

COMMISSION ON THE CITY PLAN AND ZONING - PUBLIC HEARING - WEDNESDAY -  
AUGUST 9 , 1972 - 7:30 P.M. - MUNICIPAL BUILDING - COUNCIL CHAMBER -  
DEKOVEN DRIVE - MIDDLETOWN, CONNECTICUT

Ralph Shaw, Chairman  
Robert F. Chamberlain, Vice-Chairman  
David Mylchreest, Secretary  
Eric Lowry  
Frederick Congdon, Alternate, acting for Seb Passanesi  
George Augustine, Alternate

COMMISSION MEMBERS  
PRESENT

Seb Passanesi  
Salvatore Lisitano, Alternate

COMMISSION MEMBERS  
ABSENT

George A. Reif, Director  
William M. Kuehn, Ass't. Planner  
Althea Rinaldi, Recording Secretary

STAFF PRESENT

Philip Bauer, Eng., Public Works Dept.  
Mrs. Helen LaPeirre  
Sister Marie Antoinette  
Atty. Richard C. Parmelee, rep. The Sisters  
Atty. Robert L. Hurney, rep. a body of landowners  
Approx. 30 members of the public-at-large.

OTHERS

The hearing began at 7:30 P.M.

CHM. SHAW:

I'll now open the public hearing portion of this meeting of the Commission on the City Plan and Zoning. I'll ask our secretary to read the call.

SEC'Y. MYLCHREEST:

LEGAL NOTICE

THE MIDDLETOWN COMMISSION ON THE CITY PLAN AND ZONING WILL HOLD A PUBLIC HEARING ON AUGUST 9 , 1972, STARTING AT 7:30 P.M., in THE COUNCIL CHAMBER, MUNICIPAL BUILDING, DEKOVEN DRIVE, MIDDLETOWN, CONNECTICUT, to consider:

1. Application for proposed Special Exception for a neighborhood store in an R-1 Zone, by Mrs. Helen LaPeirre, of Toll Gate Road.

LAPEIRRE APPLICATION

CHM. SHAW:

Now, before we open the hearing on this first item I'll ask, when you speak that you come forward, give your name and address then give whatever you want to for the record or against the particular item. I will ask first and in each case those people who are speaking for a particular proposal speak and then those who are opposed and if you'll follow that pattern it will help us. All of this will be put on tape so we will have a transcript of it and we are asking that you'll speak up so that we will not have to much difficulty later in the transcribing of this on to our official minutes. This first proposal---

is there someone here to speak for Mrs. LaPeirre or is she here herself. Would you like to speak about this? You'll have to come forward and give your name please. Fred, will you sit in Seb Passanesi's place? Thank you.

MRS. HELEN LAPEIRRE:

I'm Mrs. LaPeirre, I live on Toll Gate Road. I've been on the State and I get a Veterans Pension of \$87. I would like to start a store at my home. A small store like selling candy, bread and milk and stuff like that for the people in the neighborhood. My neighbors said they would sign a petition if I needed it. But they told me that I didn't need one, so I didn't have it done.

CHM. SHAW:

Do you have any questions about this particular request?

COMM. CHAMBERLAIN:

This is going to be in your home?

MRS. HELEN LAPEIRRE:

No, I haven't built the building yet. It's only a small place, but I didn't fill anything in yet. I wanted to see if it went through yet before I ripped up my lawn and all that.

SEC'Y. MYLCHREEST:

How big of a building did you have in mind?

MRS. HELEN LAPEIRRE:

Not to big, just big enough to sell candy and cigarettes, bread and milk and like that.

COMM. LOWRY:

The store has to be built yet.

MRS. HELEN LAPEIRRE:

No, I haven't built it yet because I want---didn't want to tear up my lawn until I found out I would be able to get it.

CHM. SHAW:

George...

GEORGE REIF:

Continuing questions from some of the people who evaluate your proposal exactly where your home is.

MRS. HELEN LAPEIRRE:

On Toll Gate Road. I don't know how to tell you.

