

THIS IS A SUMMARY OF THE PUBLIC HEARING---THIS IS NOT A VERBATIM TRANSCRIPT---
DUE TO MALFUNCTION OF THE PUBLIC ADDRESS SYSTEM IN THE COUNCIL CHAMBER THIS
IS A BRIEF SUMMARY COMPILED FROM A SERIES OF NOTES OF TRANSCRIBING SEC'Y.

Paul P. Parisi, Chm.; Eric G. Lowry, Vice-Chm.; Cos Giuffrida, Sec'y.; MEMBERS
Comms. Walter J. Dreaher; Seb J. Passanesi; Rose Sbalcio; George L. PRESENT
Augustine; Louis Carta

Mayor Michael Cubeta, Jr.; Comms. Stephen T. Gionfriddo; Mary C. Woods; MEMBERS
Anthony Gaunichaux ABSENT

Comm. Augustine acted for absent Comm. Gionfriddo; Comm. Passanesi ACTING
left at 10:30 P.M. on Item 5 of the hearing and Comm. Carta acted MEMBERS
in his place.

Philip G. Bauer, Engr., Public Works; Jan Frazier, reporter, Middletown OTHERS
Press; approx. 45 people in the audience.

George A. Reif, Director; Althea Rinaldi, recording Sec'y.; Mary Lee STAFF
Dorflinger

CHM. PARISI:

Appointed Comm. Augustine to act for absent Comm. Gionfriddo. He
reminded the members and the audience that no decisions on the public
hearing are made that evening. Sec'y. Giuffrida reads first item 1.

SEC'Y. GIUFFRIDA:

THE MIDDLETOWN PLANNING AND ZONING COMMISSION WILL HOLD A PUBLIC
HEARING JULY 8, 1981, STARTING AT 7:00 P.M., IN THE COUNCIL CHAMBER,
MUNICIPAL BUILDING, DeKOVEN DRIVE, MIDDLETOWN, CONNECTICUT, to
consider the following:

ITEM 1
ROYAL OAK
PARK II
MIDDLETOWN/
DURHAM TOWN
LINE

Proposed subdivision of 70 lots to be known as Royal Oak Park
II, to be located on Rt. 17, Middletown/Durham Town Line.
The developer is PHS Development Corp. Applicant/Agent
A. Thomas White, Attorney.

CHM. PARISI:

This item appeared in the legal notice twice in the Middletown Press
on Friday, June 26, 1981 and Friday, July 3, 1981. The rules of the
Commission first hear the proponent on the agenda followed by questions
from the Commission. Then the audience are asked for those in favor
and then in opposition.

Attorney A. Thomas White, represented the PHS Development Corp. for
this subdivision to be known as Royal Oak Park II, located on Rt.
17 near the Durham Town Line. A total of 53 proposed lots on the
site plan were exhibited. The plan showed lots outlined in blue---
which designated lots approved as originally proposed; yellow---to
be retested and then later subdivided; green---lots adjusted to
existing conditions and approved by the Health Dept; brown---area
where road grades is greater than 10%.

Atty. White stated at present there are only 14 approved lots.

Mr. J. Robert Pfanner, of Pfanner Associates of East Lyme, Ct. stated
that there would be a retention pond on the southeast end of the
subdivision.

Mr. Geoffrey Colegrove, Director of Midstate Planning Agency, submitted a review "Royal Oak Park II" Subdivision, prepared by Midstate Regional Planning Agency and Valerie Zampagilone, P.E., Civil Engineer is herewith attached to this original copy, on file in the P & Z Office.

Mr. Bob Cashman, a concerned citizen asked several questions regarding this particular subdivision.

Mr. Earle Hutchings an abutting property owner was concerned about the run-off from lot 18 and then running down to lot 24, and what would happen on lots 25-26 where excavation work has started in Durham.

Comms. Dreaheer, Passanesi, Carta, Lowry and Parisi participated in questioning Mr. Pfanner and Atty. White.

After considerable discussions between parties this item continued to July 22.

SEC'Y. GIUFFRIDA:

Proposed Special Exception to expand existing landfill to provide for disposal of metal hydroxide sludge and filter cake for United Technologies Corp./Pratt & Whitney Group Mfg. Div. located off Aircraft Road, in the I-3 Zone. Applicant/Agent A.E. Wegner, Ex. Vice-Pres.

