

CHM STEPHEN T. GIONFRIDDO, VICE-Chm., Cos Guiffrida, Sec'y  
Louis Carta, Steven J. Leinwand, Paul P. Parisi, Rose Scalcio,  
and alternate Thomas E. Hutton, Jr. and Director P.W.,  
Salvatore Fazzino, Ex-Officio. COMMISSION  
MEMBERS  
PRESENT

Mayor Sebastian J. Garafalo, Ex-Officio; Sebastian J.  
Passanesi and Alternates Paul H. Bixby, Stephen Gadomski,  
Thomas J. Serra. MEMBERS  
ABSENT

Commissioner Hutton acted for absent Commissioner Passanesi  
ACTING  
MEMBERS

Director George A. Reif, Hope P. Kasper STAFF

Lucas Held, reporter for the Middletown Press, Rick Webster,  
reporter for WCNX, and approximately 119 members of the  
public. OTHERS

#### SEC'Y CARTA

THE MIDDLETOWN PLANNING AND ZONING COMMISSION WILL HOLD A  
PUBLIC HEARING, MAY 23, 1984, 7:00 p.m., IN THE COUNCIL CHAMBER  
MUNICIPAL BUILDING, deKOVEN DRIVE, MIDDLETOWN, CONNECTICUT  
to consider the following: PROPOSED  
198 SO. MAIN  
TO PROF. &

1. Proposed special exception to permit professional & business  
offices located on 198 South Main Street in an R-3 zone. BUS.OFF'S.  
Agent/applicant Ronald E. & Rosalin F. Dunn/Atty. Philip Karpel.

The above legal notice has appeared in The Middletown Press  
twice May 11, 1984, Friday and May 18, 1984, Friday.

#### ATTY KARPEL

Mr. Chairman, ladies and gentlemen, members of the Commission.  
My name is Philip Karpel, I'm an attorney, residing in Middletown  
and I practice law in Middletown. I'm here this evening representing  
Ronald and Rosalin Dunn in connection with their application to convert  
to use of property at 198 South Main Street from its present use as  
apartments to business offices.

If you have the application before you and have had a chance to review  
it, my comments can briefly summarize the contents of that application.  
You may recall, those of you who were on the Commission in November,  
1982, that this identical proposal was brought to you by the land-  
owners who then were and still are Andrea Fosler and Elaine Bank  
and you approved that application. However, Andrea and Elaine elected  
not to locate their business at that site and therefore they never  
applied for building permit and under our regulations after one year  
the special exception that you granted to them expired and so there-  
fore in order for Ron Dunn to now use this property for business  
purposes, it's necessary to seek a new special exception for that use.  
It is his intention as indicated in the application to relocate his  
existing insurance business from Washington Street to that site. I  
believe that comments from the various agencies are in as of this

ATTY KARPEL CONT'D

evening and I would ask after I've answered any questions you might have if it would be possible for the Commission to take a vote on this application this evening possibly now or later under new business, if either are appropriate. If you have any questions I would be happy to address them.

CHM GIONFRIDDO

Are there any questions from any commissioners? If not, thank you, Phil. It's probably the shortest one you will be involved with. Oh, and the next one. Are there any members of the public who wish to speak in favor of this proposal? Are there any members of the public who wish to speak in opposition? If not, we will close the public hearing and I'll entertain a motion to put it on the agenda.

COMM. LEINWAND

Mr. Chairman I would move that the proposal be Item 69 under new business..

CHM. GIONFRIDDO

Is there a second?

COMM. SBALCIO

Second.

CHM. GIONFRIDDO

Any discussion? If not, all those in favor? Any opposed? (Vote was unanimous) That will be number 69 under new business. Read number 2 please.

COMM. CARTA

Number 2. Proposed re-sub-division to create one additional lot on SUBDIV. PROPOSED RE-  
the easterly side of Ridge Road in an R-1 zone. Applicant/agent, E. RIDGE  
E. Leroy Brock, attorney Philip Karpel.

ATTY. KARPEL

Again Mr. Chairman for the record, my name is Philip Karpel. I'm an attorney representing Mr. Brock in connection with his application which is to seek permission to create one additional lot to technically become either a sub-division or a re-subdivision. Its immaterial for my purposes which it is called because Mr. Brock previously cut another lot out of the larger parcel from which this lot is now coming. If you reviewed the map you would see that there is approximately 15 acres which Mr. Brock owns and this parcel is coming from it. His remaining land will still allow him frontage on Prout Hill Road and I think I indicated to you at the preliminary hearing on this matter that its unlikely, at least in the near future, that additional land would be developed. It's basically pasture land and would need significant planning in order to be developed further. So all he's looking for is to develop the lot that is on the easterly side of Ridge Road, which is not bothered by wet lands or any environmental problems as an add'l. building lot. The proposed lot meets the current regulations with respect to area and frontage. I would also ask if this matter is as routine as I would hope that the commission entertains taking action on it this evening under New Business.

CHM. GIONFRIDDO

Are there any questions from any members of the Commission for Attorney Karpel? If not, thank you. Are there any members of the public who wish to speak in favor of this proposal? Any members wish to speak in opposition?

MR. DREHER

Walter Dreher, 67 Sunnyslope Drive. It's not either for or against. My question is how many square feet are in that lot?

CHM. GIONFRIDDO

15,000.

COMM. CARTA

15,025. something.

MR. DREHER

Just over?

COMM. CARTA

Correct.

MR. DREHER

Thank you.

CHM. GIONFRIDDO

Is there anyone else wishing to speak on this proposal in opposition? If not we will close the public hearing. We will entertain a motion to place this on record.

COMM. SBALCIO

I so move.

CHM. GIONFRIDDO

Is there a second?

COMM. LEINWAND

Second.

CHM. GIONFRIDDO

All those in favor? Any opposed? (Unanimous approval). That will be Item 6.10.

ITEM 3.

COMM. CARTA

Item 3. Proposed 3 lot subdivision located on the corner of Bartholomew and Chamberlain Hill Road in an R-1 zone. Applicant/agent Carol & Ann Bonalsky and L. W. Bonalsky.

