
tial building lot with a width less than  
200 feet. The formula proposed is:

TEXT AMENDMENT TO ZONING  
CODE PROPOSAL LOT WIDTH  
R-1 ZONE

$$\frac{200 \text{ ft.}}{\text{Lot width}} \times 40,000 = \text{Min. lot area in sq. ft.}$$

The minimum lot frontage would be 100 feet.

Interested persons may appear and be heard.  
Edward F. Button, Chairman  
Commission on the City Plan and Zoning

CHM. BUTTON: Do you have any literature or infor-  
mation?

SEC'Y ALEXANDER: Yes, I have correspondence here from Midstate Regional Planning and from Central Connecticut Regional Planning Agency.

LETTER FROM MIDSTATE  
REGIONAL PLANNING AG'CY

Midstate Regional Planning Agencies, there reference to change :

1. Formula for an individual lot with less than 200 feet frontage without sewer and water be acceptable as residential building lots.

Findings and recommendations:

Provided the proposed amendment is applicable only to individual lot. To resolve problems caused by specific circumstances relating to such lots and is not intended as a method of development. The proposed amendment is not of regional significance or in conflict with the adopted zoning regulations of abutting communities.

Following observations is of a technical nature relating to the proposed formula. A lot 100' in width would be required to have a depth of 800' to meet the expanded area requirements. Such a lot would be grossly exaggerated and would have a frontage to depth ratio of 1 to 8 as compared to desirable ratio of around 1 to 2. The formula therefore, would be most applicable to those lots which have frontages of between 150' and 200'.

CHM. BUTTON: Excuse me a minute, I'd like to presume to...ask Mr. Lynch a question here if I may...Joe. Provided the proposed amendment is applicable only to individual lots to resolve problems caused by specific circumstances relating to such lots and is not intended as a method of development doesn't seem though that would be according to Hoyle.

JOESPH LYNCH: Well, you might get into a problem with respect to .....

CHM. BUTTON: Spot zoning or Zoning Board of...

JOSEPH LYNCH: Although you still would be able to handle the application for the typical one lot subdivision that Mr. Baldwin has been bring in here for years.

CHM. BUTTON: I don't think that is...It doesn't seem though as it is a legitimate criticism on the part of the Midstate. That's what I'm trying to say. It looks as though this type of thinking would be somewhat in conflict with the real role

of Planning and Zoning Commission.

JOSEPH LYNCH: So...Well, that may well be so.  
I agree with that.

CHM. BUTTON: I'm asking you....

JOSEPH LYNCH: Yes, I think you're right.

CHM. BUTTON: Right, on that. O.K. Joe...

SEC'Y ALEXANDER: On the same subject from the  
Central Connecticut Regional Planning Agency  
a letter dated April 13, 1971. It is written  
to Mr. George Reif. It says:

LETTER FROM CENTRAL  
CONNECTICUT PLANNING  
AGENCY

Dear Mr. Reif:

Zoning referral MD-6 involves several changes  
in Zoning Regulations for the City of Middletown,  
only one of which item #2 is of possible interest  
to the Agency.

Item #2 is a Text Amendment providing for  
acceptance of residential building lots of  
40,000 sq. ft. minimum size which are under the  
width requirement of 200' and are without City  
water and sewer.

It is the opinion of the CCRPA staff that this  
referral is of no regional significance.

Sincerely,  
Joan V. Cobb, Regional Planner.

CHM. BUTTON: Any others?

SEC'Y. ALEXANDER: No, that's all.

CHM. BUTTON: O.K. Mr. Lynch.

JOSEPH LYNCH: My name is Joseph G. Lynch. I'm an  
attorney. My client here is Edward Baldwin of Arbutus  
Street, who owns a considerable number of acres in an  
R-1 Zone which is affected by the proposed amendment.  
Mr. Baldwin has lived in Middletown all his life, as  
did his father before him. They, as a family have...  
that is with their family business have developed a  
very substantial number of homes in the area. I  
think Linus Baldwin, Ed's father was the general  
contractor on the Woodrow Wilson High School. This  
proposed amendment affects them with respect to  
their long term family planning, as it has now come  
in conflict with town planning or city planning of

the City of Middletown.

I'm sure all of you gentlemen are familiar with the way that my client Mr. Baldwin has proceeded to develop his acreage out on... off Arbutus Street. Almost all the lots out there are 100 ft. lots. It represents probably as high quality housing area and high quality construction as there is in town and the 200' restriction has (inaudible) substantial hardship on Mr. Baldwin. I did submit to Mr. Reif a statement or petition, not really a petition. I'll read it into the record and ask that the original document be included in the record.

STATEMENT FOR RECORDS

"We, the undersigned, live on Arbutus Street in Middletown, Connecticut in the vicinity of that parcel of land which Edward L. Baldwin and Winifred R. Baldwin (I forgot that Mrs. Baldwin has a title interest) have proposed for a one lot subdivision and which does not have two hundred (200') feet of frontage on Arbutus Street. (Now this deals with a specific lot which Mr. Baldwin contracted to sell and then was told properly by the Building Authorities that it did not comply with the Zoning Ordinance because it had a 100 ft. frontage.) We have no objection to this one lot subdivision and in fact we are in favor of same. We further state that, on the basis of our own experience we foresee no drainage problems and no health problems whatsoever." This is signed by everybody who lives on Arbutus Street.

