

Paul P. Parisi, Chm.; Dr. Eric G. Lowry, Vice-Chm.; Cos Giuffrida, Sec'y.;  
Walter J. Dreaher; Stephen T. Gionfriddo; Seb J. Passanesi; Ralph H. Shaw,  
II; Alternates: George L. Augustine; Robert F. Chamberlain; Anthony J.  
Gaunichaux; Mary C. Woods

COMMISSION  
MEMBERS  
PRESENT

Mayor Michael J. Cubeta, Jr.; Comm. Gaunichaux arrived at approximately  
7:15 P.M.

MEMBERS  
ABSENT

Comm. Augustine acted for Comm. Shaw. Comm. Shaw arrived shortly after  
the appointment.

ACTING  
MEMBERS

George A. Reif, Dir.; Catherine V. Raczka, Asst. Dir.; Althea Rinaldi;  
Mary Lee Dorflinger

STAFF

Jeff Kotkin, Reporter, Middletown Press; 6 members in the audience.

OTHERS

CHM. PARISI:

In the absence of Comm. Shaw-George. The first item on the agenda is  
a public hearing and before I have the secretary read the legal notice,  
the City Attorney has asked that the commission change its standard  
procedure and vote on Item one tonight after the public hearing. Any  
discussion-All in favor. Aye, Opposed. So voted. (All in favor) I'll  
now ask the Secretary to read the call of the public hearing.

SECRETARY GIUFFRIDA:

THE MIDDLETOWN PLANNING AND ZONING COMMISSION WILL HOLD A PUBLIC  
HEARING AUGUST 27, 1980 STARTING AT 7:00 P.M., IN THE COUNCIL  
CHAMBER, MUNICIPAL BUILDING, DEKOVEN DRIVE, MIDDLETOWN, CONNECTICUT,  
to consider the following:

ITEM 1  
AMEND. TO  
ZONING CODE  
SOLID WASTE

Item 1. A proposal to change the text in the Zoning Code concerning  
Solid Waste. Revisions are to Section 16 (Definitions); Section 44  
(Special Exception standards); and Section 61 (Zone Use Schedule).

CHM. PARISI:

This notice was advertised in the Middletown Press on August 16th and  
on August 23, 1980. This is a proposal put forth by the City Attorney  
to make some modifications in the Zoning Code and Biff and Seb-You  
came in late but Frank has asked that after the public hearing if the  
commission would waive its rules to act on this proposal tonight and  
as you were coming in, the commission voted to do so. So I'll just you  
know bring you up to date on it. George, Why don't you explain what  
we're doing and then we'll.....

DIR. REIF:

All right. One of the reasons that the City Attorney has asked that  
you act on it is because before it can-you can really adopt it into  
your regulations it has to go to the Common Council and for Council's  
acceptance of these regulations and there is a Council meeting next  
Tuesday so the sequence of events if you decide to adopt this tonight  
will be to then pass it on to the Council for the Council's action at your  
next meeting. We have-I think you have a yellow sheet in front of you.  
Date on top of the yellow sheet says amended-as amended 8/26/80. The  
truth of the matter is that it is being amended right up until today.  
It's every hour there seem to be some word here or there that we want to  
change. We listed the changes and in order to really understand this,  
you'd have to have your Zoning Code to see where the changes are.

In most cases, there relatively modest and in some cases let's let's take one that's relatively modest, actually the first one. The definition under Section 16 of a solid waste facility on the yellow sheet-let's see- It says any solid waste disposal area, if you were to look on page 43 of your Zoning Code-your item 16.19.04-you would see that when we, that was typed- the definition of a solid waste facility, the 4th and 5th word disposal area were inadvertently left out and that's about almost the level of these corrections. So in that case we're adding the word disposal area, so that the definition of the solid waste facility is that any solid waste disposal area, volume reduction plant or resource recovery facility operated by anyone, including a municipal or regional authority. Now, the next change is the actual definition of hazardous waste. Right now, we have a paragraph in the Zoning Code that ends with the interpretation by the Middletown Department of Health. That was a good shot the first go around but the City Attorney decided that or discovered that actually there are a number of different definitions for hazardous waste and they come from different state and federal regulations. And we decided that the best approach and the only way to cover them all was to include all of them. So that's why we have a (a) and (b) and a (c) and as a final go around we have a (d) which deals specifically with PCB's.