GEORGE REIF:

Well, that is the point, it is on Toll Gate Road. Some of the information left us in doubt. Is it on Toll Gate Road, is it near Saybrook Road?

MRS. HELEN LAPEIRRE:  
Part of it goes on to Saybrook Road.

GEORGE REIF:  
Part of your property?

MRS. HELEN LAPEIRRE:  
No, Toll Gate Road. Do you know where Toll Gate Road is? Well you turn on Brooks Road and you go up Brooks Road a little ways and you come to Toll Gate Hill. Instead of going to Brooks Road this way you go up over the hill and right around. It comes on top of the big hill. Maybe I've got you to confused. Now, when you go to Higganum, that great big hill, well, instead of going up that big hill you turn off to go to Brooks Road, go up Brooks Road a little ways and the Road says Toll Gate Road and the road goes right around. It comes out on top of the big hill going to Higganum. It's just before you get to Calosso's and B. & B.

GEORGE REIF:  
Would it be near Calosso's?

MRS. HELEN LAPEIRRE:  
Well this side of Calosso's. It is near Carabetta's apartments.

GEORGE REIF:  
Carabetta's Apartments.

MRS. HELEN LAPEIRRE:  
Yes.

GEORGE REIF:  
Facing Saybrook Road.

MRS. HELEN LAPEIRRE:  
Brooks Road, yes.

CHM. SHAW:  
Your building? Your home?

MRS. HELEN LAPEIRRE:  
No, no it's up off...

CHM. SHAW:  
What street does it face? Toll Gate?

MRS. HELEN LAPEIRRE:  
Just on Toll Gate Road that's all.

CHM. SHAW:  
It faces Toll Gate Road. Any other questions?

COMM. CONGDON:  
What would be the approximate size of this store going to be?

MRS. HELEN LAPEIRRE:

Well I don't know exactly. I don't want it to big. I just want enough to sell a few things so that I can make a living for myself and not to be on welfare.

COMM. CHAMBERLAIN:

Where are you going to drum most of your people, your customers from?

MRS. HELEN LAPEIRRE:

My neighbors.

COMM. CHAMBERLAIN:

Are there that many people in the neighborhood?

MRS. HELEN LAPEIRRE:

Yes, have lots of friends in Maromas, that's Brooks Road, Bear Hill, Saybrook Road Apartments, Saybrook Road and where I live. Also there is Carabetta's apartments there.

COMM. SHAW:

Is there anyone else? George do you have any correspondence on this?

GEORGE REIF:

Yes, several items. We have one communication from the Health Dept. REPORT FROM HEALTH DEPT.

Insufficient information as to the location of building. Is it a specific building, etc.? Attempted to call Mrs. LaPeirre. Not listed in phone book. Must delay comment until more complete information is available. Herbert D. Rule, R.D.

This is from the Department of Public Works. REPORT FROM PUBLIC WORKS

Gentlemen:

After review of the above captioned request, this office has no objections or comments to offer at this time. However, we will review any future submitted plans of the site to ascertain conformity with existing requirements.

Very truly yours, John C. O'Brien, Dir. of Public Works. DEPARTMENT

Police Department. REPORT FROM POLICE DEPT.

Dear Sirs:

With reference to your memorandum regarding the above neighborhood store, the Police Dept. does not foresee any problems at this time. Very truly yours, Raymond P. Orsora, Det. Lieut. in Charge.

