

Paul P. Parisi, Chm.; Dr. Eric Lowry, V-Chm.; Cos Giuffrida,  
Secretary; Ralph Shaw II.

COMMISSION MEMBERS  
PRESENT

Robert F. Chamberlain; George L. Augustine.

ALTERNATE MEMBERS  
PRESENT

Vincent J. Loffredo; Dr. Christie McLeod; Seb. J. Passanesi;  
Mayor Anthony S. Marino.

COMMISSION MEMBERS  
ABSENT

Conrad J. Tyaack; Daniel Z. Shapiro.

ALTERNATE MEMBERS  
ABSENT

George A. Reif, Dir.; Catherine V. Raczka, Assn't Dir.;  
Florence Pelc, Transcribing Secretary.

STAFF

Phil Bauer, Eng. Public Works Dept.

OTHER

George L. Augustine acting for Comm. McLeod.  
Robert F. Chamberlain acting for Comm. Loffredo.

ACTING ALTERNATES

CHAIRMAN PARISI:

I will call the meeting to order now.  
Will the Secretary please read the legal notice.

SECRETARY GIUFFRIDA:

THE MIDDLETOWN PLANNING AND ZONING COMMISSION WILL HOLD A PUBLIC HEARING AUGUST 22, 1979  
STARTING AT 7:30 p.m. IN THE COUNCIL CHAMBER, MUNICIPAL BUILDING, DEKOVEN DRIVE, MIDDLE-  
TOWN, CONNECTICUT, to consider the following:

Item 1: Proposed amendments to the Zoning Code regarding nursing and care homes, community residential treatment facilities, and rooming houses. The definition of care/nursing homes and rooming houses is revised and a new category of community residential treatment facilities is established. Special Exception criteria and parking standards are revised. Care/nursing homes and community residential treatment facilities are made Special Exception Uses in the R-2, R-3, R-4, TD, and B-3 Zones. Rooming houses are Special Exception Uses in the R-2, R-3, R-4, and TD Zones, and permitted uses in the B-3 zones. Specific proposals are on file in the Town Clerk's Office and the Planning and Zoning Department.

CATHY RACZKA:

Basically these proposed changes to the Middletown Code update Middletown Zoning Code so that it reflects contemporary philosophy in both the planning and social service field. Basically the changes make a distinction between care and nursing homes and community residential treatment facilities. These types of facilities are both health care institutions and they do have that in common. But they are very different from each other in terms of scale and supervisory requirements and they thus should have separate land use classifications. As an example the median license capacity of beds of nursing homes in Middletown is 60. Some go as high as 180. In community residential treatment facility type uses the facility is much smaller and the idea in them of course is to capture the intimate family like atmosphere. The care/nursing homes definition combines the...combines two things in the existing Code. It combines the nursing home definition and the convalescent home definition, so now we only have one.

The community residential treatment facility is a new category and these type of facilities are known as halfway houses. One point that I would like to make is that the changes do not affect Middletown's definition of a family at all. We define a family as an individual, or two or more persons related by blood or marriage, or a group of not more than five persons excluding servants, not related by blood or marriage living together as a single housekeeping group in a dwelling unit. The community residential treatment facility definition will apply in situations where there are more than five persons living together in a living unit. The classification then is for those situations where there is clearly no family unit as we commonly know it. The proposal makes no reference to any particular types of treatment to a kind of disease or to any particular behavior disorder. This is because these group homes are used more and more frequently for rehabilitation for mental, physical and behavior problems these Middletown Zoning Codes will still be appropriate. As an example our definition would apply to a shelter for battered individuals.

You have in front of you chart one, it looks like this, and chart one shows the current land use schedule for these types of facilities on the top and what the proposed regulations would do on the bottom number two. The proposal makes these types of facilities special exceptions uses in Middletown multi-family residential zones and in the Central Business District. This is what Aspo reports a recent report titled Zoning For Family and Group Care Facilities. Many Connecticut towns such as Hartford treat group facilities in this manner. An alternative of course is to allow these facilities in all of our residential zones and this is what Glastonbury across the river does. However, I think that Middletown has been very carefully in the recent past been weeding out all uses from an R-1 zones that are clearly not single family dwelling units. The current zoning approach is to promote infill maximum use of our existing developed and built up areas. The idea is that significant energy saving can result to both the individual and to the community.

The proposal has four criteria for special exceptions. The first one emphasizes and basically restates the criteria for any special exceptions. They must be compatible with the neighborhood. The second criteria requires a description of the agencies purpose and client and patient group. This is necessary to any planning decisions, because all these facilities vary greatly in terms of services and characteristics of their clients and they have different impacts thus on the traffic circulation pattern and the Community Facilities which should be available to each. For an example, Connection House which has ex-convicts and is licensed by the Department of Correction has very different community impacts and needs than Downey Side which is for people or children under eighteen. Information about agency purpose basically relates to the Communities needs of the facility. The Windsor Zoning Code has a specific requirement for stating community need by any community residential treatment facility application.