VICE-CHM. LOWRY:

I think that's not necessary. I think (c) identifies all the words.

DIR. REIF:

Well that's essentially what we had in our...

VICE-CHM. LOWRY:

No, I think it's a little bit ridiculous to add (d) to it just under the circumstances to pick one. You say it calls for federal and state law regulations. I am very familiar with that list.

DIR. REIF:

And it's rather conclusive.

VICE-CHM. LOWRY:

There are about 200 on it. So you would have to make another pack out of it or pick one of them. I don't think-I don't think that's necessary.

DIR. REIF:

Well, we're sitting on this side of the table not disagreeing with you but here we are. You, do you, do you agree with (a) (b) and (c)?

VICE-CHM. LOWRY:

(a) (b) and (c), yes.

DIR. REIF:

You are not going to get any argument but this is the

VICE-CHM. LOWRY:

Well, (Inaudible) This is not really necessary. Especially-it is too obvious under the circumstances to fix this one.

DIR. REIF:

You, you must have heard our conversation.

VICE-CHM. LOWRY:

No, I didn't.

DIR. REIF:

O.k. Well, never the less, we have (a) (b) and (c) are the relatively standard three definitions of hazardous waste which covers just about everybody's general way to organize these materials and there is no question that number (d) points out a specific one. You know, you gentlemen can do what you want. I'm presenting this to you. So, move on to the others but you can decide what you want to do about it. All right now. Going to Section 61 which lists the business and industrial zone use schedule - We are changing 61.02.23. Let's see. Turn to see what it is we're changing here. 61.02.23

ASSISTANT RACZKA:  
(Inaudible)

DIR. REIF:  
What is it?

ASSISTANT RACZKA:  
(Inaudible)

DIR. REIF:

Yes, I don't think we're really, actually we didn't change that. We left that one the way it was. Solid Waste Facility and we've deleted the solid waste disposal area and the reason we've done that is because the definition of a facility includes a disposal area. So it was redone then to list both. That was the answer to that. In item 61.02 - oh - 05. I beg your pardon. 61.05 is a list on page 134 of prohibited uses. It says now in the code, the following, well it says here on the sheet too, the following uses shall be prohibited. Frank O'Neill felt it would be better if it said the following uses are prohibited. So, that's the reason for that change, relatively mundane but there you go. And also, near the end of that same Section 61.05 Prohibited Uses, we had originally put the words the placement of any hazardous waste. We have now opposing to change it to read the ultimate disposal, treatment or storage of any hazardous waste. That again was from one of the regulations.

VICE-CHM. LOWRY:

Does, does that mean that there's no special, special exceptions in any case?

DIRECTOR REIF:

That's what that means, yes.

VICE-CHM. LOWRY:

Well is that all right because there could be conditions where really everything you say about it in the future. I don't really think you can prohibit it all right under any any circumstances. I just have to bring that up.

DIRECTOR REIF:

I am not going to argue.

VICE-CHM. LOWRY:

(Inaudible) I just have to bring that up ...(Inaudible)

CHM. PARISI:

This would not allow for any special exception whatsoever.  
(All talking at once) That is correct.

DIRECTOR REIF:

I'll give you an example of that. At one time, the first action against the Northeast-injunction against the Northeast Utilities was to get them to come to the Planning Commission. But as Frank went along he realized that that hazardous waste were prohibited and so therefore he is no, he is not asking them to come to the Planning Commission. He is just telling them now that hazardous waste are not permitted. And that is what you are talking about. At one time it was possible to consider them and now, now

VICE-CHM. LOWRY:

(Inaudible) ...contrary to state law anyway?

DIRECTOR REIF:

Well, there is no state law that says you can't.

VICE-CHM. LOWRY:

But, there will be.

