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Chm Gionfriddo
Commissioner Carta

Comm. Carta

In regards to a turning circle. While I agree that some turnaround method is needed, I think turning circle here restricts us to a circle when, in fact, due to topography and due to location of that, might be in a corner or might be in a number of places, there is probably three or four different well-designed turnarounds that I can think of which I would like to see us work with, or City Department of Roads, with Sal to determine what other acceptable types. There are many, many different types. You can take a circle, squash it on its side, lengthen it, have an island in the center and have a very nice turnaround, but that might not be acceptable to the City. There is the "y" type, there's the "bullheaded", there's....I can think of myself, quickly, half a dozen ones that are very good, they don't....

Mr. Reif

I can remember when we offered all of those but you are right, it is possible to have some other designs.

Comm Carta

Yeah, especially given that you are talking about....

Mr. Reif

But you do need a place somewhere to turn around.

Comm Carta

I have no quarrel with that, we absolutely can't just die at the end of a street. I hate to see us restricted only to a circle which actually they are rather ugly.

Mr. Reif

It should be the one that works....

Comm Carta

I agree. I think we could imaginatively come up with some other possibilities that would be acceptable and allowed and designed by our own street department to work. We seem to choose circles because engineeringwise and pavingwise you just throw them in and, you know, they work. I can show you any number of them designed and cluster and other types of development that are much, much more esthetically pleasing.

Chm Gionfriddo
Sal(Fazzino)

Sal Fazzino

In Item 02.07, where you address the accepted streets as defined in Public Works. Can we add language to that to the effect that we have roads that are unimproved and former log trails and somehow the language to be inserted in that, that these streets are not deemed for use for development of land unless it is done in its entirety?

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Mr. Reif

That's the implication of what we are trying to say here, that you - if you have a new subdivision it's got to be connected to an accepted City street that is already in the street system, as reported in the records of the Public Works Department.

Chm Gionfriddo

I think what Sal(Fazzino)is indicating is that some of these dirt roads are in the City's system - George, when I am talking you have to take your finger off or we are going to have static - okay, umm - when, I think there are dirt roads and unimproved roads that are part of the City system so that wouldn't solve that problem with respect to those roads. As far as whether or not you could put a subdivision off those roads, that wouldn't be prohibited by this.

Mr. Reif

This is an important long standing topic about identifying - Sal is shaking his head yes - identifying all the streets which are really acceptable and those which are not and I - that was the intent, I'm sure, of the people who wrote in this State map....

Comm Leinwand

Let me ask the question this way. Right now the Code says, "must be - lot frontage requirements on an approved town road as found on the most current map entitled, 'Town Roads, City of Middletown, Connecticut, Connecticut Department of Transportation'. Is that map any different from the streets that would show up under the city system as shown on the records of the Public Works Department? Yes, there are differences.

Sal Fazzino

There are differences.

Comm Leinwand

Give me an example.

Sal Fazzino

We have Massa Tom Road or roads that are in existence, or were in existence, used as logging trails which today haven't been used for fifty years.

Comm Leinwand

They are on the State map?

Sal Fazzino

They are not on the State map.

Mr. Reif

Massa Tom Road is not on that State map. However, unfortunately, what that State map does is show unimproved roads and semi-improved roads. I thought it was a brilliant move when whoever put it in but it turned out not to be quite as good. We need to know, in all honesty, what roads are really acceptable like Maple Shade Place which is no doubt acceptable, doesn't have to be rebuilt as compared to some other roads that are dirt roads and are not acceptable.

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Comm Leinwand

I'm not clear what we are gaining by adding this sentence, though. For example, Massa Tom Road is not on that State map, then already it would not be allowed, you couldn't put a lot there.

Sal Fazzino

Mr. Chairman, if I may, following the word 'accepted' - 'and maintained and actively maintained by Public Works', maybe that may clarify it.

Chm Gionfriddo

Sal, you know, isn't the true answer to this that we should be going back through and looking at some of these roads and if you are saying they really should not be built off of, we should be taking the appropriate steps by the City to abandon and or discontinue or whatever we have to do with some of these roads. Instead of putting the burden of it in the Subdivision Regulations, shouldn't that be something that is done by the Public Works and onto the Council and do it the right way.

Sal Fazzino

That's correct

Chm Gionfriddo

Well, there is your answer. Commissioner Carta

Comm Carta

I just wanted to be clear. Are the roads you are talking about known to be City rights of way or are they something that someone happens to have going across their private meadow?

Sal Fazzino

Quite often a deed will refer 'bounded by a highway'. Today the highway is really not identifiable but if you really look close it can be identified by a former logging trail and this is the type of where we need some help.