ITEM 2
PRATT & WHITNEY
AIRCRAFT ROAD
EXPANSION OF
LANDFILL

Chm. Parisi and Comm. Augustine disqualified themselves from participating on the Pratt & Whitney application. Both are or have been employees of the company.

ACTING CHM. LOWRY:

Appointed Comm. Carta to act in Comm./Chm. Parisi's place.

Robert J. Wise, Assistant Counsel for Pratt & Whitney Aircraft Group and Mr. Welti, gave a presentation combining their report with slides. The report is available in the office of the Planning and Zoning Dept. After the presentation, Comms. Lowry, Passanesi, Carta, Dreaheer and Sbalcio asked questions which were answered by Atty. Wise and Mr. Welti.

Mr. Bill Wamaster, of the Health Dept. made a presentation.

Atty. David Bengston represented Norman May. Mr. May is an abutting property owner. Mr. May has a taping of his presentation. Mr. May presented the Commission with photographs taken in the vicinity of the P & W property which are now on file in the P & Z Dept.

Pamela Dunn, President of the Greater Middletown League of Women Voters presented 2 letters to the Commission referring to aquifers located on the P & W property. These letters are attached to this summary.

Diane Keefe, American Association of University Women, presented her testimony herewith attached.

Dr. Paul Torop, psychiatrist, a residence abutting the P & W property also commented about the dangers that P & W land fill will create.

After discussion this item will be continued to the meeting of July, 22, 1981. Next item #3.

SEC'Y. GIUFFRIDA:

Proposed Special Exception for a Home Occupation for Charles F. Baldwin, Margarite Road, in the R-1 Zone. Applicant/Agent Charles F. Baldwin.

ITEM 3
HOME OCCUPA-
TION-CHARLES F
BALDWIN

No one was present for the above applicant and continued to Item #4.

SEC'Y. GIUFFRIDA:

Proposed resubdivision of a parcel of land at the northwest corner of Millbrook and Prout Hill Roads into two (2) building lots. Applicant/Agent William C. Lee, owners Frank J. & Jean M. Kruczynski.

ITEM 4-LEGAL N
RESUB. OF LAND
MILLBROOK &
PROUT HILL RDS
INTO 2 BLDG.LD
WILLIAM C. LEE

Attorney Salvatore Arena of Portland represented William C. Lee, proponent for the resubdivision.

Comms. Passanesi, Carta and Parisi were involved in discussions. Dir. Reif also answered various questions.

This item was closed and proceeded to Item 5.

SEC'Y. GIUFFRIDA:

Proposed resubdivision of a parcel of land off Millbrook Rd. to establish a new building lot. Applicant/Agent Kurt Schwarzkopf.

ITEM 5-LEGAL NO
RESUB. OF LAND
MILLBROOK RD.
KURT SCHWARZKOPF

Mr. Kurt Schwarzkopf wishes to deed a parcel of land off of Millbrook Rd. which abuts Old Johnson Lane, consisting of 2.9 acres of land. This property also adjoins Lewis & Janet Daniels and Shirley F. Shapiro. There seems to be some discrepancy regarding the abandonment of Old Johnson Lane.

Mr. Lewis Daniels submitted a letter for the records. A copy is attached to this transcript.

Questions were directed to Kurt Schwarzkopf by Comms. Passanesi, Lowry, Parisi, and Sbalcio.

Philip Bauer, Eng., Public Works, stated that their office was still searching to see if Johnson Lane was ever abandoned.

Bruce Gungran, son-in-law of Kurt Schwarzkopf and potential owner of the property in question made a statement regarding time sequence and approval of the property.

Being no further questions the item was closed and proceeded to Item 6.

SEC'Y. GIUFFRIDA:

Proposed Special Exception to construct a medical office building at the corner of Church and Hubbard Sts., in the R-4 Zone. Applicant/Agent Dale A. Rowett, M.D., for RST Associates.

ITEM 6-LEGAL NO.
MEDICAL OFFICE
BLDG.-CHURCH &
HUBBARD STS.
DALE A. ROWETT,
M.D.

Proponents Dr. Dale Rowett and Dr. Thomas made a presentation concerning their application, stating that there would be sufficient parking provided for the building by using some from the Douglas-Mather house and parking where the Hartford National Bank's drive-in was.

Comms. Parisi, Augustine and Lowry participated in questioning the proponents as well as Dir. Reif.

Comms. Passanesi disqualified himself from participating and Comm. Carta acted in his place

Being no further questions the item was closed and proceeded to Item 7.