CHM. SHAW:

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

TED RENESON:

I'm Ted Reneson, I live at 896 Saybrook Road, which is very near the neighborhood of the proposed Special Exception. Now it is very difficult to speak against it because I don't know where it will be. To my understanding it was on Saybrook Road. Now Saybrook Road as you know is in an R-1 Zone. I have no need to tell you gentlemen that. Bordering on Saybrook Road we already have a B-2 Business Zone which within its boundaries already has a neighborhood store. Now, certainly, this place is not so densely populated that it needs two neighborhood stores but really this is not the objection. The objection here that it might be putting the foot in the door. Now Mrs. LaPeirre might be disappointed in her financial returns. From this she may sell this little store. Now to me immediately opens the door for somebody else to come and ask for a larger store. Now here again begins to build something like Washington Street or South Main Street which we don't need another of in the town. None of us will argue about that. Of course there was a day when Middletown was forming and Washington Street was forming when somebody should have got up and said the very same things that I'm saying to-night. Let's stop it before the door opens. Now I have no objections as I said before to using that area of Middletown. I'd like to see the neighborhood controlled so there will be some kind of controlled growth, not a hodge podge where it opens the door for somebody else to take advantage and through this way out of bounds. Now, if you gentlemen, I don't need to tell you this again, but if you'll look at 44.08.09 in your Middletown Zoning Code there should be ample reasons to reject this request for a Special Exception. I thank you.

CHM. SHAW:

Anyone else wish to speak about this proposal?

MRS. HELEN LAPEIRRE:

My property is in my husbands name in the estate and can't sell the property until the estate is settled. Goes to me and my four children and the other one is my step-daughter and it can't be sold until it goes through probate.

CHM. SHAW:

Thank you. Anyone else wish to speak. If not we'll close the hearing on item #1. Mr. Secretary please read the second item.

SEC'Y. MYLCHREEST:

#2. Application to establish a residential building HARRY A. & GLORIA V. SMITH  
lot with less than 200' frontage from a parcel APPLICATION  
of land owned by Harry A. & Gloria V. Smith,  
located off Ballfall Road. Water & sewer  
facilities are not available.

CHM. SHAW:

Anyone wish to speak for this proposal? George do you have any correspondence?

GEORGE REIF:

No. Suppose I describe the situation. There are two lots of record purchased by Mr. Smith and his wife. They built a house largely on one lot but used part of the second lot for a house. Now after a number of years Mr. Smith would like to sell one of the lots but he has to move one of his lines since part of his house is on the second lot. The result would be they have on lot 130 ft. frontage on both Ballfall Road. Second lot 150 ft. frontage. The area of the total lot would be 24,500 sq. ft. Of course is well more than an acre. So Mr. Smith is asking for an approval of a lot 150 ft. frontage and more than 2 acres in area.

CHM. SHAW:

Thank you. Anyone wish to speak about this proposal? If there is no one to speak we will move on to the third item.

SEC'Y. MYLCHREEST:

#3 Zoning Code and Subdivision Regulations text ZONING CODE AND SUBDIVISION  
amendments. ADD in the Zoning Code Section 12, TEXT AMENDMENTS  
Item 12.12, Supplementary Provisions, and in  
the Subdivision Regulations as Section 19C,  
Requirements, "Pedestrian Walks - Sidewalks, or  
other Commission approved system of pedestrian  
walks, are required for all development in-  
volving new streets and for development associ-  
ated with existing streets within one mile of  
the existing school or officially designated  
future school site. Mile measurements to be  
along most direct street to site."

CHM. SHAW:

There's no correspondence about this. Is there anyone who wishes to speak about this Code Amendment? If no one wishes to speak about the Code Amendment we'll go on the fourth item.

SEC 'Y. MYLCHREEST:

#4 An application for a Special Exception land use SISTERS OF OUR LADY OF  
for a day nursery and kindergarten facility to THE GARDEN APPLICATION  
be an "Early Learning Center" operated by the FOR NURSERY SCHOOL AND  
Sisters of Our Lady of the Garden off Round Hill KINDERGARTEN  
Road.

CHM. SHAW:

Is there anyone who wish to speak for this particular proposal?

ANN TRITSCHELLER:

Ann Tritscheller, Maiden Lane, Durham. As I understand they're zoned to have a nursery school in this area.

So there should be no problem here and I would like to say there are other nursery schools existing that have similar narrow roads and tedious driveways. They have had no problems, no complaints up to this time. So I do feel that they should be allowed to have this school here.