Comm Carta

My own experience there is that even if we put that in there I don't see that it would hold an abandonment procedure and I'm - you need to defer to an attorney - but my own experience says that if the residents or owners on the road prove that is a city road and a public right of way, I don't get that you can stop them from developing on it until the City goes through a proper abandonment procedure, has Public Hearings. In towns where they have done that they usually wound up in huge lawsuits that went on for years because the people didn't want their frontages abandoned on City roads. I do have an addition that I think is worthy and that is, in some towns where....(not talking into mike, inaudible)....are on roads that are barely passable or poor and wanting to develop, they have a corporate, a corporation thing where the people say, 'we own 50 acres on this road and we want to develop it', they co-operate with the City to upgrade it on a 50/50 basis or on some basis that works, so that you don't get 50 homes on a road that simply won't handle it. Just is simply in bad shape, all

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Comm Carta

ruted and so on but I think that is a way to approach it which gives us some power and authority in the matter that I would be willing to explore.

Chm Gionfriddo

Even fixing up any of these roads, the City has a right to go in and fix them up and assess the lotowners on each side for the cost, right? That is the State Statute.

Comm Carta

That is correct.

Sal Fazzino

Mr. Chairman

If I may, can I ask another question regarding this subdivision? We had presented a recommendation to Mr. Reif which apparently got there following the printing but on the present regulations you are permitting $\frac{1}{2}\%$ on the road. If at all possible in this change can we get that to 1%? Minimum grade on the road as 1%?

Mr. Reif

That's a relatively simple thing and there is no reason not to include that and we will take the forward movement to include that in our revised.....

Change of tape

Chm Gionfriddo

Is there any other questions by members of the Commission before we turn it over to Nino(Martucci)? Charlie, we will open it to the public in a sec, okay? You won't get lost, we know where you are. Okay, Nino(Martucci), go ahead.

Nino Martucci

The Subdivision Cluster Design which we are putting in the Subdivision Regulations rather than the Zoning Regulations are for, shall we say, the prime reason is that the Commission will have complete control over a cluster design from its inception to its completion, plus any revisions in the future. The purpose of this design is to encourage a better site planning in lieu of the lot by lot method by permitting the variety of residential uses in all resident zones, provide for protection of surrounding properties, persons and neighborhood values, to provide a means for future park and recreation areas, ensure proper surface drainage, flood control and soil conservation: to encourage the preservation and protection of existing trees, ground cover, topsoil, ravines, rock outcroppings, scenic vistas and other natural features and the protection of wildlife, and to prevent damage caused by excessive and poorly planned grading for streets and building sites. The requirements of the tract must be at least 25 continuous acres. We have written in here that the tract does not have to be in a single ownership but it can be consolidated into a single tract by a number of different owners by means of a binding agreement to ensure the uniform

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Nino Martucci

treatment and implementation of this Cluster Design. Development standards would be all those that are in the R-1, R-2, R-3, R-4 and the RR zones and if a person decides he wants just a single family houses he has to use at least 50% of the land. As to those people who want smaller lots but still maintain, want their single family homes with their open space around them. But if he decides to go into attached units he may do so. The total number of proposed dwelling units shall not exceed the number which will be developed on the site, using the minimum lot size in the applicable zone. The plan, the requirements of the plan are rather strenuous for some people, they have to put the location of existing proposed buildings, slopes, the grades, contours....

Chm Gionfriddo

Nino(Martucci), you don't have to read it all.

Nino Martucci

Okay, the tract that develops - to be developed - has to be on the City water supply and City sewerage system. All utilities shall be placed underground. Now, the balance of the land not contained in the building lots shall be of a condition and size and shape as to be readily useable for conservation, etc. The Commission will require that a portion of the tract be given over to the City as neighborhood open space. It means that if there is the lack of a neighborhood playground they could take some of this open space for their use. The other thing is that, written into it, is the agreement. That is under the Common Interest Ownership Act of the State of Connecticut and the agreement that we have it along the line that it should be in perpetuity and we have also added a few stipulations that abutting owners can be a part of this agreement, even though they are not in the subdivision itself. The other open land the City uses for itself has to be deeded to the City, the developer of the Cluster Design, proposed Cluster Design, must complete it within five years according to State Code and the last one is a bond to be posted to make sure that it is completed within the five years. One other thing I'd like to put, to say about what the advantages would be. It is a more economical use of the land, it has less development cost on smaller lots, the utilities, sidewalks and roads will be less than required in the lot using the entire parcel. As a decreasing housing cost, I hope, seeing that the houses are all clustered together and since the developer saves on his development costs. I think that will be sufficient at this time.

Chm Gionfriddo

Commissioner Leinwand

Nino(Martucci), let me just see if I can understand some of this on a concrete level. I own a 70 acre parcel of land in the zone where we have one acre zoning lots. Right now I can put 70 houses on this particular lot, correct?

Nino Martucci

Right, do you have one acre lots?

Comm Leinwand

One acre lots on 70 acres. Less open space so I can only put about 66 on, correct? Fine.