PROPOSED 3  
LOT SUBDIV.  
BARTHOLOMEW  
& CHAMBERLAIN  
HILL RD. R-1

BONALSKY

My name is Leonard Bonalsky and I represent my mother and my wife in the subdivision application. I believe that before you you have the subdivision map that was submitted to you people and reviewed by the Public Works Dept. and the Health Dept. I believe that the subdivision map is substantially correct as per the town's specifi-

cation for a 3 lot subdivision. The Health Dept. - I have to have a septic and a well system out in Bartholomew. The Lot #2 system is in the department's hands at this particular moment and being reviewed by them and Lot #1 has the engineers who are Hurlbert and Hallisey working on the next septic system. What I'm looking for is an approval for the 3 lot subdivision subject to, of course, obtaining a building permit, meeting all the rules and regulations for the Health Dept. for subsurface septic system and well.

CHM. GIONFRIDDO

Do any members of the commission have any questions of Mr. Bonalsky? George, do you have any?

DIR. REIF

I have a letter from the Health Dept. The two proposed lots have been tested for suitability of installation of septic system. The sites were found to require engineering. We are in receipt of preliminary plans and anticipate that final plans will be submitted shortly. That means that the soil is questionable on the two smaller lots and will not suffice to have the standard system. It has to have an engineered system and in the process I am told the reason we think this time it will be approved

COMM. LEINWAND

What's this point about Lot #1 having Inland wetlands on it?

DIR FAZZINO

It does have them on there.

MR. BONALSKI

May I just comment on that? Again, it does, the comment does state that it does on Lot #1 which is a 2 acre lot down in the valley does have inland wetlands when you do superimpose it from your inland wetland map. This is far below where the house and septic field will be above and that will be taken into consideration on the design of the system so I think what it does is just indicate that there is inland wetlands and the engineers have got to be concerned about where they place their septic systems on there.

COMM. LEINWAND

George, when wetlands are involved haven't we normally requested that that be shown on the map? And in those cases that there be a line that shows where and where not a house can be placed.

DIR. REIF

I'll answer the first part first. We have a map a city map that shows there are wetlands. The next part depends on the circumstances whether or not you require a site plan before you get approval. Here the wetlands is just part of it. It would also appear that the wetlands should be consulted.

COMM. LEINWAND

I'm simply saying that for the protection of everyone we have generally had a dotted line on the subdivision maps to depict the area in which one can and cannot construct a building.

A part of your septic system will require on location so your right there is double reason.

CHM. GIONFRIDDO

Are there any other questions? Mr. Carta do you have any?

COMM. CARTA

No, actually I was just following up on what Steve said as a recommendation to you that it is so. We need to have it well delineated on your lot. At least as far as that is concerned, I think, perhaps most of the other commissioners will agree, so that when we approve the lot if we approve it, that we know that a house and septic system will work without actually infringing on the wetlands or you can go before the inland wetlands and make application to have the wetlands either removed or allow to do certain things which that commission will determine.

MR. BONALSKY

OK. When the testing was done, when the perk tests were done, the wetlands were taken into consideration. And actually the wetlands is on a lower section than the house and the septic is much higher, so that was taken into consideration and it will once the design is finalized.

COMM. LEINWAND

OK. Thank you.

CHM. GIONFRIDDO

Any other questions? If not. Thank you. Anyone in the public wishing to speak in favor of this proposal? Is there anyone here who would like to speak in opposition to the proposal? If not, we'll close Item 3.

ITEM #4 has been withdrawn until a later meeting, so we will move on to Item #5.

PROPOSED SP. EXCPT.  
CARE/NURSING HOME  
BOSTON RD/WASH. ST

COMM. CARTA

Item #5. A Zoning Map proposal to rezone an area of land from R-1 (Restricted Residence) to RR (Rural Residential) bounded by Randolph Road, Route 155 on the north, South Main Street, Route 17 on the west, Route 9 on the east, and Municipal boundary with Durham and Haddam on the south.

ZONE MAP-  
R-1 to RR  
RANDOLPH RD  
RTE 17  
RTE 9  
Durham/Haddam

CHM. GIONFRIDDO

Just for those of you who have never been here and aren't really familiar with the way these things operate, what we are going to do first is I'm going to let George explain a little bit from the staff point of view what we are talking about and then I'm going to ask those who want to speak in favor of this proposal to come up and identify themselves and say what they wish to say and then those who wish to be in opposition. The only thing that I would ask is that I know that a lot of people here would like to speak

CHM. GIONFRIDDO CONT'D

on this, it probably is going to be a very lengthy public hearing, so what I'm going to request is that we cooperate with one another and try to keep the applause and/or cat calls of those whose opinion we don't agree with down so that we can move on. There is other business we have got to do this evening besides this public hearing. Your cooperation would be appreciated. I've been known to get testy and gavel people out of order when it gets too late so I'd rather not do that. George, why don't you give us a little overview of what we're talking about before we

DIR. REIF

All right. The first item that's essential that we get on the record is the fact that because this territory is contiguous to another municipality we have to have a report from the Midstate Regional Planning Agency. I asked that agency for a report and they have filed this letter which will have some impact on tonight's meeting. "Thank you for referring the above referenced matter to the Midstate Regional Planning Agency for review. The proposed change was received after the Agency's May meeting. Therefore we wish to request that the hearing record be kept open to enable MRPA to submit comments on this item after its June 5, 1984 meeting. Should you have any questions on this matter, please feel free to contact me. Very truly yours, James F. Dunn, Asst. Dir. of Comprehensive Planning for Midstate Regional Planning Agency. So automatically I believe you're going to keep the public hearing going to get their report. In addition to that, I have on display a number of maps which you can see by looking at, they include the zoning map of the city, the land use map of the city, and some other things that seemed pertinent, including a detailed map of the area that you're concerned with. In order to get started and give some frame work for what we are going to be talking about, it will be useful to take a look back at zoning and planning in Middletown. Some of you may recall when others may not know, Middletown got started in zoning in 1926 and it didn't get around to Planning until 1930. It's not an unusual situation. Many American cities in the mysterious relationship between planning and zoning is still a current topic of discussion in 1984. As a matter of fact the state statutes still allow separate zoning commissions and planning commissions. So back in 1926 a zoning map and regulations were adopted from the point of view of the status quo of the day. The zoning map was in reality a land use map which showed areas where the major land uses were. It showed where commercial areas were, where residential areas were, and industrial areas. For all the areas that weren't in use were simply zoned for the highest category of residential use. We'll move now up to 1944 when a zoning study was made by Lawrence Moore of New Haven. Mr. Moore was a town planning consultant. He said in a report which I happen to have here, "One of the difficulties in the present zoning regulations of Middletown, is the fact that virtually the same provisions apply to properties in the heart of the city as to those in the completely rural sections." In other words he noted in 1944 that everything that wasn't being used was zoned in the same category of residential zoning. Zoning in Middletown

