

Chm. W. Lee Osborne, Sec'y Stephen P. Shapiro, Ann Loffredo, Anthony J. Vasiliou, Jennifer Alexander, Philip Halibozek, Stephen Gadomski

COMMISSION  
MEMBERS  
PRESENT

Vice-Chm. John Robinson, Sebastian Passanesi, Sebastian Timbro, Anton A. Petras, Mayor Stephen T. Gionfriddo, Ex-Officio, Dir. P.W. Salvatore Fazzino, Ex-Officio

MEMBERS  
ABSENT

Alternate Comm. Philip Halibozek acted for absent Comm. John Robinson. Alternate Comm. Stephen Gadomski acted for absent Comm. Sebastian Passanesi. Alternate Comm. Jennifer Alexander acted for absent Comm. Sebastian Timbro.

A C T I N G  
MEMBERS

William Warner, Planning Director, Thomas Nigosanti, Chief Engineer Public Works Dept.

STAFF

Reporter from the Middletown Press and Hartford Courant and approximately 25 members of the public.

OTHERS

Secy. Stephen Shapiro

This the public hearing. The following legal notice appeared twice in the Middletown Press on Saturday, July 31, 1993 and Saturday August 7th, 1993. Legal Notice. Middletown Planning and Zoning Commission, Public Hearing, August 11, 1993, 7:00 P.M., Council Chamber, deKoven Drive, Middletown, CT

P U B L I C  
H E A R I N G 26  
L O T  
R E S U B D I V I -  
S I O N  
M A R G A R I T E  
R O A D

1. Continued a proposed 26 lot resubdivision to be known as Country View Estates, Phase III, located off the east side of Margarite Road south of Kelsey Street. Applicant/agent Cambridge Homes, Inc./Glenn Russo

Frank White

Good Evening. My name is Frank White and I am here with Glenn Russo from Cambridge Homes, Inc. and it's my understanding that this is a continuation of a public hearing and that it will also be continued at. Would you like me to repeat all that or

Chm. W. Lee Osborne  
He's got it on a tape.

Frank White

Oh, okay. It is my understanding that the public hearing took place

and will be continued until the next hearing and that there are certain items that were raised at the last hearing which Cambridge Homes is working with the staff of the City of Middletown to address and I've been working very hard at this and there are some goals there are very ambitious and working very hard and we intended by the time of the next public hearing comes up, something will be resolved and we will be able to report back to you. I'm only here for this one. Atty. Dowley apparently has taken a vacation.

Chm. W. Lee Osborne

I didn't think the last public hearing was that bad. (Laughter)

Frank White

Well, he kind of snuck out of town and I found out about it Monday morning.

Chm. W. Lee Osborne

The principal item that this Commission needs to hear and to react to make the final decision comes on this matter comes from the Water and Sewer Department and that information is yet to come to us. And this Commission voted to keep the public hearing open so that the public may have further information that they may have or seek additional information and it also gives the developer an opportunity to react to some of the things and coordinate the changes with staff. So if you have nothing to add at this time, then I would ask members of the public if they would like to speak at this time. Looking for new information, new questions that have not been raised last time and please try to stay away from things that have been covered in the two public hearings prior to this. Yes.

Unknown speaker

Before the hearing started there was a map up that showed the inaudible the additional street. And I just wanted to be sure that I understand that that's not what I've looking at. Right. Inaudible.

Chm. W. Lee Osborne

At the end of the meeting last time I asked for clarification. That is an exercise which indicates to the Commission that the developer is capable of developing a number of lots with no exceptions to the regulations in any way. That plan meets our regulations in every way. His position on that is that's not as apt a subdivision of the land as he would like to be involved with and he has asked for certain concessions so that he can respect certain natural outcroppings and develop the land with the same number of lots another way. So that is not on the table and that was an exercise that was shown to us as a demonstration that the number of lots is not the question. He complied with and the one that is on the table is the one that you originally received the

map of. Please identify yourself with a name and address and give us your comments or ask questions.