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Nino Martucci

One thing you always take into consideration. Rule of thumb, any parcel of land you have to put in streets required by the City. 18% is gone for streets alone.

Comm Leinwand

Comm Leinwand

Let's go back and say I have an 85 acre lot, 1 acre zoning and I am going to put 70 houses on it. All right, fine. Let's say that parcel is 50% wetlands. That means that right now the best I can do on that 40 acres of decent land is put 40 houses, correct?

Nino Martucci

Well, you can go....

Comm Leinwand

Not with the Subdivision, I'm saying right now. I can't build in the wetlands therefore I would only be able to put about 40 houses on my 80 acre parcel, correct?

Nino Martucci

Correct

Comm Leinwand

Now we put this cluster thing in, it doesn't speak about environmentally sensitive land, it doesn't speak about wetlands, it simply says, go back and say you've got 80 acres under the Code the minimum lots size says one acre, I ought to be able to put 80 houses on there. Correct? This says I can put all 80 up in the front 30 acres because, 40 acres, because I am only talking about 50%. Correct? That's what that 50% is, I can go down to a 1/2 acre lot and just leave all of that wetlands as part of the open space. The 50% is a very powerful and important number, isn't it? How did you arrive at it?

Nino Martucci

These are single family houses. You just don't want to...some people would like to have, say, even a one acre lot but be happier on a 20,000 square foot lot so give them the advantage of getting a smaller lot in an area where they should have, where there would have been one acre lots.

Chm Gionfriddo

Any other questions?

Comm Roccapriore

Nino(Martucci) or George(Reif), how does this Subdivision Cluster Design differ from the old Planned Residential Development proposals that we had on the books a couple of years ago and what ways is it better?

Nino Martucci

There's not much difference other than it is in a different Code. Like I said at the beginning, you have complete control over it from inception to completion, plus all future revisions under the Subdivision Regulations. Prd's, the last time you see it is a site plan review you have, if there are any changes made I doubt if they come back.

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Mr. Reif
Can I pick up....

Comm Roccapriore
It means this is easier to enforce?

Mr. Reif
Let me add to that and enforce what Nino(Martucci) has said. When you give a Special Exception which the PRD was, the last time you see it is as a Site plan on a piece of paper. Under the Subdivision Regulations you can give various levels of approval and you do see them again. Therefore, you have a lot more control. You also have all the benefits of the State Enabling Legislation limiting the time that you have to complete a project, a Subdivision. One of the great problems in these PRD'S is there was no cutoff time and the five years just have been extended to 20 years in many cases so you do have a number of benefits by having this as a Subdivision Regulation rather than a Zoning Code Regulation.

Chm Gionfriddo
Commissioner Carta

Comm Carta
I'm not clear about the open - treatment of the open spaces. Are you saying that the open space in the Subdivision would be, could be people living within the Subdivision would have to, in fact, have an agreement to own it, maintain it but people living off that subdivision would actually have the use to it?

Nino Martucci
No, what I am saying is people that about this subdivision can join that organization to maintain it if they need open space, this is what I am stating in the proposal, not that they can go and enjoy it. They can enjoy it providing they pay for their share.

Comm Carta
My concern....

Nino Martucci
Excuse me, and also what I am saying is that if the Commission or the City decides they need a parcel of land for a neighborhood playground this is a good means of obtaining it.

Comm Carta
Here is my concern with open spaces. In many, many cities it simply hasn't worked in that in Subdivision where it has worked I've seen the following things happen. They've formed a Conservation Commission which they have given over the wetlands and the streambelts and so on, too. In those cases, it has worked. They have actually given pieces to the City and the City has owned them. Anytime in a residential, single lot Subdivisions that I have seen open spaces owned or maintained by the people there they have pretty much, without fail,

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Comm Carta

except in very exclusive subdivisions, caused legal battles. People living next door to children will come in there and play and climb and fall and break their arm and then they can't get insurance and there are lawsuits and on and on and on. It comes down to a point where people at some point go, 'listen, I'm not going to maintain it, I'm not going to do anything like pay the taxes and whatever. Cities have gone through all manner of - historically, you can follow it, so, while I - in an open space subdivision - I think we ought to have open space, we ought to find a way to integrate it either into the lots not built on for common use. I'm not sure of the method but I do know the ones that have failed. I'm not sure the method we need to have that would sidestep some of them. I think personally, though, the way we've got it set it up presently in our normal subdivision is headed down the same road that every other town has gone down and finally learned and had to go back again.

Nino Martucci

Excuse me, I think I put a - you all have a copy of this in your package this evening. This is one way that can be explored. With Avon and Farmington getting together to form the Tax District and just read just one thing that says the Association provides its own snow removal service and maintenance. Because it is a tax district, residents can deduct the cost of services from Federal Income Tax. There is an incentive right there.