CHM. SHAW:

Anyone else wish to speak for this proposal? No one wishing to speak for the proposal? George, do you have any correspondence?

GEORGE REIF:

Yes we do. We have a brief message from the Water & Sewer Dept. They notify us that no water or sewer available. F. J Opalacz. REPORT FROM WATER & SEWER DEPT.

The South Fire District turned in an analysis it deals mainly with the building itself which is not really what is before the Planning Commission. So I will not read this letter. There are six items where some relatively minor corrections have to be made in order to use this for a nursery. SOUTH FIRE DEPARTMENT REPORTED

The Police Department tells you:

With reference to your memorandum regarding the above Day Nursery and Kindergarten, the Police Department does not foresee any problems at this time. Raymond P. Orsora, Det. Lieut., in Charge. POLICE DEPARTMENT REPORTS

The Department of Public Works. PUBLIC WORKS DEPT. REPORTS

Gentlemen:

After review of the above referenced project, this office offers no objections or comments to the planned use of the property. A future site review will be made when the formal application is initiated.

John C. O'Brien, Dir. of Public Works.

The Health Department states: HEALTH DEPT. REPORTS

The Sisters should first make application and consult with Miss Green, Maternal and Child Health Section, Community Health Division of the State Health Department, 79 Elm Street in Hartford to determine whether their submitted plan is in compliance with the State Health Code. Miss Green will, in turn, notify this department of any recommendations pertaining to this plan. Signed Hubert S. Rule, R.S.

That is it.

CHM. SHAW:

Thank you. Is there anyone who wishes to speak in:

opposition to this particular proposal. Before you do, let me remind you that two weeks ago the last meeting of this Commission this item was heard and those items are in the record which a transcript will be available.

ATTY. RICHARD C. PARMELEE:

Excuse me Commissioner, Sister Marie Antoinette wants to give you some information pertaining to one of those reports, particularly from the Health Dept.

SISTER MARIE ANTOINETTE:

I made an application and I contacted Miss Green. She looked at our plans and she said they looked perfectly alright on paper. I have told her just exactly what we have, the plans we have and everything. She is going to come down to have a meeting with us this coming week but she said she doesn't foresee any problems for this project.

CHM. SHAW:

Excuse me they are having difficulty hearing you in the back.

SISTER MARIE ANTOINETTE:

Do you want me to repeat it?

CHM. SHAW:

I think I can repeat for you. She has contacted people of the State and they have found they're no---nothing improper with the proposal as it appears now and they are going to come down and speak with the Sisters at a later date. Now would you give us your name for the records so that we will have it on.....

SISTER MARIE ANTOINETTE:

Sister Marie Antoinette. Also we had the house inspected by the Chief of the Fire Dept. and he told us to make a few changes that we have to make he said before we do.... before we open the nursery school everything would be taken care of and we will have it inspected again.

CHM. SHAW:

Fine. Thank you very much.

SISTER MARIE ANTOINETTE:

And the pond is going to be fenced in.

CHM. SHAW:

Thank you. Anyone else wants to speak in favor of this particular proposal.

SEBASTIAN TIMBRO:

I'm Sebastian Timbro, I would like to say just a few words in favor of this Day Nursery and Care Center for children. The Sisters came from Italy and they tried to initiate something in this country which I think is good. All

they're trying to do is trying to survive as I should put it. They have no means of support... themselves and they have a home that they have to pay for like anybody else and of course they have to go out for work. Where would they go and look for work? In the factory? Would you like to see a Nun work in a factory? I wouldn't want to see it that way. Now I don't see why there should be opposition to this plan and all I can say I wish the people will not oppose it.

CHM. SHAW:

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

ATTY. ROBERT L. HURNEY:

Yes, I'm Atty. Robert L. Hurney, and I practice law in the City of Middletown and I represent Dr. and Mrs. Desmond DeVille, Mr. Joseph Carta, who are abutting land owners. First of all in an attempt to keep this in an orderly manner I would first call the attention of this Commission to my belief that the Zoning Code under which you (Inaudible) to act to-night is invalid and illegal. It was never properly adopted. Middletown seems to have a history of this sort of thing and this did come to your attention gentlemen. An attempt was made to validate it and was advertised in the Middletown Press Thursday April 2, 1970, when you attempted to readopt it without going through all of the requirements set forth in the Zoning Statutes of the State of Connecticut.