DIR. REIF CONT'D  
reached a point where a major change was made in 1969. Essentially what they did was to eliminate strip commercial development along the major highways. Some of you may remember that awesome effort that was made back in that year. As late as 1969 there appeared to be no evidence of an interest in an environmental issue here. Neither the zoning map nor the plan of development showed such things as stream belts. Because of that lack, when I arrived I asked the soil conservation service to provide a stream belt map of the entire city. The study was finished in 1972. An area of particular significance was the Sumner Brook drainage basin which includes most of the area we are talking about rezoning tonight. The original map from that stream belt study of Sumner Brook is one of the boards here. The area obviously has many environmental problems. Poor soil, surface drainage, steep terrain, all of which call for some different designation than the other parts of the city that have different features. Slightly larger building lots in the area are certainly a logical step even if 40 years have passed since Mr. Moore noted that zoning was virtually all the same in Middletown. Now, on this panel here, I believe, is a map that shows the detail of the area we are concerned with tonight. It shows soil types. There is another map below the easel that was prepared by the Health Dept. and by looking at the soil types its clear that most of the soil in the proposed rezoning area are very poorly drained and are not suitable for on sight septic systems. We have one example which has not been acted on by the commission for a lot of the required minimum size of 200 feet of frontage and twice as big as the required 3000 acres, failed to meet the health department's requirements and they had to move the line and make it 3 acres and increase the frontage from 200 to 300 feet and just about made the requirements for off sight or on sight septic systems. Problems in terms of soil and drainage, old roads, & the problem is the area has only modest amounts of development, country roads, roads are very dangerous, prone to accidents, and an unfortunate event happened only yesterday. Yet it has unique features that make it qualify for some other zoning than the same zone as the rest of the town. So there is some basis for your consideration.

CHM. GIONFRIDDO

Thank you, George. We are now going to open the public hearing to those who wish to speak in favor of this proposal. If you would come up and identify yourself and give your address.

Sheila Stoane  
Good evening, ladies and gentlemen. My name is Shiela Stone. I live at 435 Kelsey St., Middletown. I feel that I represent the overwhelming majority of people who live in the South Fire District. When I express our desire to change the zoning of the area where we now live to Rural Residential because that is what the area is. Rural and Residential. A zone change of the area where we live is, in reality, not a change at all it is simply an attempt to help maintain the existing neighbor's character. Over the years the nature of the South District has changed from farming to a comfortable mix of farming and low density housing. This is the reason that the area is a favorite Sunday drive for many and the reason that many of us chose to make

SHEILA STOANE CONT'D

our homes here. I personally decided to settle in Middletown because as we were passing through the city we fell in love with these specific features. The requested zone change is an attempt to maintain this basic quality. To have people come in and divide up the land and create high density housing for profit without a consideration for the basic character of the area and the wishes of almost everyone who makes his or her home there would be wrong. We don't want to prevent all further development of our area, but rather to control it so that the communities qualities will not be drastically altered. The requested change would not have a global effect on Middletown since this would only be the second area in the entire city with this designation. Because of this the balance of the city would not be altered. We feel that a good balance between land development and open spaces is important and can be maintained by proper planning now for the long term growth of our city. Thank you, Gentlemen, for permitting me the voice of concern.

CHM. GIONFRIDDO

Thank you.

MR. REYNOLDS

Mr. Chairman, members of the Commission. My name is Paul Reynolds, 275 Maple Shade Road. I am very glad that the Midstate Planning Commission is going to consider this matter. It seems to me very important and an issue that is important not only to the area being considered but to the whole town. I think this was traditionally, you might say, Remington Town, Russell Town. It's now Aetna Town and perhaps IBM-town. We are attracting very high quality people into our industry and that's all to the good because those industries are the goose that lays the golden egg. I think that we should be very careful to provide the community as a whole that is attractive to that kind of industry, because that's our future. I could make a long speech tonight but I'm not going to anything else except simply refer to my own personal situation. I own 30 acres that has water and sewer at each corner of it. That is 2 corners of it. Main Street and Coleman, and that is South Main and Coleman Rd and the crook in the road on Maple Shade. As things stand now as George Reif has pointed out we are zoned exactly as the center of Middletown. Tight living. I think that I may say that I'm here tonight to speak in behalf of loose living. There's the story about the farmer who was asked how much he owned and with a big sweep of his arm he said, "I own all of this." And somebody accused him of being greedy and he said I'm not greedy I just want what joins mine. Now we know that unless there is very careful attention given to the movement and its proper, the people from the center of town for their homes to surrounding area, unless very careful attention is given, there will be a kind of a creep, creep and the board has very wisely back in '69 prevented creep, creep on our arteries, entrance and leaving the town and I'm very proud to commend the board for its action a month ago in preventing further spread of that kind of thing in South Main Street. And so I think that this a tremendously important issue for the whole town, not just for today but 50 years from now. And I would like to say that I think it would be a tremendous disaster if my 30 acres, some of the most beautiful land in Middletown, were available for 1/3 acre housing. That would permit upwards to almost 60-70 homes on those 30 acres with the sewer and water available.

MR. REYNOLDS CONT'D  
I could go on but I think that enough so I'll stop. Thank you.

CHM. GIONFRIDDO  
Thank you.

MR. FAZZINO  
Good evening. My name is Anthony Fazzino. I reside at 7 Patterson Drive. If I may I would like to address a question to George Reif. George, you said that the soil in that particular area is not good for septic systems. Is that what you said?

DIR. REIF  
That what's the Health Dept. tells us. There are the maps. They have colored in the areas that are acceptable and have various degrees of problems

It doesn't matter what the zone is the soil was bad so if we were 2 acres if you would it would be much better for the septic system.

Mr. FAZZINO  
OK another question, if seeing that the soil isn't all that great, in that area and we were to put in the sewer where would it be pumped to?