Comm Carta

You are calling an entire subdivision of cluster development its own tax district. I know some very successful ones....

Nino Martucci

I just happen to be lucky, I put it in the proposal that the abutting landowners can be part of that Landowner's Association and then I picked this up out of a local newspaper where I come from. I just happened to be lucky that this came along. It proves that it can be done not just with - because this is two different towns getting together - so why can't three or four different subdivisions get together and do the same thing?

Comm Carta

Are you talking about the whole subdivision as a Tax District?

Nino Martucci

Yeah, they are in two different towns.

Comm Carta

I can show you where they work well and in standard subdivisions I've just not seen them work. It might just cause a problem and I'd like to have us have it work without having it be a problem.

Chm Gionfriddo

Is there any other question?

Comm Thompson

Yes

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Chm Gionfriddo
Commissioner Thompson

Comm Thompson

Nino, did you suggest that the City might come in at a point in time after individuals had bought into a Cluster Design Housing Subdivision with the understanding with they have this open space as part of the project but if the City decided that they needed additional playground area, that they might come in and take over this playground area and use it as part of city playground under the Parks and Recreation Department?

Nino Martucci

No, not to come in there afterwards. Someone has to plan ahead and say they need it and at the time the Subdivision is approved. That's when the City will take it over. Let's put it this way, if they decide they need a school in a certain area this is a good way to get a portion of the land.

Comm Thompson

But generally, when people buy into those types of designs, they buy with the understanding that this is set apart from the normal City property and if this is going to be the case then those individuals who buy in there should be given a clear understanding that this may happen. It could affect the number of people who might want to purchase property under that type of design. Is there any provision being made to let people know that this would happen?

Nino Martucci

Yes, they will know because it is going to be part of the subdivision final approval that a certain piece of the property is in the City ownership.

Comm Thompson

Excuse me, there is one other question about people that live adjacent to such a cluster design might have the option of buying into the common land. Now one of the factors related to living in this type of cluster design is that they have covenants such as they have in Wesleyan Hills and they require that certain type of restrictions are placed upon the owners who live in this area such as that you can't have trucks in the yard, they tell you that you can't have television antennas on top of your house and any other number of such restrictions. I'm wondering then if those people living adjacent to this cluster can do, say, all of the things that the people living in the cluster design can't do and yet they will be able to purchase ownership in that common land. It seems to be some type of unfair restriction added to the people that live in the Cluster Design when the people who don't live in there will be getting by buying into the common land.

Nino Martucci

I have to agree with you on that but that is the agreement that they will have to accept if they want to join. If they want to take an antenna off the roof, they will take it off, they impose that upon themselves once they sign for that agreement. I'll give you a fine example, a person came in yesterday wants to put, wanted to put, in

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Nino Martucci

a Day Care Center in a house. He shows me a copy of his deed and it specifically states in the deed, 'it must be used for single residential family only'. He cannot put the Day Care Center because he is bringing on a self-imposed hardship.

Chm Gionfriddo

Commissioner Leinwand

Comm Leinwand

Is it clear that this is only detached dwelling units? Or, in fact, are you saying this could also be attached?

Nino Martucci

A variety of both.

Comm Leinwand

So we could be putting attached dwelling units in the R-3 and the R-4 zone?

Nino Martucci

You can also put all the units into one building or whatever they decide and you agree to. It is a variety of uses.

Comm Leinwand

I'm sure you like that. Let me ask something else about the lot size. Your wording here says, 'the development standard specified in the R-1, R-2, R-3, R-4 and R-R zones will not be reduced by more than 50%'. That's all the standards? Lot frontage standards not more than 50% as well as your - (inaudible) - don't apply anymore, do they?(inaudible, someone not speaking into microphone)I'm just trying to get a sense of how small we could be talking about. If I wanted to put one of these Cluster Subdivisions into the R-1 or R-2 zone, presently I need 100 feet of frontage and I need 15,000 square feet. You are telling me that I could go down and go no less than - see, here is my confusion with the attached and the detached. I keep thinking about detached but I sort of know that this attached stuff floats on, which doesn't fit. This is all predicated on the present residential zones and assuming single family, detach dwelling units. That's not my question, though. The net impact of this would be that in an R-1 or R-2 zone I can do detached, cluster housing with 50 feet of frontage? That's half of the 100, then I could have 50X150 foot lots to get minimum of 7500 square feet, correct?

Nino Martucci

And also you could have attached houses if you wanted.

Mr. Reif

The minute you want attached all the lot size business goes out.

Comm Leinwand

May I ask you whether or not you believe that, given all the things that this Commission has done in the last three years, there is any value in putting attached dwelling units in at least the R-3, R-4 and

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Comm Leinwand

RR zones? I have serious questions about them in the R-1 and R-2 as well. What do we gain?