SEC'Y. GIUFFRIDA:

Continued from June 10, 1981, Public Hearing the proposed Special Exception to alter building to multi-family dwelling in the B-3 Zone, at 64-70 Washington St. (V.F.W. Building). Applicant/Agent H. Peter Blum, Attorney.

ITEM 7-LEGAL
NOTICE
MULTI-FAMILY
64-70 WASHINGTON ST. (VFW BLDG.)
H. PETER BLUM
ATTORNEY

A withdrawal from H. Peter Blum, Attorney-at-law was submitted to the Commission and reads as follows:

July 8, 1981

George Reif, Director
Planning and Zoning Commission
Municipal Building
Middletown, CT 06457

Dear Mr. Reif:

Re: VFW Building Application

Please be advised that I wish to withdraw my application for special exception for the VFW building at the present time.


Thank you very much for your cooperation in this matter.

Very truly yours,

H. Peter Blum

The public hearing adjourned at 10:40 P.M. Items 1 and 2 to be continued to a later date.

Respectfully submitted


Althea Rinaldi, Sec'y.

Paul P. Parisi, Chairman
PLANNING AND ZONING COMMISSION

Eric G. Lowery, Acting Chairman
Planning and Zoning Commission
on Public Hearing Item #2

Approved at the meeting of _____.

LEAGUE OF WOMEN VOTERS OF GREATER MIDDLETOWN

P. O. Box 886

MIDDLETOWN, CONNECTICUT 06457

27th May 1980

Mr Paul Parisi, Chairman,
Planning and Zoning Commission

Dear Mr Parisi,

The League of Women Voters is greatly concerned about the preservation of aquifers, and we urge the Commissioners to consider the application by Pratt & Whitney Aircraft very carefully.

It is our understanding that under the final regulations of the Resource Conservation and Recovery Act the metal hydroxide sludge and filter cake for which this application is made is classified as a hazardous waste.

We of course acknowledge the inevitability of generation of waste products from industrial processes. It is to be hoped that, whenever it is technically and economically feasible to do so, reduction of hazardous waste generation by changing industrial practices and by recovery of materials will be carried out.

We also acknowledge the great benefit to the community of a large industrial employer. It seems reasonable to us to accept that this benefit implies some responsibility from the community in helping to find ways of dealing with industrial waste generated within our town. However another municipal government responsibility is protection of our environment and water supplies.

We have a few questions which we think should be considered. What metals are in the sludge and filter cake; what is the composition of the material from the several sources proposed to be brought here; are any changes in that composition likely in the future? What is the metal level in water going into the river after treatment? Will a clay liner be used; would there be any advantage in using a clay and lime liner? Will increasing acidity of rainfall be likely to cause problems? What proposals are there for monitoring this site, who will do it, who will pay for it, and to whom will the results be made available? What studies have been made, or are proposed, to estimate changes in flow line if substantial amounts of water were, in the future, to be pumped from this aquifer?

We urge the Commissioners to encourage consideration of the possibility of procuring another site, away from such a potentially valuable water supply.

Yours sincerely,



Pamela Dunn
President, Greater Middletown League of Women Voters

cc. Mayor Michael Cubeta
Commissioners, P and Z
Leon Vinci
Richard Woodhull
Mark Possidente
John McCormack
Charles Bacon

LEAGUE OF WOMEN VOTERS OF GREATER MIDDLETOWN

P. O. Box 886

MIDDLETOWN, CONNECTICUT 06457

The following is a copy of the statement made at the meeting of the Planning and Zoning Commission, June 25, 1980

The main consideration in the matter of the application by Pratt & Whitney Aircraft is, of course, the protection of a potential water supply.

There has been, and appears to remain, some controversy as to the effect on the aquifer of the deposition of metal hydroxide sludge and filter cake in the area proposed for immediate use.

We question the adequacy of hydrological studies so far presented to you. We have some concerns and questions which we think need to be answered.

The application is for the expansion of the existing landfill. P&WA expect that at some time in the future the ECM site and the south end of the expanded site will become one complete disposal site. If you approve this application, that is what you will be approving. ||

Mr. John Housman of DEP says in his letter to Mr. George Reif (May 19, 1980) 'the materials . . . are well understood and present little or no real hazard when properly managed.' What local oversight would there be of leachate and water quality? In view of the great demands on our Dept. of Health, how could resources for local oversight as to proper management be arranged? (

Are the monitoring wells at the ECM site properly placed? How long have they been there? What are the test results?