CHM. GIONFRIDDO  
I would think you would be better off to address a statement or I don't think George would probably have the answer to that question necessarily. I think that would have to be a staff determination that would be made by Water and Sewer.

DIR. REIF  
I'll take one more crack at that

CHM. GIONFRIDDO  
The other point I'm going to be making is that I don't feel that it is really appropriate for us to be addressing questions from the public to staff necessarily. This is a public hearing where you give your opinion as to the proposal. If you have questions during the course of your statement why don't you just ask them and then at some point during the evening we will let the staff respond to a series of questions in general rather than have individual members of the public ask George questions. OK? Otherwise we could be here all night.. George I didn't mean to shut you off. Did you have an answer to that question?

DIR. REIF  
Well we'll take it up as other things come up.

Mr. MILLER  
Mr. Chairman. Ladies and gentlemen. My name is Richard Miller. I live at 83 Patterson Drive in Middletown. I would like to share a concern with you regarding traffic and related safety matters. Unfortunately The Middletown Press tonight reports the death of Ellen Zimmitti at the corner of Kelsey Street and Arbutus Street and serves

MR. RICHARD MILLER CONT'D

to underline these concerns. I'd like to ask you to think about another intersection near that intersection. The one of Maple Shade Road and Randolph Road. The streets in this area are not really over crowded. There's not an excessive amount of traffic, except at certain times of the day. The traffic backs up on Randolph Road waiting for the light at Route 17 early in the morning and its very difficult for people driving north on Maple Shade Road at that intersection to get onto Randolph Road and get to work. Perhaps this is a matter that can be satisfactorily handled with the traffic light. I would suggest at the moment that it is a problem and with further development it would become more of a problem at certain times of the day. With additional development I would urge the Commission to think of another issue relating to safety, that pertaining to sidewalks and pedestrians. I understand that its the city's policy to require developers to put in sidewalks and I would expect then that the city would also consider requiring that sidewalks be installed along existing streets. At that same intersection of Randolph Road and Maple Shade Road there are essentially no sidewalks at all and for people who would be walking to school or walking to the bus line or walking up and down the street, sidewalks would be very useful. It might be hard to put them in there given that there are a number of stone walls and number of very large maple trees and indeed if the sidewalks were extended they would probably go through end of Frank Robert's asparagus patch. I urge you to consider the issues of safety that arise because of development in this area. Thank you.

CHM. GIONFRIDDO

Thank you. I just want to make one thing clear to those members of the audience who are here because I hear Maple Shade Road coming up on more than one occasion by speakers that have come forward. Maple Shade Road subdivision that is being proposed will not be affected by whatever decision we make with respect to this issue because the subdivision will have been submitted prior to the effective date of this zone change. In other words even if we as a commission agreed to make this entire area Rural Residential zone, the proponents of the Maple Shade Road subdivision will still be allowed to come in and present their subdivision proposal because its going to beat the zone change here. So just don't be under any misconception that if this goes through that that will prevent in any way that subdivision from being presented to this commission because it will not. So the discussions that you are raising about the safety of that particular area if that is the intention of some of those comments, I would suggest that when public hearing comes for that issue perhaps at the next meeting that you come back and address it at that time but no decision that we reach on this issue will in any way effect that subdivision. Just so you know that before we do on anybody else wishing to speak in favor?

MR. STEIN

Good evening. My name is Ted Stein. I happen also to live on Patterson Drive. I guess we're a street of concerned citizens. Maybe that's because the good old reverend who sold us our property was a one man planning commission. That's why I think some of us live there, because he so carefully tried to perserve the character of that area and we believed that he would do that successfully. We would like to help do that for others who would like that sort of a

MR. STEIN CONT'D

place to live in Middletown. I'm sorry I should have stuck my face in it. The Chairman asked last time and I thought it was a good idea so if you'll permit me to ask this time would those of us who are here in support of this proposal to give you a sense of how many there are, could I ask them to rise please.

CHM. GIONFRIDDO  
Certainly.

MR. STEIN

And while this has no official standing I appreciate that. There are some people who had a chance to look at our flyer and who could not be here tonight, we suggested that it might be of some interest to the commission if they simply signed their names on the flyer and mailed it back to indicate their support. I understand it has no standing but would you permit me to deliver those to you.

CHM. GIONFRIDDO  
Certainly.

MR. STEIN

Thank you very much.

CHM. GIONFRIDDO

OK, I'm taking your word that they reflect that there are about 90 flyers with names and addresses that were returned. 91 ok. Anyone else? Any one else wishing to speak?

MR. DREHER

Walter Dreher, 67 Sunnyslope Drive. I'm here to address the current article that is highlighted in that piece of paper that you have in front of you right now, Mr. Leinwand. I think it is important that we realize that 80% of the land in this area is not suitable for septic tanks. I think that this is the important thing. This is why many of the homes in that area are having so many problems with their septic tanks. For years people that lived there didn't understand why they were having all these problems but I guess they do understand now. Many of them living there for 30, 40, 60 years. So finally understanding the reason why they're having all these problems, I want to thank the Planning and Zoning staff for the hard work that they put into their report. I think it's an excellent report. I also want to thank the Planning and Zoning Commission for hearing us out. I think it's important for all of us to realize that we were not talking about 3400 acres we were only talking about 2000 acres. That's all that's left out of the 3400 that is not set aside. As we look at tonight's agenda, I guess that we'll all begin to realize that everybody is starting to run in here and starting to look for lots and starting to ask for subdivisions. I guess that we noticed that right away tonight. There is three of them on the agenda tonight from that section. I think we should note that. Still we have to go back and we should try to base our decision on trying to help the people that already have their homes in this area. We should be trying to save the homes that already in place and not worry about somebody building new homes. The thing is to save what we have. I think that should be the most important issue. Thank you.

CHM GIONFRIDDO

Thank you, Walter.

MR. REED

Wayne Reed, 1557 Country Club Rd., Middletown. We the Westfield residents can understand very much why they would like to have this RR zone into this area. The quality of life in the neighborhood is important to the people who have already bought there, the land use is very important and as we have seen our Westfield when the soil does not support a septic system it is probably much better to go for the larger lots than it is to crowd everybody in together. As a side note, within the last 2 days I happen to notice an article pertaining to Meriden where they are concerned about development where the tax dollars having to be paid out to support closer housing is never repaid in the taxes that comes from these houses. So this may be a point you want to consider. The city would have to put forward more dollars to support this than they would ever get back in tax dollars.