Nino Martucci

Let's go into your RR zone. You live there, don't you? Let's go into a Rural Residential Zone. Supposing a person wants a half a million dollar condominium but he doesn't want a single family house? Why can't you have condominiums on the hill? If you got a piece of property you could have 20 units, so I let you put them all in one structure, 20 condominiums at a half a million dollars apiece.

Comm Leinwand

On what basis am I going to deny the same exact proposal with \$57,500 condominiums? Exactly. We spend enough time in court.

Chm Gionfriddo

Commissioner Carta

Comm Carta

I'm sort of going to put a comment on top of yours. There - the way you look at that is one way of looking at it. You can have 40 acres which would theoretically allow 40 homes and use a '0' lot line concept, or '0' lot line layout in which every home sits on its own lot but, in fact, if that were the plot it could sit up on one edge of that lot. It could be a '0' line, the other homes on the other edge of its line and so on. You take the same 40 homes and put them on central to that piece on a very small amount of acreage so driving down the road you don't see a subdivision. In fact, what - a rural setting in the same number of people live and yet you don't have streets all over the place, the same cookie cutter design that you do have in an RR zone, you haven't seen it yet because we don't have the subdivisions yet but they will be there and they will be a standard cookie cutter subdivision with a very deep lot. It will - whereas you allow the freedom of designs it is like, if you try to impose regulations under which an industrial designer has to work, under which an architect has to work, and impose regulations under which a land planner has to work and a landscape architect has to work, you don't get his design, what you get is a mechanical regimented type thing, which I call cookie cutter subdivision. It doesn't take into allowance the topography and the possibility of that piece in its best layout, both economically, esthetically and so on. Yeah, certainly there is the possibility that you are going to get a fully developed piece of land but not like, not anywhere like the cookie cutter subdivision.

Comm Leinwand

Can I make just one comment...

Chm Gionfriddo

Wait, before this goes any further, okay? This is supposed to be a Public Hearing, okay? What it basically is turning into is a discussion amongst members of the Commission similar to what we get into when we get to New Business so, if you have a question to address to Nino

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Chm Gionfriddo

as to specifics, fine, if we are going to start debating our philosophies on this thing, I don't think we are in Public Hearing anymore. If you want to ask a question, fine, if not, I want to give the public the opportunity. When we get into New Business we can debate it to death and make whatever changes we want to make. Otherwise, we are starting to lose the purpose of what this is supposed to be this evening. Anybody else on the Commission want to ask a question of Nino as to the specifics of what his proposal is? If not, is there any member of the public who would like to come up and make a comment on either George's(Reif)Subdivision Regulation proposal or the Subdivision Cluster? Just to reiterate, this will be kept open so there is no reason to ask that the Public Hearing remain another meeting.

Wayne Reed

Wayne Reed, Country Club Road. Basically, not talking for Westfield Rational Development but talking as an individual out there, the Subdivision Cluster Design is a good idea and we, and I know when I was first coming to these meetings - had a Mr. Shea who wanted some. We weren't opposed to the Cluster Design as long as it fell within rules and regulations. It looks here like there's a lot of good work been put in and much of what I see here is very interesting, I have to agree with Steve(Leinwand)there is some concern on the number D - the proposed number of dwellings. Maybe some of the land that is non-buildable could be taken out of there and pro-rated, rather than a straight 80 lot maybe you say, yes, 60 acres are buildable, 20 isn't so maybe we pro-rate the non-buildable at 50% or something of this sort. It may be a better way of allowing the guy to use all of the property but not allowing it to be so overdeveloped that the only 5 acres there is where all the buildings are. Much of what I see does look like it has had an awful lot of thought. I am glad that, Steve(Gionfriddo), you did say that it will remain open for the next meeting. I talked about the, also on the second page, the 100 foot parimeter, 'no building within a 100 foot parimeter'. That seems to be in conflict, at least to some extent, with this ability to reduce by having your Cluster Housing. There is some work that has to be done on this and I think for the most part the biggest thing I don't want to see is having the subdivision for cluster housing less than 25 acres. I think if you try it with smaller lots than this all you are doing is jamming everything in. There is a lot of land in Middletown that is developable this way, it will look a lot better than individual houses but if we try to get the lots too small we are going to be much worse off. Thank you

Chm Gionfriddo

Thank you, Wayne. Is there anyone else?

Ann Bickford

Ann Bickford, Chairman of the Westfield for Rational Development, and I am speaking on behalf of the group. We do appreciate that you are holding the Public Hearing open. We have a Strategic Action Committee and we would like to give it more study but I have talked with enough of the members to get backing for the concept. We do think that it is a workable concept and we would like to be able to support it and we do see some very good things, as Wayne (Reed) has already mentioned.

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Ann Bickford

I did have one question. Nino(Martucci)went by very quickly, in fact he skipped entirely, Item F which was, 'the proposed Subdivision Cluster Design shall be in accordance with the Plan of Development of the City of Middletown', and I'm not quite sure what that means.