Laboratory leachate tests have been carried out on the metal hydroxide sludge. How are these results expected to relate to an actual situation over the long term? Have similar tests been carried out on the ECM sludge?

The conceptual design study (Loureiro) says that there would be a clay liner, but we understand that DEP prefers there not to be a liner, to permit the leachate to drain into the river. Would a clay liner, sloping away from the aquifer, with the lower end open, provide greater safety? What is known about the possibility of rupturing of clay liners after 20 or more years?

The League of Women Voters hopes that you will either deny this application without prejudice, or consider granting conditional approval, the condition being the carrying out of further hydrological studies, and satisfactory answers being given to all questions raised, now or previously.

Pamela Dunn

Pamela Dunn
President, Greater Middletown LWV

American Association of University Women

Received in P&Z office
7/14/81
MK

July 14, 1981

(of July 8, 1981)

Dear Commissioners,

Here is a written copy of my testimony at the public hearing. Upon examination of Pratt and Whitney's application a number of observations can be made.

1. The Geraghty & Miller analysis is probably as good as can be done using only the presently available data. However, it is a flow model and is not designed to predict transport of contaminants.
2. The G & M model's usefulness is limited since it's predictive capability has not been verified.
3. The results of the simulation may not (and probably do not) represent a "worst case" situation with respect to changes in the water table configuration in the model area.

In light of these observations, the Middletown area AAUW would encourage the P & Z to consider the following two recommendations:

- 1) More well tests should be done - resolve uncertainties about where the leachate may flow.
- 2) A contingency plan should be developed to insure that leachate would be intercepted - landfill should be shut down if the wastes do begin to flow toward the aquifer.

Sincerely,

Diane M. Keefe

Diane M. Keefe,
AAUW - Middletown Area Branch
Board Member

DMK/car

cc: Barbara Arafah, Pamela Dunn

American Association of University Women

TO: The Commissioners of Middletown, P & Z

FROM: Diane Keefe - AAUW, Middletown Area Branch Board Member.

Upon examination of the report, I noticed particular sections that can be highlighted in order to illustrate some of the points I made at the public hearing about inadequacy of the application.

In Appendix D

P.2 This section carefully specifies that the use of the model and the assumptions regarding parameter inputs limit the kind of conclusions that can be drawn. The report states,

"As available data are not uniformly distributed over the aquifer nor are (they) of uniform quality, it was necessary to make assumptions and estimates in order to fill data gaps."

A model can be used as a tool to evaluate the responses of a system to changing conditions. However, this does not mean that a model will accurately predict how the system will respond in reality.

Also, the model used is a flow model. To evaluate the movement of contaminants requires transport modelling.

P.4 The model used is calibrated, but it has not been verified. Even as a flow model, its usefulness as a predictive tool cannot be determined. Verification means that a model can reproduce a second independent data set (e.g. water table configuration).

P.7 first paragraph

Since the model has not been verified, it cannot be expected to reliably forecast or predict the future movements of leachate.

p. 14 The results of the simulation probably do not represent the "worst case" with respect to changes in the water table configuration. It would be advisable to try a transient simulation of 100 days without recharge to see how these results compare with those obtained from the steady state simulation. Hypothetical wells could be added to the north of 13A. Greater pumping stress could be imposed on the system under transient conditions (e.g. 20 million gallons per day as done for the steady state).

p. 17 I question the finding that, "simulation results clearly indicated that 12 mpd was in excess of the aquifer's yield potential"

Simulation results do not clearly indicate 12 mpd is in excess of the aquifer's yield potential. This is true only if the model accurately represents the system.

In conclusion, the four wells tested are only the minimum number required under RCRA. More wells should be tested.

July 8, 1981

To: The Chairman and members of Planning & Zoning Commission of
the City of Middletown

Re: Proposed resubdivision of a parcel of land off Millbrook Rd.
to establish a new building lot to be sold to John and Frances
Theiss by Kurt and Dorothea Schwarzkopf.

I am Lew Daniels who jointly owns with my wife, Janet, property
property adjoining 624.42 feet of the lot submitted. My wife and
I respectively request the disapproval of this resubdivision for
the following reasons.