CHM GIONFRIDDO

Thank you. Is there anyone else wishing to speak in favor of this proposal?

MS. RISLEY

My name is Mary Risley and I live on Maple Shade Road and I just want to say that I've had occasion to attend neighborhood groups for the first time recently. Both ours and the one to the east of us. I've noticed also that more and more neighborhood groups are forming and I think they are forming for a very definite reason. People have problems that are not being solved by this city. Either they aren't either in actuality or financially. I'm talking about problems with septic systems and drainage, water run off and this sort of thing. I think if something isn't done they will be more and more of this sort of neighborhood groups coming to you with their problems. So I support this change of zoning and hope that you consider it. Thank you.

CHM GIONFRIDDO

Thank you.

MR. HAAS

Martin Haas 47 Maple Shade Road. I've lived in Middletown for about 14 years now and I really like Middletown. It's a great city to live in but I am concerned about the zoning and so forth. We moved into our house on Maple Shade Rd about 6 or 7 years ago. We moved here instead of going to Higganum because of Middletown and also because of the area. We really like the area. It's out in the country but its close to town. We had seriously considered moving to Higganum to be out in the country but when we found the house on Maple Shade Road we stayed in Middletown and I support all what has been said tonight in favor of zoning to Rural Residential. Thank you.

CHM GIONFRIDDO

Thank you. Anyone else wishing to be heart in favor of this proposal?

MR. HALLER

My name is Tim Haller. I live at 5 Sunny Slope Drive and I'd like to assert my support for the change however only the stop gap measure and tool the Commission has time to do a zone change that would reflect the soil conditions as far as the septic problems and as far as preserving the prime farm land. And also that would reflect problems with erosion and the esthetic and traffic values in the area. And I think we need to take a much more complex and comprehensive look at zoning in general. But until that can be done I think it would be helpful to have this zone change. Thank you.

CHM. GIONFRIDDO

Thank you. Is there anyone else? If not, is there anyone who wishes to speak in opposition to this proposal?

MR. ORMLEY

My name is Stephen Ormley. I'm an attorney with the law firm of Canton, Skogel in Glastonbury. I live in Madison. We represent Katherine Cruz who is a land owner, owning about 37½ acres just to the south of Randolph Road approximately opposite Highland Ave. This would be the north west corner of the property under discussion tonight. Ms. Cruz is strongly opposed to the zoning change. She would to the best of my knowledge and I believe my knowledge is current on this, she has no current development plans for this parcel but she would certainly like to have the possibility for future development in accordance with existing regulations. I can understand the concerns about the water and the drainage but it my understanding that public water is currently available to her parcel and certainly if the Maple Shade development goes through there will be an abutting parcel of land that has sewer available to it also so it should be readily available to this parcel. So we would like to go on record opposing the zoning change.

CHM. GIONFRIDDO

Thank you.

MR. HARRIS

Mr. Chairman, members of the Commission, department heads, ladies and gentlemen. My name is Charles Harris. I live at 249 Chamberlain Rd. in Middletown. I'll be 65 years old next month. I spent my life in the area you are talking about. My father spent his there. His father. His father's father and you name it. The area we're talking about has had some of the prime farm land in Middlesex County which tells me that it drains fairly well or they never could have raised crops on it and made milk on it. The valley itself, Middletown has a major drainage problem. Two acre building lots is not the answer. It is also discriminatory. The area that has been outlined between the boundaries the land is absolutely no different than the land that lies west or east rather of Route 9. As far as the drainage in the valley is concerned no matter what you do to that area your still going to get water from Higganum and Haddam and Durham. They can drown the whole lower part of that valley. It can't be done by simple zoning and changing of lots. I listened to these people that come and they talk and they address the Commission, God bless them, they're on either ½ acre, acre and a half, acre, or two acre lots. They like what they see. They don't want it changed. Its nice to have all that open land

MR. HARRIS CONT'D

around you but somewhere someday finances, economics alone are going to force a change in it. I don't think these people realize the tax impact on those of us who are property owners. I guess now I own somewhere between 18 - 20 - 22 acres. From what I hear here tonight evidently this land is now become junk land and is not suitable to concentrated building. If it isn't I would expect some kind of tax relief. Those of us who have owned land for many many years perhaps unbeknown to you that own single building lots we pay and are assessed the same as you are for your home and your building lot. Every one of us pays for one additional building lot. There is no designation where that building lot is. Its part of the acreage. The remaining of the acreage goes in as acreage by its use by whatever type of terrain it is, ledge, woods, swamp and so forth. Many of us have lost parts of land do to Inland Wetlands and the wetland category that we now face. In some instances complete farms are now wetlands. You have to remember this. Burr raw acreage or farmland does not create a tax liability. It doesn't create children to go to school. It doesn't create garbage to be hauled away. It doesn't create sewer disposals. It doesn't pose a fire hazard and a liability. But we all pay an assessed tax on that property. To go back to that piece of property or that area that you are speaking about there are areas in that particular place that cannot be built on no matter what zone you put there. Another think that bothers me a little bit when people tell me they want a 2 acre building lot - I mow 3½ - 4 acres of lawn. I got \$15,000 worth of equipment to keep it in shape. How many of these people that want 2 acre lots are going to spend \$2 to \$3,000 and give up all there Saturday, Sunday and holidays to keep that thing looking the way they want to see it. No. We should not make a change of that entire area. There is much work to be done there yet. There are some areas in there that have to be 2 acres. Some of them have to be 5 acres in order to meet septic tanks. There is another thought in this though, why do we have to be concerned about septic tanks? Property owners in those neighborhoods have been paying for generation after generation on this property because it fronts on a road. Why don't we bring a sewer out there for them? No we wait for the developer for put the sewer in but all of us have been paying on that land for years and years and years and years and it has never cost the City of Middletown one dime for any kind of a tax liability other than road. If you want to do something in that area then I think it's something that we can't make a decision on here tonight that you people need to sit down and do some more thinking on. You've got to something in the lower valley I understand this. But its going to take anywhere from \$500,000 to \$800,000 to a \$1,000,000 or better to straighten that mess out. No matter what you zone that size of that valley its not going to create a satisfactory drainage problem down there and even if you satisfy yourself from Middletown you still haven't taken care of what Durham and Higganum are going to dump in there. That Sumner Brook watershed is tremendous. I'll close it with this you're perhaps tired of hearing me, I think before anybody makes any kind of decision on this they should sit down with some land owners, some property owners. There are many of us who don't want to see this turned into building areas. It'll be kept as open area. However, if you're not going to allow us to get our maximum return on our buck in the taxes we paid on for all these years, then I think we should have a say in what its going to be zoned. Thank you.