Ted Werner

My name is Ted Werner, 300 Margarite Road. I have a letter here to Mr. William Warner with copies to each of the Commission members. I'd like to read it also. Dear Mr. Warner. We are looking at the site of Country View Estates with its grand outcroppings of ledge and shady woods and its grassy meadow, a potential might look at it for the first time and say, "This would be a grand place for a home." We look at the same area and say it's not a bad place for a meadow. At the same time we recognize the financial concerns of the developer, Glen Russo, and the zoning under which he purchased the property. Our main concern is not then whether to develop this beautiful site but to what degree. The focus of our Margarite neighborhood petition to Planning and Zoning has been the density of homes proposed which we feel will constitute over development of this area. The construction of 26 houses on roughly ten acres would adversely affect the safety and rural nature of this neighborhood. Safety is a major concern. Many of us in the neighborhood has voiced it at the two previous Planning and Zoning meetings in July. We have cited statistics, submitted photographs, and related anecdotes regarding the narrow width of the road for Ray Kendall's wife. The hills which hinder visibility and which become slippery in the winter time. The currently acceptable volume of traffic and the recklessness of some drivers at present. The addition of 26 more households would add at least forty more vehicles into problems. At the July 28th Planning and Zoning meeting Mr. Russo cited statistics so the size of some of the existing homes along Margarite Road. His contention was that his Country View Estates home would be larger than the average home along Margarite Road. We have attached to this letter, this letter is from myself and my wife by the way. We have attached to this letter a complete listing of all of the homes along Margarite Road and Prout Hill Road from Margarite, the Russo common driveway, Kelsey Street from Margarite Road to Arbutus Street and the proposed houses of Country View Estates. This listing notes the addresses, owner, date of construction, square footage of the house, the acreage and the ratio of the house area to property area. We have summarized some of the points below. There are sixty-two homes in this area averaging 1728 square feet sitting on an average of 1.13 acres and the ratio of house to lot sizes is 6.4 percent. On the listing at the end of this letter I have drawn a line across the listing on Margarite Road and that represents the area that is closest to Country View Estates. That's Prout Hill Road on. In this area there are thirty-two homes average of 1,856 square feet a little over a 100 square feet, larger than the average of all of the homes sitting on 1.6 acres, about a half an acre more and smaller percentage of land area use 4.6 percent. In the neighborhood there have been ten homes built, excuse me, there have been twelve homes built in the last ten years averaging 2,468 square feet sitting on

1.8 acres with a density of 4.9 percent. Country View Estates having 26 homes, I'm estimating an average of 1,700 square feet. I believe Mr. Russo indicated this figure. It may be higher or lower than that. I'm not sure. The average lot size is .42 acres and using the 1,700 square feet estimate, the density is 9.9 percent of the area of the land used for homes. Please note of the twelve homes built in the neighborhood in the last ten years nine were either built or built by or built on property developed by Glenn Russo. All but one are located south of Prout Hill Road. They average one third larger than the homes in the area and their lot sizes and building ratios are in keeping with the area. From these statistics we can see a higher density of development in Country View Estates than in the neighborhood taken as a whole. The disparity is most significant if you only view the section of the neighborhood that is closest to Country View Estates. Also please note the density of the development of Mr. Russo's own home at 288 Margarite Road, 3.4 percent. To reduce the building density in the proposed Country View Estates from 9.9 percent to even that of the total neighborhood, 6.4 percent, Glen Russo would have to either reduce the size of the houses to about 900 square feet each or double the size of the lots for each house. The last option would be of course be the best one. Doubling the size of lots available for each house would have three effects. First it would continue the acknowledged rural nature of this neighborhood. Second it would reduce the number of new homes added to the neighborhood by reducing the development impact on the traffic situation. Third the ecological damage caused by construction would be lessened the recovery time period would be shortened. Looking at the proposed development we can agree that the elimination of the boulevard as an entrance to the cul-de-sac makes aesthetic sense. The elimination of the sidewalks would be acceptable in this development only if the school buses not only can but will drive into the cul-de-sac. Otherwise, school children would have to walk to the intersection of Kelsey Street and Margarite Road. The indications from the Middletown Public Schools are the school buses would not enter this area because of the cul-de-sac. Sidewalks then are mandatory to the intersection of Margarite Road and Kelsey Street. We in the Margarite Road neighborhood would like language inserted into the Planning and Zoning approval of Country View Estates regarding the outcroppings of ledge in this area. This language would be to the effect that no part of the ledge outcropping would be moved or otherwise disturbed during the construction of Country View Estates and afterward by any property owner. Finally we want to believe, we want to believe in Glenn Russo's projections of the value of his developing properties. We want to believe the City is acting in our best interests in all aspects of this approval process. Above all we want to believe when all of the homes in Country View Estates, fewer than twenty-six we hope, are built and occupied we will have a continuation of our current quality of life in the south Middletown area. Signed by myself and my wife with copies to

you and Mr. Glenn Russo. Thank you.