However, it's has been my opinion that attempt was futile and without legal validity and since then have been a particular case, has come down from the Supreme Court in the State of Connecticut that reinforces my belief and that involved the City of Norwalk. I looked for it quickly this afternoon. It's in the advance sheets and that advance sheet was not in my office but I can cite it to you later. I am familiar with it. That didn't have to do with zoning. I believe that it had to do with subdivision regulations but the law was layed out quite clearly, as to what must be done in a situation such as this. I feel that it is only fair for me cite that belief to you before I embark on what I have to say in regarding the Code if you believe it to be valid. As I said this isn't the first time that the Middletown Zoning has been declared by the Court to be valid. However, your Code as to Special Exception sets forth a great many specific requirements that must be adhered to. I respectfully submit that the good Sisters have not adhered to

these requirements in fact they are in default on the majority of them. A site plan? You have an 8½ x 11 sheet of paper with some penciled in property lines and some notations on it. There is no site plan. It doesn't call for any of the requirements. It doesn't meet any of the requirements of your own Code. If you believe your own Code to be valid, I do not. Now I went through some of the Connecticut reports. The advance sheet as I said. They haven't come out with the bound volumes as yet, and one of the interest is Anastasia VS The Zoning Commission of Bristol and that is found in the Connecticut Law Journal for June 6, 1972. You see it is a very recent case. On page 1, and that case, Supreme Court of this State held that there was no error when the Court of Common Pleas for Hartford County reversed the Bristol Zoning and Planning Commission and they held and I must explain to you in citing this case that the Supreme Court said Special Exception as a Special Permit that is used in some of the cases are interchangeably used and mean the same thing. They said that making a determination on a Special Permit "A Zoning Authority is to consider the standards provided on the Zoning Regulations themselves and the conditions necessary to protect the public health, safety convenience and property value" and that is from the Conn. General Statutes of Sec. 8-2 the 1958 Revision also Powers VS Common Council, 154, Conn. 156, page 161, A some VS Zoning Commission, 150, Conn. 79, Page 91, and there are other cases cited. They go on to say to justify the grant of Special Permit it must appear from the record before the Commission. That the manner in which the applicant proposes to use his property satisfies and I emphasize all conditions imposed by the Regulations. The citation is Abrahamson VS Zoning Board of Appeals, 143, Conn. 211 at 213. And to sum it all up in this case was decided this June the Trial Court and our Supreme Court says correctly, concluded that the Commission did not have before it sufficient evidence. It did not state on the records and sufficient reasons to support the granting of the application.

Now, I could say this to you, Round Hill is a narrow road in the summer time. It's narrower yet when there's snow and ice on the streets. The subject property has a very steep driveway. It is only wide enough for one vehicle and vehicles usually unable to ascent it in the winter time. They must park on the road and walk in. Now, as these children are dropped off every morning and every evening there is going to be a quagmire down there. There is going to be a terrific traffic problem. It's going to lower the property value of my clients. It's going to create a safety

hazard because it is a very steep driveway and cars coming down that will go out of control on ice and they...Dr. & Mrs. DeVille's bedroom is directly opposite that driveway I might tell you. I might further add that your own regulations require that they show the parking areas and the access routes and the widths and that's not on that sketch. It's not even a map. It's a sketch. They also require 35 sq. ft. inside space is devoted to children, per child and I believe 100 sq.ft. be outside per child in the area which the children have access and proper fencing to protect the neighbors and the children. Noe of that is shown on that sketch and no provision is made for it.