Nino Martucci

That's been taken out.

Ann Bickford

That's been taken out. All right. I personally think that that has - exploring that idea - perhaps has, some merit because it may very well be that some of the reservations have - it were - if potential areas that are really appropriate for cluster development are identified on the Plan of Development because of terrain and etc., maybe that is the direction to go. Maybe there is value to that. This is one of the things we want to look into ourselves. I guess the other question, I think on 5, 'delineation of a buffer strip around the project and no building within 100 feet of the parimeter'. I interpret that to mean, and previous to that you said, 'frontage of the track must be no less than an existing lot in that area'. So, I visualize this to mean that you would have if you, even if you had a large tract bounded on two sides by roads there would be no lots allowed to be on those roads. They could not face on the existing roads. This is the way I read that, I'm not sure if I'm misinterpreting it. If that is the case that would partially answer the question as to whether you could just take and you put 50 houses on a piece of property 50 ac...half of it was 50, you know 100 acres and half of it was wetlands. There seems to be other considerations that have to be taken in here. I think, if I am interpreting it right, I like the idea of Item #5 where there is some kind of protection of the overall. Especially if it goes to cluster. The other thing that I did notice here, the completed - 'they must be completed in 5 years', and George did allude to the fact that currently there are some state statutes now that we can fall in line with and I guess maybe that is the part I don't know, but I just wondered what happens if in case - we know our friend, Mr. Archenbach(sic)went broke and lots of property just sat there. How does a bond deal with that? I mean, is there also an expiration, is there some provision to extend it if, at the eleventh hour, the developer comes in and says, 'gee, my five years are almost up, I want an extension'. I just wonder if maybe there isn't a little more that has to be said there. We would also like to know when the regulations that you were speaking of will be incorporated into the writing of the Code. Will they be available that we could have them?

Mr.Reif

You will have them as soon as we get them. Most of them are existing.

Ann Bickford

Okay, thank you.

Chm Gionfriddo

We'll be sure you are notified when they are available. Is there anyone else wishing to be heard this evening?.....

Change of Tape

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Robert Coughlin

....we won't accomplish with open space. What do you feel the reason for open spaces is? That is not a loaded question, I am really trying to find out what do you think the objective is there? Steve,(Gionfriddo) could I ask you?

Chm Gionfriddo

Well, there are a number of reasons to have open space. I think part of the reason that this is being contemplated, I know we were approached by Jim Gibbons who indicated that there were certain tracts of land in the south end of Middletown, for instance, that would be worthy of being retained. Let's say some of the farmland and etc.. a Subdivision Cluster Design proposal would allow some of the development of that particular land but at the same time allow the retention of some of this valuable wetlands and farmland, etc. that he would like to see retained. There is value in keeping that type of open space, value for passive or active recreational purposes of keeping open space, there is, you know, numbers of reasons for having it. I think the reason, part of the reason, we had it that there was a feeling of the Commission that it would be a good idea and the public in numerous Public Hearings have told us that they would like it and that is why we have it.

Mr. Coughlin

Any other comments?

Comm Leinwand

I think Steve(Gionfriddo)summarized it well. I think that the intent of that was to preclude the development of buildings on every square inch of every subdivision. I think that the basic inclination of the Commission was to improve the subdivision code by trying to provide for higher quality subdivisions, the assumption being that some open space, in fact, leads to a high quality subdivision. Bob(Coughlin), I think that in the case of your Higby Road Subdivision there was a classic case of where there was wetlands, where there was land that could not be built upon, where you had some very interesting proposals for passive recreational use. I think that people like to walk down the block but they also like to walk beyond just past additional houses. I think when we talk about the kind of subdivisions that we have been approving lately of \$140,000 and \$170,000 houses, to leave 10% of the land undeveloped and allow for the possibility. In the case of Maple Shade Road, for a volleyball court, or the case of yours, as I said, for some trails is an entirely appropriate and sensible act.

Mr. Coughlin

Anyone else?

Chm Gionfriddo

This isn't a round table. I don't expect, you know, Bob, I don't mind answering the questions, I don't expect that we are going to go around the table and say, 'what's your opinion on open space'. I think you have a general sense of what those of us who voted in favor of open space, or why we did it. There some members of the Commission who are not as enamored of open space as we are who probably tell you why they don't think it is such a great idea but....the question you raise as

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Chm Gionfriddo

to why it is there....you know, you might think it is not such a good idea but if there is a comment you would like to make we would like to hear it, but I don't expect to go around to each Commissioner their opinion.

Mr. Coughlin

I wasn't looking for that, Mr. Chairman.