Chm. W. Lee Osborne  
Thank you.

Lionel Therrien

My name is Lionel Therrien and I live at 6 Kelsey Street which is the house that is right around the corner of Kelsey on Margarite Road. I am very involved with this situation that is going on on the top of the hill from me because it involves me very much. I have built that house there in 1960 and I've seen what happens when an awful lot of rain comes down which we have had and the sewers or I should say the drains are not adequate to take care of the situation as it is now and I'm very concerned about that. I know that the catch basins, they accumulate branches, leaves, debris, and even snakes as long as three four feet long that come down there when it rains very hard. I've seen that many many times. The ledge mound that is right at the bottom of the hill that goes what they call the crowns of the trees, that is the most dangerous thing that you can have there. We've seen cars come literally off the road and fly and that was seen by many people. I've also had three cars that ran into my home and I've never complained too much to the City about this because when I built the house there they told me that they couldn't blow out that ledge any lower because it would disturb the mountain and possibly much more than that. So I never bothered to complain too much about it. I did what I could to fix the situation. Excuse my little trembling of the voice, it is the first time talked to a concern like this. The lighting in that was put in in that location, both ways Kelsey and Margarite Road, is very inadequate. We've wanted to put on two more lights. We've never had any success with that. It's very dark and may be that contributed and I'm sure it did to the accidents wound up in one of my bedrooms and over my land and the other one in my living room. That road over there is very very dangerous. I can't stress that enough. If we make a road that is adequate to handle twenty-six homes that are going to be on top of a hill, to me that says that there is twenty-six homes that are going to have twenty-six cars possibly more like fifty cars. And that's going to come down that hill. There is no way that curve is going to handle that. You're going to have to make a awful lot. Dynamiting which they did when Mr. O'Brien at the time built the catch basins for us and those catch basins are now not adequate as I said. They definitely do dynamiting to get down there and that was only four feet deep for the catch basins. If you're going to build sidewalks on each side that is going to be another big big expense. There is no enough land on the right side going down the hill to put a road there unless you go right into the ledge on the other side. I can only stress that you look at this very very seriously because it is a big big expense. Not just on Mr. Russo but more for the City of Middletown. Thank you. (Applause)

Bill Batt

Mr. Chairman and members my name is Bill Batt B A double T. I live at 596 Margarite Road up that hill on the left hand side. And we are normally concerned about all of the points that Mr. Therrien and Mr. Werner made. But too I wanted to address myself particularly two points that Glenn Russo made at the last session. One was that a school bus would have no problem turning around in that cul-de-sac. I had spoken to the schools and the bus company and testified to that effect but I wanted to put it in writing. I asked Mr. Malone, the Associate Superintendent to confirmed what he told me or what Superintendent Larson had told me. He wrote me a letter that I would like to share with you. This letter states that since it is difficult for school buses to turn around on streets that have cul-de-sacs, the policy of the Middletown Public Schools is that the school buses do not enter these streets. Also the School Administration agrees that the installation of sidewalks make any street safer for school children. Sincerely, Vincent P. Malone. I would like to leave that with you, Bill, if I may with copies for all the members? The other point, another point that Glenn made about that was that you couldn't conceivably put sidewalks in or they would at least be subject to be uprooted by or destroyed by trees by the root systems of trees. We discussed that at out last neighborhood meeting and a suggestion was made by one the my neighbors that we consult an arborist. We weren't able to get an arborist to join us tonight but we did get a letter from Mr. Craig Martin, a CT licensed arborist, No. 2079. Mr. Martin explains that this is not simply not true today. That you can that sidewalks and trees can live together if you pick the right trees. And he provided with a list of the kinds of trees both small growing trees and medium growing trees including zelculda which I never heard of before which he tells me are used a lot around Wesleyan. And Schwedler Maple, Chinese Scolar Tree which sounds very scholarly. And Nochina Cherry which is the kind used in Washington D.C. He also and I will be happy to leave this letter with you but he says in effect "In response to our conservation with regard to tree planting along street sidewalks, the issue has been debated for a long time and as a result trees suitable for street tree planting adjacent to sidewalks have developed. These trees have root systems that grow deeper into the soil and depend upon a tap root that goes to a lateral root system. A list of some of these trees included. Another development for the protection of sidewalks from tree root damage is a deep root barrier. This product forces the roots to grow below the sidewalk preventing any damage to them and brochure is included. So I'm I'd like to file with Bill. I didn't have time to make copies in time for tonight's inaudible. I will file with Bill the original of this letter, a list of the trees you can plant next to sidewalks without breaking the sidewalk and something called deep root control planters which are steel in which you put down between the sidewalk and the trees and that keeps the tree roots from breaking up the sidewalks. Bill, if I can leave that with you. This was so I think this is