Another criteria for special exception would require connection with water and sewer facilities. Currently Section 12.11 of the Middletown Code requires multi family structures to connect to water and sewer. Care homes and community residential treatment facilities really more similar in the water and sewer needs to multi family land uses than to single family land uses and so this requirement of connection is very appropriate.

The Middletown Health Department, I spoke to Bill Wamester, reports that all nursing care homes in Middletown currently are in the public system and that truly there is no land left that would support a private septic system for a nursing home land use. Nursing homes have very extensive requirements for water and sewer because of State Public Health rules on laundry and kitchen facilities. The lot size requirement uses the number of persons as the basic unit, it is a...we have a step down procedure.

Chart two, the next page, compares all the existing and proposed space requirements in the Zoning Code. The top one shows that 750 square feet is required for a single family dwelling unit, and this is the existing square footage requirements. On the lower half of the page is our proposal. If an R-2 location is selected for a treatment facility that meets the Code requirements then they could have ten residence. As a comparison Middletown Haven which is our most recent example they would require 90,000 square feet for their lot. And they show on their plans 98,543, so they are well in their.....these proposed limits.

Another important criteria is parking requirements, and that's in the proposal also. Using the suggested ratio for parking Middletown Rest Haven would have to have 46 parking spaces and they show 50 on their plan. A related concern is rooming houses, because this is another living arrangement.

CHAIRMAN PARISI:

Are you all through with community residential treatment facilities?

CATHY RACZKA:

Another thing that we can compare on the chart is the square footage of a Dorm. The R-4 Zone says that 435 square feet would be required and if a residential facility were to be located in this zone it would require 500 sq. ft., we are pretty close. And the difference would be parking and undoubtedly would be higher parking requirements, both for staff and residents than in a Dorm.

CHAIRMAN PARISI:

So right now under the existing regulations we permit nursing and care homes in the B-2, but under the new one we wouldn't?

CATHY RACZKA:

No.

CHAIRMAN PARISI:

Why not.

CATHY RACZKA:

Because our business zones are being used...the emphasis is using them completely for retail sale uses and professional office uses and we have been weeding out everything else.

CHAIRMAN PARISI:

Then why are you allowing them in the B-3?

CATHY RACZKA:

Because the downtown zone is very much different than the B-2 Zone, its the Central Business District. What you want is activity and different types of individuals and purposes for being downtown, and we have more space for residential land uses than in our business zones.

CHAIRMAN PARISI:

Do we have any nursing homes in the B-2 Zone now?

CATHY RACZKA:

There are very very little.

CHAIRMAN PARISI:

For example ST. Lukes is in the B-2 Zone right now, right, Pearl Street

MR. REIF:

No, that's an R-4 Zone. Remember we weeded out all from the B-2 Zones all the residential uses for the purpose of having....(inaudible) commercial areas. The B-3 Zone is more of a mixture.....

COMM. SHAW:

(Inaudible) to put a convalescent or community residential treatment facility on the third, fourth, or fifth floor of a commercial (Inaudible).

CHAIRMAN PARISI:

If we are going for a permitted use we might want to look at it as maybe not permitted per say but more.....a special exception.

CATHY RACZKA:

That's an alternative.

COMM. SHAW:

Where are the B-2 Zones?

CATHY RACZKA:

Over here on Newfield Street, Washington Street over here and on Saybrook Road. And there is a nursing home located here on South Main Street.

CHAIRMAN PARISI:

I can think of .....in some of those areas that might not be a bad use as compared to what's there now.

CATHY RACZKA:

There are two nursing homes in B-2 Zones right now.

CHAIRMAN PARISI:

Ok, that's all I wanted to know. You can go on to rooming houses now.

Ms. RACZKA:

The proposed changes would make rooming houses permitted uses in the downtown area and special exceptions in certain intensively use residential zones. Currently the Middletown Zoning Code defines rooming houses, but they are only allowed as a Home Occupation, and the definition talks about three people and the Home Occupation has a limit of two people. The Health Department currently has licensed 21 rooming houses, and they are not permitted under the Zoning Code. In reading through some office material we have available on rooming houses I came across a 1957 ASPD Report, one that was heavily marked up with the initials G A H which is of course undoubtedly G. Albert Hill. In his notes he seems to endorse the idea that rooming houses are notorious and are systems and causes of neighborhood decay. The 50's was of course the beginning of an entire redevelopment movement nationally and in Middletown, so there was probably conscious decision made not to have rooming houses at all in the community, so there would be a definition of what they were and than would not be allowed in the land use schedule at all. It would seem like now in the 70's with the high cost of housing and various alternatives living arrangements being experimented with that responsible Zoning Codes would permit them in particular zones. The current definition of rooming houses repeats the housing code definition which is currently now being revised by the Health Department and the Common Council. The Health Department feels that the three person cutoff point is unworkable and gets them into very many neighborhoods conflicts which they just would soon avoid. Therefore, they proposed to raise the cutoff to 5 persons and I believe the Common Council has tabled this the last time I talked to Bill. It's something that the Health Department is doing working towards in a single resolution in updating the whole local Health Code. I think referencing the Health Department's definition would interface well with the definition with our definition of a family. Basically any living arrangement under 5 persons would conform to the Zoning Code. Of course one of the big issues with any zoning code is enforcement and I think we want to avoid situations where people are going in houses and investigate, whether or not people are related or whatever. This would be a very easy way of handling it I think.