There are also certain...I won't go into them in detail but there are certain regulations of the State Board of Education and State Department of Health that have not been conformed to. Now, for instance, ponds and pools must be fenced to be inaccessible, fencing and safeguards to prevent bodily injury and also at least one toilet and washbowl with hot and cold water for each 15 children. So, I think the application gentlemen is premature, I think and I say this, with all due respect to you, I say it sincerely, that I appeal to you. I think your Zoning Code will...not all of it, because some parts of it were subsequently adopted in a correct manner, that portion that you are dealing with to-night, I believe were illegally adopted. I pointed that out to be fair to you in the very beginning and I appeal to you not just for this case but for all cases to look into this and to straighten this out. The public has a right to know what the law is and no one knows what the Zoning law is in this town. They really don't know. I'm not putting you on or anything else. No one really knows and I maintain and I say in all sincerity it's illegal.

Now, assuming for the moment it is illegal and you gentlemen adopted it then you put in all these regulations for Special Exceptions I submit to you that they have not been complied with and the application must be denied as premature. Thank you.

CHM. SHAW :

Is there anyone else wish to speak in opposition for this proposal?

JOSEPH CARTA:

Joseph Carta from Round Hill Road. Gentlemen, first of all I would like to reaffirm position of the last meeting and I really sympathize with you in the responsibility that you have. I think you will agree with me that you can almost count on your fingers of what we have in Middletown as far as scenery, beautiful streets etc. In my opinion I really think that this will change the character of this street. I won't go into any details gentlemen because I believe

you have on tape the last meeting but I just like to call your attention that is not apathy in this particular request because many concerned people have called me if I wanted any support and I asked them not to so that we can keep this in a real quite manner. Gentlemen, I wish you would keep this in a very good consideration. We love the street, we love our neighbors, we love the Sisters and everthing but we still like to keep the characteristic of it the way it is. The only thing, the last thing I'd like to say gentlemen is this; I can just vision winter time of the congested area around the driveway, school buses going by. I can just vision that. I wish you'd take these things on consideration. Thank you for giving me the opportunity in talking.

CHM. SHAW:

Is there anyone else wish to speak in opposition for this particular proposal?

ATTY. HURNEY:

May I add one thing Mr. Chairman, that I neglected to state. We also take the position sir, that anything that was heard at the last meeting may not be considered by this board because this was continued because the last meeting was as I understand it construed to had been illegally, improperly advertized.

CHM. SHAW:

Anyone else wish to speak?

ANN TRITSCHELLER:

This is not in opposition for actually for the proposal. I'd like to leave everyone with a question. I don't understand how the existing, the already existing nursery schools can continue if we are not to allow these Sisters to start one where homes are closer, the schools that are already...that we already have in town and yet I'd like to say without mentioning names that there are nursery schools in similar neighborhoods where the road is even narrower than Round Hill Road and where the driveway is much steeper than the driveway on Round Hill. I feel if during the winter the wesather is so bad and icy that it is going to cause hazardous condition in this neighborhood, the school would probably called off anyway and the school buses wpludn't be running during this time. So I just can't see where this is a valid excuse.

MRS. SCIONTI:

I'm Mrs. Scionti, I live at 222 Spencer Drive. I think, the reason being brought up in this meeting that there would be to many buses. First of all they will not be bussing the children. They're will be no buses. The few mothers will bring their

children up to the school. Secondly, all of the driveway is not that steep that the cars can go up or down. The Sisters keep it immaculate. You'd think that the snow hadn't even fallen on it. That's how clean they keep it. If it comes to the point that the driveway has to be made larger we will certainly make it larger. If that would satisfy you or anyone of you. I think they should have the school because it's a good opportunity and any mother would be proud to have a child put in that type of a nursery school which we don't have in Middletown at all.

CJM. SHAW:  
Thank you.