. The map of the lot as submitted is inaccurate. This map
indicates to the buyer and the Planning and Zoning Commission that
2.94 acres of land is being deeded by the Schwarzkopfs to the buyers.
This is not so. Actually three parcels of land lie within the
boundary of the 2.94 lot as submitted. One parcel is the portion
of an existing city highway called Old Johnson Lane that runs from
the northern most bound to the southern most bound for approximately
720 feet. Since this highway is 50 feet wide, a parcel 50 feet by
720 feet owned by the City of Middletown is being deeded by the
Schwarzkopfs to the buyers. The other two parcels are represented
by the ^{balance} 2.94 acres owned by the Schwarzkopfs on the west side and east
side of the Old Johnson Lane that bisects the parcel submitted as
outlined by me on their map in red dots. The fact that the Schwarzkopfs
now certify that a portion of the Old Johnson Lane Road does not exist
at all and the balance is abandoned is a rather recent concept.
They did not indicate that the Old Johnson Lane was abandoned when
they purchased a parcel of land from Sidney G. Briscoe and Margaret C.
Briscoe. A portion of this land purchased from the Briscoes is now
included in the resubdivision. This is all the land in the 2.94 acre
lot lying east of Old Johnson Lane.

The purchase of the Briscoe property by the Schwarzkopfs is recorded
in ^{Vol.} 309, Page 231 on 12-1-60. That deed specifically states that the
granted premises are bounded westerly by the highway known as Old Johnson
Lane. Said premises consisting of six acres designated as Parcel B
are recorded on a map prepared by Louis F. Quirk, Civil Engineer, that
is on file in the Town Clerk's office.

They did not indicate that the Old Johnson Lane Road was abandoned when they deeded a lot to Vida Bleiwiess on 11-6-66. Their deed in that property transfer indicated that the Westerly boundry of the lot deeded to Mrs. Bleiwiess was Old Johnson Lane for 165 foot frontage. This bound was also shown in a map on file with the transfer prepared by M.D. Helfgott P.E. which is recorded in Vol. 350, page 180.

Again on 7-24-68 you can find recorded in Vol. 360, page 236 a map showing property deeded by the Schwarzkopfs to Shirley Shapiro showing the Old Johnson Lane as her westerly bound for 455 feet.

This map was also prepared by M. D. Helfgott.

** Can we please just say we had and show Old Johnson Lane as existing R/col grant*
If the Schwarzkopfs now are requesting permission to transfer the lot in question now without indicating that a 720 foot long section of the Old Johnson Lane is included in that parcel, they have obviously purchased that portion of Old Johnson Lane Rd. from the City of Middletown. My questions ~~that~~ to your Commission is as follows: When since the transfer of property of the Shapiros on 7-24-68 did the Schwarzkopf's purchase 720 feet of Old Johnson Lane from the City? How much did they pay the city for this section of the existing highway? How did they purchase this portion of the Old Johnson Lane without having a public hearing before the Public Works Commission and without receiving their o.k. to buy the property? When did the Council authorize a sale of this portion of Old Johnson Lane to the Schwarzkopfs? My wife and I own 1650 foot frontage on Old Johnson Lane Road, why were we not notified that the City was going to abandon Old Johnson Lane? Why weren't the Moebius and the Shapiro families, who own property on Old Johnson Lane Rd., notified that this road was being abandoned? How come the Public Works Commission was not notified that the Old Johnson Lane Rd. was abandoned? They have plowed and scraped this highway for the past 14 years. In fact, last Thursday, July 2nd., the Public Works Dept. scraped the Old Johnson Lane Rd. and dumped a load of processed gravel to attempt to control erosion.

If in fact Kurt Schwarzkopf did buy the portion of the Old Johnson Lane that bisects the lot submitted for your approval, why did he appear in Mr. Reif's office and ask Mr. Reif where he wanted

to show the point at which Old Johnson Lane was abandoned and ~~the point he purchased a portion~~. Mr. Reif rightly told him that is up to you and the Public Works Dept. to decide. So far the Public Works Dept. won't verify where this point is. As a matter of fact, I asked them four years ago to show me when Old Johnson Lane was abandoned. They have not responded. How than do they allow this lot to be presented to you for approval?

199.12 feet of the 624 feet of my property adjoining the lot submitted borders the Old Johnson Lane. If that portion of Old Johnson Lane were abandoned, than the City should have turned over to me a parcel of land extending for 199.12 feet with a width equal to the center of Old Johnson Lane. The City never dedeed this parcel to me.

. Another inaccuracy with the enclosed map is that the southwest corner of the Shapiro lot is shown as being within Old Johnson Lane.

. Another inaccuracy with the enclosed map is that it is not in agreement with my property line as surveyed by David Mylchreest.