DIRECTOR REIF:

Well, there may well be but there isn't now. The community can indeed do it. You know, I'm not, I'm not here to argue one way or the other. I'm just presenting it to you and you people decide. (Vice-Chm. Lowry talking in background -inaudible) So if you can say there there significant but relatively simple but a few shifts here and there in the wording. Now, let's go to Section 44 which we are going to—we readjusted in order to understand this. We are going to have to turn to 44.08.32. And we have adjusted this a little bit to show that it includes things that we've really been talking about, but really didn't fully specify in our original listing. Let's go through them. The regulation would read that a solid waste disposal facility or area shall meet all requirements of the Connecticut Department of Environmental Protection;

- (2) The proponent shall submit information about the proposal's impact on the following (a) the waste types and quantity to be handled at the facility and/or placed in the area; (b) the ground and surface water conditions; (c) geology, soils, and topographic features; (d) transportation methods and routes to the area; potential nuisance conditions; (e) procedures for leachate, gas, and runoff control and for operation and monitoring of the facility; and (f) the social, geographic and economic input of the facility or disposal on the contiguous neighborhoods -on the contiguous neighborhood. And we are adding as a new feature (3) Solid waste facilities shall not be allowed over an aquifer or at any location where they might adversely affect an aquifer.
- (4) The ultimate disposal, treatment or storage of any hazardous waste shall not be permitted.
- (5) The commission may require evaluation reports from relevant professionals, including but not limited to geologists, hydrologists, and soil scientists.

VICE-CHM. LOWRY:

Would you explain number four?

DIRECTOR REIF:

That's what you have been talking about. That would prohibit the treatment, disposal treatment or storage of any hazardous waste.

VICE-CHM. LOWRY:

What's the difference between disposal and ultimate disposal?

DIRECTOR REIF:

It is one of a terms that is used in the various Federal and State regulations and that is why you wanted that word ultimate.

COMM. WOODS:

Final

COMM: SHAW:

(Inaudible) temporary storage perhaps but..(inaudible)

DIRECTOR REIF:

During the operation, such as, let's use Pratt and Whitney for an example. They have a container in which they put there filter cake material during the time they are processing the, it, before they finally find a resting place. Now, let us move on before you get back, obviously you are going to have a lot of things. The definition of an aquifer wasn't required before because the only place we used aquifer was in the section about an aquifer. Now, we are using it in the section about solid waste.

CHM. PARISI:

Hold it, we are not on two. You are on that side of two on public hearing. We didn't call it.

DIRECTOR REIF:

Oh, I beg your pardon.

CHM. PARISI:

That's o.k. But you already answered that part.

DIRECTOR REIF:

o.k. All right. So there it is.

CHM. PARISI:

I don't want to mix apples ...(Inaudible)

DIRECTOR REIF:

I beg your pardon, Mr. Chairman. O.k., now we, this thing has been hashed over word for word and everything else. You are the commission—

VICE-CHM. LOWRY:

It goes to the public hearing.

CHM. PARISI:

Yes, when we go to the public hearing, yes. Is there anyone from the public who wishes to speak in favor of this proposal? Is there anyone who wishes to speak in opposition? O.k., close Item one and I'll have the Secretary read Item two.

SECRETARY GIUFFRIDA:

Item two, a proposal to add definition of an aquifer to Section 16.

ITEM 2  
AMEND. TO  
ZONING CODE  
AQUIFER-SECT.16

CHM. PARISI:

O.k.—Again this was in the Middletown Press on August 16th and August 23rd and it was brought forth by the staff and George has all ready explained it. So..

DIRECTOR REIF:

Right, again, we all ready have a definition of aquifer in the specific section in the code that deals with the aquifer. And at that time we hadn't used the word any place else in the code but now it is being used in association with the handling of waste and therefore, it is essential that we identify what it is in order to propose the definitions that its- that an aquifer is an underground geologic unit capable of yielding usable amounts of potable water.

CHM. PARISI:

Is there anyone from the public who wishes to speak in favor of this item? Is there anyone who wishes to speak in opposition? If not, we will close the public hearing.

ADJOURNMENT OF  
PUBLIC HEARING

*Mary Lee Dorflinger*  
Mary Lee Dorflinger  
Transcribing Secretary

Paul P. Parisi, Chairman  
PLANNING & ZONING COMMISSION

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