GLORIA DEVILLE:

My name is Gloria DeVille and I live on Round Hill Road. In discussion of nursery schools and their existence we do not object to nursery schools that are already in existence in the neighborhood and if you then buy your property there fine you know the nursery school is in your neighborhood but if you buy property and do not know a nursery school is there and all of a sudden one is going to be there, that's an objection not the presence of a nursery school in residential areas which they are suppose to be. It is the making of a new one and changing the character of an existing neighborhood. Now we're all discussing the driveway. The Sisters, the Petrofsky's that lived there beforehand and they used to make a game of it, trying to make the hill in the winter time which is an impossibility. Now the road has a great number of public school buses. We are not speaking of the Sisters buses we are speaking of the public school buses which travel by there 3 in the morning and one at 11:15, two at 3:30 and another about 4:00. We have a good compliment of them. This is...two buses can barely get by on the street never mind parked cars there. There's no access say specifically in your code they must show loading and unloading zones. On a slippery day I can't see children being unloaded at the bottom of the hill. One more thing, we all see nursery schools in town that are runned on the public school system, which runs from June to September, school days off, vacation, holidays, in neighborhoods where they exist and on this schedule no one objects. This is a new nursery school tending to depreciate our property.

CHM. SHAW:  
Thank you. Is there anyone else/<sup>who</sup> wish to speak?

MRS. DEVILLE:  
I'm sorry I had one more thing, I forgot to mentioned. Hardship is an irrelevant excuse for a zoning exception.

CHM. SHAW:  
Anyone else wish to speak?

ATTY. RICHARD C. PARMELEE:  
Mr. Chairman, Gentlemen of the Commission, Richard Parmelee representing the Sisters. I only want to remark here to-night primarily with the respect to the remarks made by Atty. Hurney. I would assert to you that I believe you should proceed on proposition that this part of your Zoning Ordinance is valid unless of one or two things happen. A court case declaring invalid or opinion from your Corporation Counsel indicating that it maybe invalid. That certainly wouldn't be conclusive. We lawyers go many places and make assertions at times including myself and they probably are a necessity to create a record in case when court proceeds. But I urge you to proceed on the basis that the matter is a valid ordinance in all respects. Some other things that Mr. Hurney refered to particularly as reading from certain Court Cases, he was reading from those cases and you people have no adequate background with respect to these cases to know if they are truely applicable to your Middletown situation. It is well known fact that I think anyone can take recognition of in your position that the Zoning Code vary, very widely, town to town and city to city in Connecticut. Unless it's a very clear cut situation I think assertions from Court Cases in other cities about other ordinances and the methods and procedures of adopting them is something that should not concern you with much of your time.  
There has been certain assertions here pertaining to property values. I think they are worth very little unless they are supported by a qualified experts, being real estate people or real estate appraisors. Thank you for your considerations.

CHM. SHAW:  
Is there anyone else who wishes to speak? If not, I declare this item closed and move on to the last item of the public hearing.

SEC'Y. MYLCHREEST:  
#5 An application for a subdivision of land into eleven (11) residential building lots located on the north side of Randolph Road west of Route 9.

SUBDIVISION APPLICATION  
ELEVEN (11) BUILDING LOTS  
RANDOLPH ROAD - ROUTE 9

CHM. SHAW:  
We will wait until people have moved before we go on. Now can we go back to this item 5. I'm going to ask Dave to read this item again in case you have lost track where we are.

SEC'Y. MYLCHREEST:  
An application for a subdivision of land into

eleven (11) residential building lots located on the north side of Randolph Road west of Route 9.

CHM. SHAW:

Now you have heard the item is there anyone here to speak for this proposal this evening? George do you have any correspondence?

GEORGE REIF:

No additional information whatsoever for this particular item.

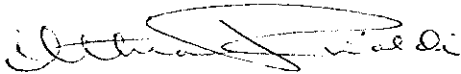
CHM. SHAW:

No additional information. Alright. Is there anyone who wishes to speak in opposition this evening. If not I guess we will close this item, this portion of the meeting and close the public hearing for this evening.

Meeting adjourned at 8:20 P.M.

ADJOURNMENT

Respectfully submitted:



Althea Rinaldi, Recording Secretary



Ralph Shaw, Chairman  
COMMISSION ON THE CITY PLAN  
AND ZONING