Comm Thompson

I'd like to add one more - just, inasmuch as I live in an area where there is such a design and there is open space. In general, most of the people who live in that type of a thing prefer open space because one factor that seems to mitigate in favor of open space is that where cluster housing is concerned, houses generally are in very close proximity to each geographically and an open space tends to provide an esthetic factor that it gives an open vista for those people whose homes otherwise are on small lots and also, it gives an area for children to play in in addition to these other factors. I feel, in general, where you are going to have cluster housing, open space is a very important factor.

Mr. Coughlin

I think as you think about that, and as I have listened to the Commissioners over the last ten years, really ten months, but I, we, don't need to have some of that open space be used. It could be passive and just sit there. It doesn't need to be owned by the Park & Recreation Department, we can have what I sense you are trying to achieve, some open spaces, spaces that are set in an unused facility and I sense there is some conflict within the Commission and maybe the staff members as to who should own it, what you should do with it, how does it get regulated, how does it get used. Sometimes I get some comments saying, 'yes, you have left the open space but you can't use them so, therefore, you ought to leave something else'. I think if we think in terms of what the objective is, is to leave some of it open and not developed that we ought to be able to allow some developments that simply don't do anything and maybe it is land that could be productively put-have houses on-maybe it isn't, but I think - I'm just really - I appreciate your reactions because I think sometimes we need to look at why are we trying to do some of the things that we are asking to do - accomplish. Thank you

Chm Gionfriddo

I think most of the open space that we have left in the subdivisions that we have approved it's the contemplation of the Commission, in approving it, the open space was really going to be used only for passive or esthetic purposes. The Maple Shade Road one when it was proposed that we could put some type of facility like a ballfield or something there. I think Nino(Martucci), in his draft, is saying, you know, in some subdivisions or in a given subdivision or a given cluster there may be some citywide need to make use of a particular parcel of open space for a playground but I don't think what his indication is here, or contemplation is, in every subdivision the City is going to take over a section of it and make it over into a park or turn it over to Park & Recreation. I think he is talking about, maybe, a subdivision

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Chm Gionfriddo

cluster that is in a key area that is not serviced at all by any City recreational facilities and only in that type of situation would we look to make any kind of active recreational Citywide use. And, right now, I don't even know where that would be and I don't know that he would know where that would be either. I think most of the subdivision open space we have approved is the contemplation of the Commission is that it is going to be like you said, Bob(Coughlin), it is just going to be open space for the purpose of open space to give the public the opportunity to walk up through it or whatever they want to do with it, but not really be used for active recreations purposes. Is there anyone else who wishes to be heard this evening?

Jim Donady

Jim Donady, Poinsettia Street. First item, in reference to open space, I would suggest wetlands and other specific land that cannot be used for building, not be allowed as open space designation. And, if I understood Mr. Leinwand example, it was an excellent one and it showed how a developer could use land twice and in fact, although it was wetland space, get credit for it in reference to building space. I see no reason for that and I see no reason why that should be done even though that land would be maintained as wetlands for the public. It simply increase the amount of open space that such a developer would have to provide. In reference to rear lots. First of all, I will ask my question again of you. It is not obvious to me why rear lots are desirable so I don't really see why you want to put them in. In areas where greater than 15,000 square foot is required, is the rear lot size greater than 40,000? It is not obvious in one that I read in the folder in the office but that should be the case obviously and I think that should be spelled out specifically. Another point, Mr. Reif has come up with a fraction, one rear lot for each four. That's a nice fraction but one to ten or one to twenty is a nice fraction also and I'd like that justified. It seems to me that it is not at all obvious where the one to four comes from.

Chm Gionfriddo

Charlie, he didn't get lost.

Charles Harris

Mr. Chairman, members of the Commission, Charles Harris, 249 Chamberlain Road, Middletown. First off, I want to congratulate Sal(Fazzino) but I see that he just left. I'm tickled to death to see that somebody has finally said it is 1% and that is it. Not too long ago, I heard somebody say, 'you'll ask for 3/4, but you will accept 1/2'. To go back to the first sheet that George(Reif) talked about. Commissioner Carta's responded on it, too. This 55 feet turning radius. I don't care, really, how many feet it is, but I think somebody better take into consideration that we've got to leave space for a ladder truck to make a turn, to make a swing, to be parallel to other fire vehicles and I think before someone puts a figure of X number of feet on it, they better talk to the Fire Chief and some of the drivers and find out exactly how much that we need rather than just pick an arbitrary figure. I'm not sure how much we need but I know that in some of the turnarounds in South District area, we don't have too many of them, thank God, but some of them, particularly across Route 17 over in the Wesleyan Hills, and some of those turns that aren't even turnarounds are pretty rough for a guy to handle a fire vehicle in a hurry to go