CHM GIONFRIDDO

Thank you, Charlie.

MRS. SEIFFERT

Mr. Chairman, Commissioners. My name is Mrs. George Seiffert and I reside at 181 Kelsey Street. I am opposed to the proposal to change the zoning requirement from R-1 to RR for 2 acre lots. It seems that a group of residents have decided that the rural or pastoral scenes on portions of this area are esthetically pleasing to them. I do appreciate these scenes but have these people stopped to consider the consequences of what they are doing to both the land owner of this area and to the potential home owners who will be trying to buy a house lot? I think obviously not. First the land owner. We would be told that we could just have had our equity reduced by almost one half. Our equity, borrowing ability, and retirement is almost completely tied to the value of our land. Farmers are not in a financial situation where they can build or maintain savings and retirement funds. Our retirement fund is the value of our land. Whether it is to be sold for development or go to our children to continue the farming operation which obviously we would prefer. How would the proponents of this change feel if we said that its not esthetically pleasing for us to see you have a savings account or retirement fund of the proportions you have. So we will ask for a change in the law that would automatically reduce your fund by one half. Its not fair. And neither is what they are asking to be done to us by the zone change. Secondly many potential home owners who are looking for a building lot will be unable to afford a larger lot. Obviously a 2 acre lot will cost more money than a 1 acre lot, but I'm sorry to say as a land owner not twice as much. This would be enough to put it completely out of the reach of many of your sons your daughters or even some of you. Third, Mr. Harris covered very nicely how many home owners really want the maintenance cost and time required for such a large lot. Fourth, any such arbitrary change in zoning in this area is discrimination against the land owners of the area. If we owned land on the west side of Route 17, on the east side of route 9 or north of Randolph Road we could still sell lots of smaller size but just because we happen to be located within this targeted area and have kept that land open we are being discriminated against. Our neighbors can and have sold lots of smaller sizes. We have  $\frac{1}{2}$  acre lots bordering our land but now we are being asked to accept this totally discriminatory change. I say to you is totally unfair and selfish on the part of its proponents. If they want larger lots, let them buy two three or four or whatever would please them.

(INAUDIBLE)

problems in specific areas but don't penalize the whole area for these smaller problems. And please we know there was an unfortunate situation last night. Don't make this an emotional thing because of what happened last night. Thank you very much.

CHM GIONFRIDDO

Thank you. Any one else wishing to speak in opposition. Step forward. You don't have to raise your hands.

ATTY MARINO

Ladies and gentlemen my name is Vincent Marino. I'm an attorney practicing here in Middletown at 73 Main St. I'm here tonight representing Sunset Ridge, Inc. who owns property in the area to be effected on Kelsey Street, Coleman Road, Maple Shade Road and Round Hill Road. This property was purchased with the intent to develop it over time and not all at once in reliance on the existing zoning regulations. Other people in the area as you have heard purchased their property, or had farms they have held on to for many years, as a retirement income or investment income. They have not sought to have it developed before this time. Now this is a very difficult and I know emotional issue here tonight and your decision is going to be a very difficult one for you to make. However I urge you to consider thoughtfully the impact on not only the proponents but the opponents also. Don't make your decision based upon an emotion. Don't make your decision based upon popular vote. I think you owe it to the people of Middletown to take into consideration not only what the city planners says but also what midstate regional planning says and also you should use your own good sense and put yourself in the position of these home owners who are in opposition and see how you would feel if someone came in and sought to have your land value cut in half. Thank you.

COMM LEINWAND

Excuse me. Vinnie?

ATTY MARINO

Yes?

COMM LEINWAND

Could you tell us who Sunset Ridge is?

ATTY MARINO

Sunset Ridge is a corporation composed of Edward Baldwin and Donald Davis.

COMM LEINWAND

Thank you.

MR. GAUVIN

Hi, I'm Tony Gauvin. I live on 503 Round Hill Road and I'm opposed to the change and I have approximately 20 acres of land out there which I have no intention of selling or dividing or anything else right at the present and I feel that the area is adequate just the way it is; traffic-wise. I don't see any problems when I travel the roads you know as far as any problem on the traffic except for speed but you can get that regardless of what the zoning would be. As far as changing it to any other think I don't feel that it should be changed to make it impossible for the average person to buy. Land out there is already high. The average individual wouldn't be able to buy it if they changed it to a bigger lot. Basically I could go on to different things, but it's all been covered so as far as what people have said. I just want to go on record as opposed due to the fact that the area is fine just the way it is. Thank you.

CHM GIONFRIDDO  
Thank you.

MR GUIDA

Mr. Chairman, member of the Commission, ladies and gentlemen. My name is Frank Guida. I live out on Coleman Road. I lived out there all my life. I think most of the farmers present here this evening if you were to evaluate the vote here tonight by properties there wouldn't even be a comparison, because most of the large property owners were the farmers or are the farmers. And I believe the farmers are not too concerned about selling land for development because I believe you people all are aware that the state also has a program where they can take over farm land and preserve it. But I think that there a snumber of facts here that the Board has to address. Number 1 is the fact that 80% of the 5400 acres have bad drainage. How did the City of Middletown ever let 80% of the houses be erected and installed in this area? It's like closing the barn door after the horse is gone. They say the perk test is no good or one acre. If you've one acre or two acres of clay dirt that will not absorb moisture you can take three acres and it wouldn't be any good, so two acres for substituting one is not valid as far as I'm concerned. You'd either have to have property that's conducive to drainage or not. May I ask you people another question? What about the poor tax payer who maybe had  $1\frac{1}{2}$  acres? He's been paying taxes on it for how many years in the hopes that someday he may want to sell that  $1\frac{1}{2}$  acres and all of a sudden they come up and say well no you've got to have 2 acres. And yet the perk test, etc. for that land might be beautiful. Could anybody answer me that question?