Comm. Lowry:

Maybe I'm out of order but I still am mixed up about the definition between a family and when it becomes a rooming house.

MS. RACZKA:

Rooming houses don't have their own kitchen facilities, and there is usually a sharing of them.

Just this week someone called our office and it sounded like a student and they wanted to know if they could rent this particular dwelling in this zone because the landlord said that it wasn't allowed under the Middletown laws. So frequently people use whatever rules they can to avoid renting to people.

COMM. AUGUSTINE:

How enforceable is the rooming house? Does the Health Dept. have the right to come in at any time they want?

MS. RACZKA:

They inspect.

COMM. AUGUSTINE:

Do you have to have a permit? I suppose they don't need one if one of the neighbors complained.

MS. RACZKA:

634 Main St is a licensed rooming house. In all of our Human Services meeting we are discussing what to do with them. One of the strongest enforcement code is the Health Dept. Code for pulling rooming house licenses.

CHM. PARISI:

Since you brought up 634 Main Street there are two questions...one is...how come it is in a B-3 Zone when it is not permitted there, and the other question... It's a rooming house if it has a stove in the room, is that what you said? Is that a definition?

MS. RACZKA:

Basically, generally the definition of a rooming house is separate housekeeping units with individual housekeeping facilities with individual kitchens.

CHM. PARISI:

What's the difference between that and an apartment house?

DIR. REIF:

Well the livingroom and the bathroom facilities are all one unit.

CHM. PARISI:

That's a rooming house, with a bathroom at the end of a hall. I'm at lost on the definition.

MS. Raczka:

Also of the dormitories at Wesleyan have rooming house like 1, 2, 3, 4, 5, 6 of them. I don't know how many dormitories there are, not dormitories, fraternities.

COMM. SHAW:

That would be, they have a single kitchen and single management and they eat in a single diningroom.

COMM. AUGUSTINE:

That would be a boarding house.

COMM. SHAW:

A rooming house.

COMM. GIUFFRIDA:

Yes, but that's not the definition that she just gave.

Comm. SHAW:

I realize that, but that's what I would expect.

MS. RACZKA:

The definition I just gave you is from the ASPO Reports

CHM. PARISI:

I agree with Dr. Hill, I think rooming houses are notorious too.

MS. RACZKA:

Our Code, our existing Code, any dwelling or that part of any dwelling containing one or more rooming units in which space is let by the owner or operator to three or more persons who are not members of a single-family.

CHM. PARISI:

So it doesn't say anything if they have a kitchen.

MS. RACZKA:

This is verbatim. This definition is in the existing Public Health Code. Local. It is 16.18.03 page 44. This is the local Health Code definition. So basically what I am proposing is the Health Dept. is changing the definition--the Zoning Code should. Spaces left by the owner or operator to those 3 or more persons who are not members of a single family. So between 3 and 5 no one---it's really unclear what's going to happen, because 4 is a family under our definition of a family. You would have to get a rooming house license under a definition of a rooming house. So the proposed changes have been available for some time now since the end of July and there has been no indication to the Planning and Zoning Dept. that any person or group finds them unworkable. The Dept. of Corrections which licenses Connection House sent us a letter endorsing the proposal which I will read into the record. C.V. Raczka, Planning and Zoning Dept. Dear Mr. Raczka: We have reviewed your proposed Zoning Code revisions regarding community residential treatment facilities and see no conflicts with our guidelines or programs. Thank you for the opportunity to review the proposal. Lawrence H. Albert, Deputy Commissioner of field services.

Local operators of nursing homes and community residential treatment facilities have inquired about the regulation basically they are just concerned about what is going to do their own operations. They will of course will have the status of a non-conforming uses if they can't meet any of the new requirements.

I think 3 nursing directors called and Don Miller who represents Connections who's on the Board of Directors called.

CHM. PARISI:

Any questions? Any comments from the public? O.K.  
Item two, of the Public Hearing.