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Charles Harris

somewhere in the wintertime with bad roads. The other one, at the bottom of the sheet, that first sheet, George(Reif), we always get involved with width of the roadway, exit to the existing roads and etc. What I would like to see is that somewhere along the line in these rules and regulations, that at a certain point, X number of feet back from the existing road, that a vehicle and a driver should be able to see in a certain direction, either right or left, X number of feet without coming out to getting into the main highway. I'll give you a bad example of a bad area where this is happening and that is Cedar Village. Cedar Village, you come out and you cannot see either way. If you really want a thrill, you should be on Chauncey Road going north in the wintertime and watch somebody come sliding across the road, and you can't even see where he is coming from. Somewhere along the line we have got to do something with slopes, curves, corners and line of site to give us a good access to the roads. Cluster development, I'd like to defer comments on it. Steve(Gionfriddo)has graciously, and the Commission has graciously agreed to extend the Public Hearing. There has been a lot of 'go back and forth' on this thing tonight and Steve Leinwand has asked some questions about how we are going to arrive at the number of houses and Nino(Martucci) is saying, 'well, the tract can contain both wetlands and other'. Under Item A, what could stop a lot of this, I believe, and I'd have to stop and look at it again and a little bit more, the tract to be developed shall be at least 25 buildable, contiguous acres. Buildable, contiguous acres. That way we don't end up with a bunch of swampland that nobody wants. You may not agree, Nino(Martucci), but I'm saying that is a good way to stop it. Thank you.

Cashen Coley

Cashen Coley, Maple Shade Road. I want to just make a quick little preface which is that I find this draft is an excellent initial attempt and I do have to underline the word 'initial', to provide some flexibility for future land development. Cluster regulations I know have been very effective when they are used in conjunction with detailed land use plans laid out by a town. Therefore, I would like to make a couple of suggestions to bear in mind that as you mull this over the next few weeks and your Neighborhood Friends and the South Middletown Association will be studying them and hoping to come up with more specific suggestions to you. But, very quickly, to answer the point that Mr. Coughlin raised which is, 'what is the purpose in all this, in having the open land'? I think this is one of the problems with doing this before you define in your Plan of Development what the purposes are of setting aside certain areas of land in the city to minimize development on. On your Plan of Development, our Plan of Development, we need to designate where we are interested in preserving things because there are many more reasons than are listed in just in this particular purpose. Not only for recreation or some of the other things they said, but some of the most important points should be added which are, first of all, the preservation of farmland. It might even be, and this has happened with other areas that the Association of Residents has preserved a tract, leased it out to a farmer in the middle of the area to farm. Farmland is very important to preserve on the south side of Middletown. Also, we need to spell

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Cashen Coley

out aquifers and streambelts. But this land, once we have decided in the Plan of Development what our goals are, in which parts of town certain goals are to be met, we then can say, 'this land could also possibly set aside for future schools or a future firehouse or, as well as a farm'. In other words, the purpose here is only listing a very limited number of goals. To define the goal that a developer when he takes a piece of land. The first thing I should think a developer would want to know is, 'what is the goal that the Planning Commission has for this particular part of town and this particular area?', so he knows what he is up against when he starts developing the land and what the people wish on it. He will know whether that is not going to - he has no need to go, or no chance to go, to the Commission and ask for a waiver for cluster developing because this is not a particular area where the Commission has decided that it is going to concentrate on preserving certain aspects. Therefore, I think that for this to have a solid base and point of reference there has to be spelled out exactly a very detailed plan of where you want water and sewer mains to go, where you want to preserve farmland, where there are some particularly beautiful scenic views from ridges in Middletown - and a scenic view is also something esthetically pleasing to meet what Steve talks about. You do need to think about the purpose and I think the purpose has to relate to a broader plan for this to work. The other main point that has been brought up tonight, was brought up by Steve, which is how do you determine how many houses you can cluster on a given piece of land? How do you work out the formula, where do you get your formula from? Well, it seems to me the very important way of deciding this is a soil analysis of the land. The developer should present a soil analysis and the formula should be based not just on a given number of lots 'cause Steve has already pointed out the flaw in that thinking but on what exactly the soil is. To do this it should then be referred to as "Soil Map of the Town", which would be part of the Plan of Development for setting forth the goals. It seems to me that this is a very interesting beginning but to make it work and not leave you open to a lot of complaints from one developer, 'well, how come you let him do some open space, and not me?' You need to have it clearly set forth what your goals are for the open space and in which part of town. Otherwise, I see this Commission being presented with a lot of crumby pieces of land, of ridges which may have beautiful views of wetlands and marshes, but you may want to leave yourself open to having land set aside that may be ultimately buildable land, as for a future school or firehouse. So, it seems to me that it is a really interesting beginning but you need to work on the Plan of Development. I presume that is where you would set forth your goals on soil and etc. for each part of town. So then all subdivisions that are proposed could be referred to that overall plan.

Chm Gionfriddo

Is there anyone else? If not, we will continue this Public Hearing until the June 11, 1986 meeting and we will move to Item #3 on the Agenda....

ADJOURNMENT 9:10 P.M.

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