CHM GIONFRIDDO

Frank, I'll just answer that. I mean if you have a lot of record already this wouldn't effect your lot. In other words this would be for new subdivisions people coming in looking for new subdivisions. If you had  $1\frac{1}{2}$  acres parcel what that would mean you couldn't subdivide it up into smaller parcels but you could sell as  $1\frac{1}{2}$  acres.

MR GUIDA

No, but an acre and a half, if you had an acre and a half, you know, it's not two acres. Right?

CHM GIONFRIDDO

That's correct but if you already have a lot on record it could be sold as a acre and a half lot but what we're saying is if that person tried to subdivide the property into 3 or 4 lots --

MR GUIDA

Well I'm not talking about subdividing, Steve, I'm talking about just that one lot.

CHM GIONFRIDDO

Well, that lot wouldn't be affected by what we're talking about.

MR. GUIDA

Yes, but this is

CHM GIONFRIDDO

That would be a lot of record.

MR GUIDA

Yes, but this has not been brought up. OK?

CHM GIONFRIDDO

I'm glad you asked the question.

MR GUIDA

Now, one other question. Assuming somebody has a house on a lot that's maybe an acre,  $\frac{1}{2}$  an acre or less, and the house burns down. Technically speaking, he's in a nonconforming zone. Would he be allowed to rebuild without having to come before a zone meeting?

CHM GIONFRIDDO

Once again, that's a lot of record and would not be affected. OK?

MR GUIDA

But I honestly think that the thing should be left as they are. I know there are a number of proponents here who are in favor of it but they already have their one acre or  $\frac{1}{2}$  acre lots, etc. and they want to see the rest of the country stay as is but I also believe each parcel should be evaluated separately. I know up on the hill off Coleman Road no one's going to tell me that 80% of that land is bad for drainage and we're not planning on developing it either. But I don't like misrepresentation of the facts and I would like to see a report that 80% by the Board of Health where and when it was taken. Thank you.

CHM GIONFRIDDO

Thank you, Frank.

MR. JOE GUIDA

I'm Joe Guida and I live on Coleman Road, Middletown and I'm speaking in behalf of my brother Tony who could not be here this evening. We also own property and my main question is why do we need a change? With all the natural barriers we have in our area, ledges, ponds, streams, power lines, we have plenty of open space out there. I think having worked the land all my life I think it would be a gross waste of property to see an acre of land lying idle when there will be so much food that could be raised on it. We will zone 2 acres, what are we going to do with that other acre? The other speakers before me put it pretty plainly. We do not need a change at this time. I think its discrimating, its selfish on the part of the homeowners that would like to see a rural residential zone. They have their nice little lots they want to see the rest of it open. They do not want to be bothered anyone. On the other side of route 17 we have multiple dwellings. All we look at is roof tops from Coleman Road and Round Hill Road and why do we need a two acre lot when they have, I don't know if they even have 1/3 of an acre. I would welcome the board to take this other consideration, we need more study on it like Mr. Harris said they could meet with the property owners and see what can be done and how it could be done. Thank you very much.

CHM GIONFRIDDO

Thank you. Joe. Commissioner Leinwand?

COMM LEINWAND

Geo, could I just ask officially, is this a proposal of the Commission and therefore we are not under a sixty-five day time limit, or is this-

DIR REIF

You are correct.

CHM GIONFRIDDO

OK, Bob.

MR PALMER

My name is Robert Palmer. I'm an attorney representing Mario Gallitti and his son, James.

CHM GIONFRIDDO

Bob, I think they are having trouble hearing. Could you speak up a little?

MR PALMER

My name is Robert Palmer. I'm an attorney representing Mario Gallitti and his son, James. And before I go into a long presentation I like to ask one question which I'm not really up on, was this a question of the area as presented have to be changed in whole or not changed at all, do you have the right to cut them down?

CHM GIONFRIDDO

I think, Bob, that the Commission would have the within its discretion the ability to pair down the size of the 5400 acres -

ATTY PALMER

I like to draw to your attention to the area south of Randolph Road, east of Arbutus Street and north of the Kelsey Brook crossing and to the west I believe and at the bottom of the hill of the properties on Victoria Drive. Located in this small area is a 13 acre parcel of land which is basically rural land with frontage on Arbutus Street at the north end and the south end. To be a little more specific this is acreage behind what is now The Moose and behind the Kroll house. Mr. Gallitti bought this land quite a while ago as he has other pieces from Mr. Kroll for development. The way the land is now layed out -

COMM. PARISI

Would you please shut the doors in the back.

ATTY PALMER

I don't want to yell because I'm trying to be real sincere. Very simply, the Gallitti's purchased this land as they have the others for the purpose of developing it. They have been waiting for and they can wait for the second coming I presume, for the interceptor to be extended in the valley down behind the Lutheran Church down to Arbutus Street and it hasn't come. This land isn't in the wetlands and this land can be sewerred. There's an easement up to the north

ATT'Y PALMER (CONT'D)

end. This land can be developed economically probably with sewer provided in the existing zone. And remember all around the properties are developed. There are houses down Arbutus Street that they built and everything. They are 15,000 sq. ft. lots, so all we'd like to do is ask you to please keep in mind that this is an altruistic presentation, it's not the least bit selfish and not the least bit reflecting our financial interest. Mind you it's just for the public good. Selfishly we would like this land to left in the existing zone because economically we will not be able to develop this land if you shift the amount of acreage there because the cost of putting in the roads the cost of putting in the sewer and probably a pumping station so do what you will with the rest of the zone, you know what I mean, but this one corner with this one parcel surrounded by houses I think merits being left alone.

CHM GIONFRIDDO  
Thank you, Bob

ATTY PALMER  
This is Mr. Gallitti if you want verification.

MR GALLITTI  
The sincerest attorney, so far.