Now that petition is addressed to only one lot drawn sometime ago with respect to a specific problem. Tonight you're considering a broader amendment of your regulation and submit that. The 40,000 sq.ft. requirement with a 100 ft. frontage is not an unreasonable one when you bear in mind that with respect each lot must receive the approval of the Health Dept. with respect to the fact that a private well and private septic tank sewage system must be installed. With respect to any lot if there is a problem, it cannot be built upon. I can give you some examples although financial hardship is not a primary consideration for your Commission. Mr. Baldwin has a piece of land in this zone on Kelsey Street which has a 450 ft. frontage and comprises between 5 and 6 acres. Under the present ordinance he can only build one house on that tract of land. The cost to the homeowners of that land makes it almost uneconomical.

CHM. BUTTON: How much frontage you said it had on it?

JOSEPH LYNCH: 350, excuse me. 350 ft. This is a prime example where feet could divide that into two lots. It would be the 40,000 sq. ft. for each of them and assuming again that the Health Dept. found that the septic tank system was a one that would be adequate and that a well could be built...drilled there. Not contaminated by a system. This is the sort of example and there are others in the area that indicate that this proposed amendment is an area where the Commission might well be advised to allow less than 200 ft. and of course our preference would be the 100 ft. frontage-40,000 sq. ft. minimum. Seems reasonable although bear in mind that even under exaggerated example of the 80,000 sq. ft. lot it might be found by the Health Dept. that a proper septic tank system could not be developed and therefore a house could not be built. It doesn't seem to me that it is necessary for me belabor various examples before this Commission which has heard this question many times. I have, my client here and I tender him to the Commission for any questions that anyone has. Thank you.

CHM. BUTTON: Do you have any specific suggestions? You know the nature for the ruling that we have obviously and a...

JOSEPH LYNCH: I understand the basis for the rules. That in area where there is neither public water nor public sewer the Commission felt that a 200 ft. front requirement was necessary, and I assume that the basis for this was sanitation.

CHM. BUTTON: That's right. Public Health

JOSEPH LYNCH: Public Health. I would simply point out to the Commission that it might well be that a lot with a 250 ft. frontage would be one that could not pass the sanitation test, and I wonder if you might consider that the dimension isn't really the essential consideration but more properly whether or not on a specific lot a healthful water and sewerage proposal situation can be arrived at.. That's a health consideration. Now this is your highest residential zone. I submit that a 100 ft. frontage is not a puny lot. There has been a lot of agitation with respect to the diminishing supply of land for residences of the local real estate board put out a publication to that effect and maybe the primary consideration with respect to lot sizes should be sanitation and query whether or not that ultimate decision should be made by the City Plan Commission or the Health Dept. That's just my personal thinking on the subject.

CHM. BUTTON: Anyone else wishes to speak on this matter? Have you anything to add Mr. Baldwin?

MR. BALDWIN: My name is Edward Baldwin, Arbutus Street. Years ago when people come out to pick a piece of land to build on we would let them go pick out where they wanted to. Most of land out there runs from 5,6,7, 800 and 900 ft. deep. But at that time we were running 100 ft. frontages so when we built a house we'd leave like 135 between the next house. Besure that we had enough and now I have quite a few pieces of land that are 135, 140, 120 by 5 or 600 ft. deep, or the 40,000 sq. ft. We have plenty of depth to make up the sq. footage. But they're choice lots in...

CHM. BUTTON: On that particular one you have in question 100 ft., how deep is that one?

MR. BALDWIN: That was only 230, but I can... my sisters own in back and I can pick up....

MR. BUTTON: I'm not asking that I just...

MR. BALDWIN: No, but I can pick up to make it 40,000 ...pick up enough for additional depth, on that one, but all the rest of them have anywhere from 5 to 900 ft. depth.

CHM. BUTTON: I, I wonder in my mind whether or not you know in the future it might be more expedient to submit actually subdivision.

MR. BALDWIN: It probably would, but in the way...

CHM. BUTTON: Now, if this had been a subdivision it would have been on file. You would have any... problem.

CHM. BUTTON: Well, 22 years ago I started out there, and I've only built 8. 8 houses in 22 years in... and I could have taken both sides of the road for half a mile and blocked them off to 100 ft. by 200 whatever the law was, but I..this is the way we developed it and we don't move into a piece of property overnight and put it up and then get out of there. This is what my grandfather did, my father and we're doing...trying to make a nice area in Middletown but we are stuck with a few pieces.

CHM. BUTTON: The same laws that bites you now are laws that protect you if you use them in the right way in the

beginning. You think about that in the future, you know.

MR. BALDWIN: I could go there now and put all the ones I have now under it to get the 40,000.

CHM. BUTTON: Well that's something for you to determine...legal council, but it's a question that we wondered about.

MR. BALDWIN: Between my house and the next house up the road is 450 ft. in frontage on the road by 700 foot and actually have only two building lots on that. This acreage you just have two houses on this and what I'm getting at is one of the highest points in Middletown. I have never had any drainage problems, it's very good septic tank field country and in fact Kelsey Street is one of the highest points in Middletown. That piece that Mr. Lynch, that 300 by 900...you know the power line crosses...that high pump up there runs off way back to the powerline. It's gravelly and brownstone. We never had a bit of trouble. Any tank that we've put in on sewerage ground, and good water. Thank you.

CHM. BUTTON: Anyone else wishes to speak on this matter ...subject? Mr. Misenti, do you wish to add anything to this?

MR. MISENTI: No.

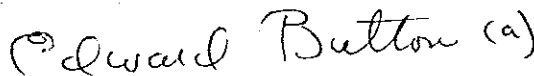
CHM. BUTTON: I now declare this hearing closed.

The hearing adjourned at 7:45 P.M.

Respectfully submitted:



Althea Rinaldi  
Recording Secretary



Edward Button, Chairman