

COMMISSION ON THE CITY PLAN - PUBLIC HEARING - THURSDAY - SEPTEMBER 3, 1964 -
7:30 P.M. - MAYOR'S CONFERENCE ROOM (205-206) - MUNICIPAL BUILDING - MIDDLETOWN,
CONNECTICUT

Present: Acting Mayor Isabelle M. Blais
John J. Higgins, Chairman
William P. Spear, Vice-Chairman
I. Robert Traverse
Nathan Shapiro
William Anderson, alternate member, sitting in official capacity
Carmelo J. Mazzotta, Jr., alternate member, sitting in official capacity
Robert Steinle, alternate member
(Chairman Higgins appointed alternate member's Anderson and Mazzotta
to act in behalf of Commissioner's Warner and Passanesi respectively)

Absent: Mayor John S. Roth
Helene B. Warner, Secretary
Seb J. Passanesi

Also

Present: Barbara Davis, City Plan Office Secretary, Petitioners and Counsels,
Sherman Beinhorn, Middletown Press Reporter, John Daley, Hartford
Courant Reporter and approximately twenty-eight members of the public.

The meeting was called to order by the Chairman at 7:35 P.M.

CHM. HIGGINS: It is after 7:30 and we will read item 1 on the agenda which
is as the Planning Commission.

To consider a one-lot (1) subdivision entitled "Arbutus Heights - Part I",
Edward L. Baldwin, subdivider, and located on the easterly side of Arbutus
Street. Counsel - Salvatore A. Mazzotta, Attorney at Law, 437 Main Street,
Middletown, Connecticut.

And since Mr. Mazzotta is also concerned with item 2, which is the same
subdivision Part II, I think he can combine the discussion on both units
of the subdivision in his first display, and we will call on anybody who
would like to be heard on that subdivision to get up and please state
your name and your position so that it will be picked up by the microphone
for the minutes.

ATTY. MAZZOTTA: Members of the Commission, as you know me already I'm
Attorney Mazzotta and in this matter here I represent Mr. Edward L.
Baldwin, who is the proposed subdivider of 2 lots. It is two, one-lot
subdivisions on the easterly side of Arbutus Street. Now in both these
matters we feel that we have complied with all the requirements of the
Subdivision Regulations for the City of Middletown. We have made application.

We have filed and left with Mr. Gustafsson's office copies of maps showing the two, one-lot subdivisions. We have been informed that the Board of Health approved both lots and finds no objection as far as health reasons go, and we do have a statement on both maps, which are drawn by a licensed engineer to the effect that the proposed subdivider, Mr. Baldwin, certifies that he will abide by the requirements of the Subdivision Regulations of Section 1B, paragraphs P1 through P5. The lots themselves, Arbutus Heights - Part I is a lot consisting of 71,650 square feet. It is bounded off of Arbutus Street, westerly by Arbutus Street 132.7 feet, northerly by land of Milo Wilcox, easterly and easterly by other land of Edward Baldwin and southerly by John and Patricia Millerick. I have also furnished a legal description for the Planning Commission. As to Part II, the description is easterly by Edward Baldwin and northerly by Edward Baldwin, southerly by Ralph Shaw and westerly by Arbutus Street. Part II of Arbutus Heights contains 81,100 square feet. Mr. Baldwin is here if the Commission has any questions to ask of him and he would be happy to try to answer whatever questions might be asked of him.

COMM. STEINLE: Both of these maps we have here are Part II, do we have a Part I?

ATTY. MAZZOTTA: Well there should be a Part I. I'll show you what Part I I hand carried the maps and left them with Mr. Gustafsson's office sometime ago.

CHM. HIGGINS: We don't have the other map, apparently, and Mr. Gustafsson is ill and he is not here tonight but

COMM. STEINLE: We can look at this one.

CHM. HIGGINS: Beg your pardon.

COMM. STEINLE: We can look at this one.

ATTY. MAZZOTTA: That is my sole copy. Your welcome to use it.

(Commission reviewing map)

CHM. HIGGINS: We do have a communication here from both Public Works and the Health Department. The Public Works is a one sentence affair. It says . .

Gentlemen:

RE: Arbutus Heights - Part I and Arbutus Heights - Part II

The above subdivisions are approved.

Very truly yours, Joseph L. Rosano, Supt. of Public Works

that is from Mr. Rosano. Now from the Health Department. . . .

Gentlemen:

RE: Arbutus Heights - Part I and II

The Health Department has made an inspection of both the proposed subdivisions of one lot each and has no adverse comment to make, it being my opinion the size, location, topography and quality of the soil is satisfactory from a health standpoint.

Yours truly, M. L. Palmieri, M. D., Director of Health

These are the comments from the Public Works and the Health Department. The other map, evidently, is in the City Plan Office and not available at present, but I think that if the lot is of the proper size and conforms with the Regulations that we will find the map that is available to us.

ATTY. MAZZOTTA: Thank you. There are no further questions?

CHM. HIGGINS: No. Thank you, Mr. Mazzotta.

ATTY. MAZZOTTA: Thank you.

CHM. HIGGINS: Anybody else have any comment or question on this subdivision. Well hearing no further comments we will proceed with item 3 on the agenda.

To consider a one-lot (1) subdivision entitled "Oakwood Hills - Part I", Morton J. and Dorothy B. Leonard, subdividers, and located on the westerly side of George Street. Counsel - Theodore J. Raczka, Attorney at Law, 363 Main Street, Middletown, Connecticut.

And item 4 which is also a one-lot subdivision in the same location "Oakwood Hills - Part II". Attorney Raczka representing Mr. and Mrs. Leonard on both subdivisions, and we can take this in one, as one item also.