simply to refute to try to refute a couple of points that Glenn Russo made at the last session. We think that sidewalks are absolutely essential. If you're going to have twenty-six families up there with the youngsters. You're not going to have a school bus up there and they're going to have to walk either to the entrance or all the way down Kelsey Street competing for space on the road if they don't have sidewalks with their parents trying to get off to work and the rest of the traffic on that street. Thank you very much gentlemen and ladies.

Chm. W. Lee Osborne  
Next speaker, please.

Beth Lapin

Hi, I'm Beth Lapin. I'm at 46 Kelsey Street. I'd like there are to be some consideration in addition to the impact of traffic on Margarite Road itself. To consider where these additional cars will be going once they come down from the subdivision. If for some reason they were not all to go Margarite Road to Randolph Road and decided to turn on Kelsey Street. Some of you may be familiar with the narrowness of that particular street and the hills in that area also. There are no sidewalks there. In addition and I live on the part that is at the base of the hill and just this winter someone came down that hill, tried to put on the brakes, totality well basically hit my neighbor's trees. So it's not a place that is going to be directly considered in the environment of this subdivision but it is going to be impacted by it and should be considered as part of the long range cost of the Town, the City, the taxpayers will have to consider as the subdivision gets developed. That's all I have to say. Thank you.

(Applause)

Chm. W. Lee Osborne  
Any other members of the public that wish to add new information at this time?

Steve Anderson

Steve Anderson of Margarite Road. I've got some copies for all the members of the Commission. To Members of the Middletown Planning and Zoning Commission in reference to Country View Estates, Phase III. Most of the following statement are taken directly from your subdivision regulations. Section 01.04. Purposes, it is the intent of these regulations that all land be subdivided shall be of such character so that it can be used for building purposes without danger to health or public safety. And that the proposed streets are in harmony with existing or proposed thoroughfares and so arranged in such width as to provide an adequate and convenient system for present and prospective traffic needs. Section 01.06.01 Interpretation, the interpretation and application of the provisions of these regulations shall be held to be the minimum

requirements. More stringent provisions may be required if it is demonstrated that different standards are necessary for the promotion and protection of public health, safety, and general welfare. Section .01.10.03 Indemnification of City and Commission, Please reread this section. For those of you who have concerns in this area. If you stick to the regulations as printed you are protected by this section. If you allow approval without proper adherence to your own regulations you're liable for your actions. Section 02.06.07 Denial, application may be denied by the Commission if the application fails to conform to the purposes and requirements of these regulations i.e. Section 01.04. Section 04.08 Additional Evidence, the Planning and Zoning Commission may require the submission of additional evidence to establish to the satisfaction of the Commission that the land to be subdivided is of such character that it can be used for building purposed without danger to health or public safety. That existing and proposed streets can adequately accommodate the increase in traffic volume and that any proposed streets shown on the subdivision plan is in harmony with the existing and proposed thoroughfares shown in the Plan of Development especially in regards to safe intersections with such thoroughfares. Section 05.19.03 Rights-of-Way Item three, when proposed subdivisions abut existing City of State highways which are not built to this standard or width contained in these regulations, the developer shall provide proper widening and or improvements including but not limited to pavement, curb, and drainage. Section 05.19.04.03 Design Standards, sub collector which is Margarite Road, thirty foot pavement width, two hundred fifty foot minimum sight distance, cul-de-sac which is the proposed development, thirty foot pavement width, two hundred fifty foot minimum sight distance. The width may be reduced in a R-30, R-45, R-60 zones according to the regulations. R-15 zone is not mentioned as one that can be reduced. Section 05.19.05 Intersections, streets shall be laid out to so as to intersect as nearly as possible at right angles. And I believe streets should be curved approaching an intersection and should be approximately at right angles for at least one hundred feet therefrom. This subdivision does not have that. This is respectfully submitted by the Concerned Voting Residents of Margarite Road Neighborhood. This is your Code, your regulations, don't let the Public Works or anyone else say what exists is okay with us, go ahead as is. If it is not to your Code it should not be okay with you. We've given you the ammunition, put it in the gun, please pull the trigger on this application. Thank you.