MR. SHAW  
Mr. Chairman, members of the Commission, I'm Ralph Shaw, 373 Arbutus Street. I've struggled for some time over which side of this question I should be on tonight and I've heard arguments on both sides which make me think that there is a possibility to go in either direction. I was here two weeks ago and I guess this is the first time I had been here in two years or more to remind you that you have in your possession a very fine code. A code which allows you to do as you should do with properties throughout the city of Middletown without changing without making what would be discriminatory or excessive changes in the code. It's not necessary for you to create two-acre zoning in order to protect property and the rights of people around it. If indeed the public works department, the police and fire departments would support you would you give the kinds of reports on the ability for the roads to take the traffic, the sewer and water to handle the properties the fire department to get to the property, etc. You'd be able to make decisions that were made considerable sense about public safety, public welfare and the public good of the community. It's curious to me that of the people who are here and the people who live in the south end of town in the 5400 acres describe most of us live on property which are well below two acres. I've lived on Arbutus Street for 29 years. I would not have been able to go to that property if I had to buy two acre lots. Ed Baldwin was dividing his property in a way which made a good deal of sense. I don't think anyone who travels that section would suggest that it is too dense. He owns other property which can be likewise be subdivided at a later date if allowed to do so and it would be unfortunate as Mrs. Seifert suggested for our children and our children's children are prevented from doing the same thing which I was able to do 29 years ago. That would bother me considerably. Much of this property as has been suggested by a number of people is

MR. SHAW (CONTINUED)

not useable. That is going to allow for a tremendous areas of open space forever and ever. Nothing is going to be done with that. I don't want to see this Kelsey Farm, Paul Reynolds property, the Guida Farm or any of the others heavily developed any more than anyone else wants to see it done, but I do not also want to see the City of Middletown and this Commission or anyone else prevent an orderly fashioned development as time goes on. And if indeed, we do things like that to us and to this community it will be a great disservice. It occurs to me that in the dropping of the planned organizational development of several years ago we left out one of the important things which ought to be considered as you go through this process and I suspect this process is going to last for some months, the use of cluster development, the use of more dense building than has been done in the past could allow you to have quite large areas of land with relatively few houses. Its going to be tragedy if we don't see the wisdom of using our property in ways like this. There's a long way to go. This is no, there is no rush about this and I would hope that as you consider this that you will take into consideration the many things that you've heard tonight and put together a plan which develops for that 5400 acres and the rest of Middletown in the process kind of homestead and living environment that we all would like to have. I thank you very much.

CHM GIONFRIDDO

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

MR HARRIS

I would like to clarify one point

CHM GIONDRIDDO

Charlie, why don't you let Betty speak, well why don't we let everybody speak once and then

MR HARRIS

All right.

MS. WYSKIEL

Chairman, members of the Commission, my name is Betty Wyskiel, I live at 439 Long Hill Road but I do own property within this zone that you are considering changing. I really feel that the development in this area should be looked at as it comes along, not as putting it all down now as two acre building lots. The land that I own on Arbutus Street, part of its ledge and I'm sure that you couldn't put a two acre building lot on ledge and have it be a legal building lot. I'm not planning on developing it but if some time in the future and I would think that what we should do in this area so much of this is farm land that has been in farm families for generations are, we particularly my family has been farming in Connecticut and in Middletown specifically since the middle 1600's and we as farmers have always tried to preserve the land and to use it to the best of its ability and I don't think that we as farmers are going to want to see our land raped by indiscriminate housing, but I do think that when you do look at the maps of Middletown and you go to zoning in such a large area that you really have to look at this

MRS. WISKIEL (CONTINUED)

by parcel by parcel, the drainage, the ledge. whether its sandy, whether its clay, because on our farms we have some of all this and I just hope that you don't just arbitrarily take this parcel of Middletown and just restrict it by two-acre lots when it can be used for both smaller cluster housing larger development and some as has been mentioned will ever be developed. Thank you very much.

CHM GIONFRIDDO

Thank you, Betty. Anyone else wishing to speak who hasn't been heard? OK, Charlie, if you want to -

MR HARRIS

Mr. Chairman, it relates to grandfathering. I just heard I believe my ears were right that if I had a one and a half acre lot, that had been a one and a half acre lot regardless of the length of time its been there any change in zoning would not affect what happens to this lot. My question is basic as it relates to tax and its this: If you go to two acre lots would the lot that we now pay taxes on in addition to our own house lot also be grandfathered as a one acre lot or would because its not doesn't have a designation that its in that corner that corner here or there it's just a one acre lot would that also be grandfathered or would that become a two-acre lot when we come up for reassessment. And I don't mean to put you in the middle on this one, Steve. You don't have to answer it. But its food for thought. Because it relates to the tax dollar.

CHM GIONFRIDDO

The only thing I would say to that is it that I really don't know the answer and I would say that we would have to check with the tax assessor to see how they would handle it. The only other thing I want to say is with respect to the 1½ acre lot issue my understanding is that it would be grandfathered in if its in an approved lot of record in other words it would have to be approved either by Planning & Zoning or an approved subdivision. I know we run into a number of lots that have never been approved and those in some kind of difficulty still. Is that not correct?

MR HARRIS

Right. I stopped in and saw Eddie the other day, and Eddie is telling me the same thing that he doesn't know and he doesn't know how our assessors, God bless them, could come in to reassess this town would look at this thing because those lots if its a lot as a matter of record we're all paying on it. OK? But it has no designation to where it lies. Thank you.

CHM GIONDRIDDO

Thank you.

DIR. REIF

Could I say something?

CHM GIONFRIDDO

Certainly.

DIR. REIF

We certainly agree that there ought to be a closer relationship between the land and the usable lots and the assessment for taxes.

CHM. GIONFRIDDO

Is there anyone else who wishes to speak in opposition who hasn't been heard? If not, what we'll intend to do is close the Public Hearing, but for the limited purpose of accepting the report from the Midstate Regional Planning. In other words, we're not gonna be getting back into public testimony. We'll keep the Public Hearing only...open only to receive that report for the record.

(Inaudible from the audience)

Well, let's put it this way, as long as the Public Hearing is open for ...to receive the report of the Midstate Regional Planning we will accept written letters no more public testimony. OK?

(Inaudible from the audience)

Yes, we will accept letters only up until the next meeting, after that ...June 13.

UNIDENTIFIED

June 13th?

CHM. GIONFRIDDO

Right. OK, the Public Hearing is closed to further public testimony, written only up to June 13th.

ADJOURNMENT 8:25

ADJOURNMENT

Respectfully submitted,

Temporaries Unlimited

Stephen T. Gionfriddo, Chairman  
Planning and Zoning Commission

Received at the meeting of \_\_\_\_\_