SEC'Y. GIUFFRIDA:

Proposed amendment to the Environmental Responsibility provisions of the Zoning Code and the Subdivision Regulation to establish a drainage policy for future development. The specific proposal is on file in the Town Clerk's Office and the Planning and Zoning Department.

CHM. PARISI:

This notice appeared August 11, and August 18 as did the preceding one.  
George are you handling this one?

DIR. REIF:

Proposed add to the Zoning Code and Subdivision Regulations a statement for Drainage Policy since all land development that increases the runoff from any area shall provide the removal of pollutants and further, shall provide ponding so that the flow into lakes, streams, or ditches shall not be greater than it was originally. I'm sure you all know that we have an Environmental Responsibility section in the Code and this would merely lay the foundation for much more elaborate mathematical information that we will develop as we go along but at least provides the authorization for such policy. I must credit Phil Bauer for

suggesting this and if Phil wants to say a few words...he has nothing to say. This is basically what we have been doing now for some years.

COMM. CHAMBERLAIN:

Run thru that ponding part again.

DIR. REIF:

Drainage Policy: All land development that increases the runoff from any area shall provide the removal of pollutants and further, shall provide ponding so that the flow into lakes, streams, or ditches shall not be greater than it was originally. We have one easy example Fieldbrook-it required/pond to retain any additional runoff and it obviously works.

COMM. CHAMBERLAIN:

What's Fieldbrook? Which one is that?

DIR. REIF:

On Sandhill Road.

COMM. CHAMBERLAIN:

Who maintains the pond and keeps the pond....

DIR. REIF:

So far that is the reason we have to develop...This, that's another step that has to be taken to decide

PHIL BAUER:

It requires retention and maintenance to develop anything unless we have the responsibility to start from. We have to start somewhere.

DIR. REIF:

This is the first step, toe in the door.

COMM. SHAW:

What is the proper term, retention or detention.

PHIL BAUER:

Both. Detention means a permanent type thing but retention means on a temporary basis. Detain and retain.

COMM. SHAW:

So they are two words then. Its a different type of pond. Either kind of pond would qualify. Alright. Who determines whether the developer increases the runoff.

PHIL BAUER:

It just a matter of simple logic that....

COMM. SHAW:

Never mind the logic you know we have heard this Phil on occasions they'll say that the runoffs are not going to be any greater after we build this than before. You have heard that.

PHIL BAUER:

You can listen to this all the time. Each time you put in a driveway and build a house you take land which allowed for some of the absorption, you change the rate of the absorption into the land or change the character by regrading so it flows faster. It will not retain it. Certainly you'll end up with more water. It's just a simple formula. It just has to be. You cannot expect the land because (IN AUDIBLE DUE TO TOO MANY SPEAKING AT ONE TIME)

DIR. REIF:

Can I join you on this? In the well established field of site development planning there are coefficients given to each type of surface. As you change the materials you have had different coefficients and if the coefficient is higher for a runoff for the paved surface than for a grass surface, for instance, or sand than it becomes an engineering type mathematical fact that you're increasing the runoff.

COMM. SHAW:

I think there are cases where it is very simple. I think there are all sorts of possibilities in cases when it wouldn't be so simple.

PHIL BAUER:

They could be regrading it and introduction of certain vegetation or where no vegetation existed before....

DIR. REIF:

You could change the coefficient to make less...

COMM. SHAW:

For instance, the Knoxes development in Westfield, the complaining of the neighbors was generally had to do with winter time runoff. That's when they have their biggest problems. One of the contingents was by the proponent was the frozen ground becomes in effect same as hard concrete (pavement). So he says it wouldn't be any different-any worse now than it is in the winter. See what I mean. Who's to determine even if we do have a situation. That's the only thing I was concerned about is what we are going to run into that kind of debate. Another thing could happen where you had an area which was mostly macadam. All of sudden you wanted a new structure on it and so the person (building constructor) says well, the roof is the same as...is it really or isn't really. Is that cause...the same problem or not. Someone...Is there someone in your department would rule upon....

PHIL BAUER:

Yes, this is something we are gradually working toward and hopefully we may get the tools to make these decisions.

DIR. REIF:

The tool is the master drainage plan which identifies low areas in the City and establishes from other sources and other well established sources....

COMM. SHAW:

I think this whole thing is very good. I'm just trying to make sure that we don't...we haven't created...

DIR. REIF:

By itself it does create some problems at least it does give the Planning Comm.

the opportunity to require this type of thing and its type of thing no one has called our bluff so far, but they could.

CHM. PARISI:

Any other comments? O.K. Close the Public Hearing.

Florence Pelc  
Althea Rinaldi  
Transcribing Sec'ys.

Paul P. Parisi, Chairman  
Planning & Zoning Commission

APPROVED AT THE MEETING OF \_\_\_\_\_.