(Applause)

Chm. W. Lee Osborne

Are there any other members of the public that wish to address this with new information this evening? I'll accept a motion to continue the public hearing.

PLANNING AND ZONING COMMISSION PUBLIC HEARING AUGUST 11, 1993, 7:00  
P.M. PAGE 9 OF 9

Unknown speaker  
Move to continue.

Unknown speaker  
Second.

Chm. W. Lee Osborne  
All those in favor to continue the public hearing.

Commission  
Aye.

Chm. W. Lee Osborne  
Opposed say nay. The hearing will be continued until what's the  
date on there?

Unknown speaker  
Twenty-fifth.

Chm. W. Lee Osborne  
Twenty-fifth of August.

Respectfully submitted,

Hope P. Kasper  
Administrative Secretary

PLANNING AND ZONING COMMISSION REGULAR MEETING AUGUST 11, 1993,  
7:00 P.M. PAGE 1 OF 3

Chm. W. Lee Osborne, Sec'y Stephen P. Shapiro,  
Ann Loffredo, Anthony J. Vasiliou, Jennifer  
Alexander, Philip Halibozek, Stephen Gadomski

COMMISSION  
MEMBERS PRESENT

Vice-Chm. John Robinson, Sebastian Passanesi,  
Sebastian Timbro, Anton A. Petras, Mayor  
Stephen T. Gionfriddo, Ex-Officio, Dir. P.W.  
Salvatore Fazzino, Ex-Officio

MEMBERS ABSENT

Alternate Comm. Philip Halibozek acted for  
absent Comm. John Robinson. Alternate Comm.  
Stephen Gadomski acted for absent Comm.  
Sebastian Passanesi. Alternate Comm. Jennifer  
Alexander acted for absent Comm. Sebastian  
Timbro.

ACTING MEMBERS

William Warner, Planning Director and Tom  
Nigosanti, Chief Engineer

STAFF

Reporters from the Middletown Press and  
Hartford Courant and approximately 25  
members of the public.

OTHERS

On motion and second by Comms. Shapiro and  
Loffredo the Commission approved the minutes  
of the July 28, 1993 meeting. Vote was  
unanimous.

ITEM 2.1  
APPROVED  
MINUTES  
7\28\93

The Commission acknowledged the ZEO Sign  
Report and the ZEO Monthly Report.

ITEM 3.1 & 3.2  
SIGN & MONTHLY  
REPORT - ZEO

On motion and second by Comms. Shapiro and  
Loffredo the Commission tabled a request for  
final approval of Phase I of the Lisa Lane,  
Sebastian J. Passanesi Subdivision. Applicant\  
agent Lisa Passanesi S88-48. Vote was unanimous.

ITEM 4.1  
TABLED  
REQUEST FOR  
FINAL APPROVAL  
PHASE I, LISA  
LANE

On motion and second by Comms. Gadomski and  
Shapiro the Commission affirmed the existing  
non-conforming use of a laundromat at 460  
East Main Street at the corner of Hillside  
Avenue and fronting on Hillside Avenue with  
the understanding that there will be no  
expansion or addition of new uses. Discussion  
ensued and William Warner explained the  
situation. Applicant\Agent Linda Smigel  
NC93-1. Vote was unanimous.

ITEM 5.1  
AFFIRMED EXISTING  
NON-CONFORMING  
USE AT 460 EAST  
MAIN STREET