ATTY. RACZKA: Mr. Chairman, Madam Mayor and Members of the Commission. My name is Theodore J. Raczka and I represent Mr. and Mrs. Morton J. and Dorothy B. Leonard, owners of property which is located on the west side of George Street. They have presented to your Commission two separate one-lot subdivisions and the reason for the two separate one-lot subdivisions is that they have added or they have subdivided their property with one lot on the northerly end of their property and another lot on the southerly end of their property. Part I being the northerly lot and Part II or lot II being the southerly lot, and they then own property, an extensive amount

of frontage in-between. They are, as far as lot number 1 is concerned, they bound the lot on three sides with the exception of on the easterly side, which is bounded by George Street. On Part II they bound this lot on two sides and the easterly side is bounded by George Street and the southerly side by Mr. and Mrs. Carta. This property is located in a Restricted Residence Zone. It is served by water but not by sewer and this lot has a square footage consistent with our Zoning Regulations. In fact, each lot exceeds that which is required. The engineer who has prepared this subdivision in each case has followed the rules and regulations of this Commission and has again set forth on the map the agreements of the developer to conform with all City requirements. You have in your file, I believe, a letter from the Department of Health certified to the fact that a private sewage disposal system would be satisfactory and would not affect any adjacent owners. If you have any questions, I would be happy to answer them but I think that surmises.

CHM. HIGGINS: Thank you, Attorney Raczka. I'll read for the record the comments from the Department of Public Works. A one sentence affair.

Gentlemen:

RE: Oakwood Hills - Part I and Oakwood Hills - Part II

The above subdivisions are approved.

Very truly yours, Joseph L. Rosano, Supt. of Public Works
and from the Department of Health,

Gentlemen:

RE: Oakwood Hills - Parts I and II

After inspection of the proposed two subdivisions of one lot each, it is my opinion that private sewage disposal will be satisfactory and not affect adjacent property owners.

Yours truly, M. L. Palmieri, M. D., Director of Health

Any further comment on this subdivision. Hearing none I'll declare this matter closed and we will now close this hearing as the Planning Commission and sit as the Zoning Commission.

The meeting adjourned at 7:45 P.M.

Respectfully submitted:


Barbara E. Davis, Recording Secretary

COMMISSION ON THE CITY PLAN - ACTING AS THE PLANNING COMMISSION - EXECUTIVE SESSION
THURSDAY, SEPTEMBER 3, 1964 - MAYOR'S CONFERENCE ROOM - MUNICIPAL BUILDING -
MIDDLETOWN, CONNECTICUT.

Present: Acting Mayor Isabelle M. Blais
John J. Higgins, Chairman
William P. Spear, Vice-Chairman
I. Robert Traverse
Nathan Shapiro
William Anderson, alternate member, sitting in official capacity
Carmelo J. Mazzotta, Jr., alternate member, sitting in official capacity
Robert Steinle, alternate member
(Chairman Higgins appointed alternate member's Anderson and Mazzotta
to act in behalf of Commissioner's Warner and Passanesi respectively)

Absent: Mayor John S. Roth
Helene B. Warner, Secretary
Seb J. Passanesi

Also

Present: Barbara Davis, City Plan Office Secretary, Sherman Beinhorn, Middletown
Press Reporter and John Daley, Hartford Courant Reporter

The meeting was called to order by the Chairman at approximately 8:20 P.M.

The following items were discussed and/or acted upon:

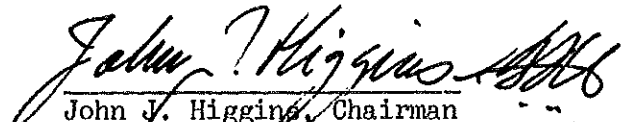
1. CLOSING OF WALNUT GROVE ROAD (JACKSON STREET) AS A THROUGH STREET:
On motion of Commissioner Shapiro, seconded by Commissioner Spear, unanimous approval was granted for the discontinuance of Walnut Grove Road (Jackson Street) as a through street within the limits of Veteran's Memorial Park and as an alternate plan two (2) turn arounds will be constructed near the skating area.
2. WIDENING OF DEKOVEN DRIVE: On motion of Commissioner Spear, seconded by Commissioner Traverse, unanimous approval was granted for the widening of the westerly side of Dekoven Drive for a distance of 275 feet, from the intersection of said Street and Court Street.
3. HARTFORD ELECTRIC LIGHT COMPANY'S RIGHT-OF-WAY NEAR LAUREL BROOK RESERVOIR AREA: On motion of Commissioner Traverse, seconded by Commissioner Mazzotta, unanimous approval was granted for the City of Middletown to negotiate an easement to the Hartford Electric Light Company near the Laurel Brook Reservoir area.
4. DISCUSSION OF CORRESPONDENCE FROM WESLEYAN UNIVERSITY: The Commission discussed a letter from President Butterfield of Wesleyan University concerning plans of the Wesleyan expansion program. The Commission agreed that Chairman Higgins personally contact either Mr. Butterfield,

Mr. Hallowell or Mr. Matthews and arrange a meeting with said principals of Wesleyan University.

5. APPROVAL OF ADDITIONAL PARKING AREA PROPERTIES ON BROAD STREET AS REQUESTED BY THE PARKING AUTHORITY: On motion of Commissioner Spear, seconded by Commissioner Anderson, unanimous approval was granted to the Parking Authority to negotiate additional properties on Broad Street to be used as parking lot areas.

6. APPROVAL FOR REDUCTION OF THE PERFORMANCE BOND FOR RE-SUBDIVISION "WESTFIELD MANOR - PART III": On motion of Commissioner Mazzotta, seconded by Commissioner Traverse, unanimous approval was granted for the reduction of a performance bond for re-subdivision "Westfield Manor - Part III". The reduced and remaining amount of the bond shall be in the sum of \$2,500.

The meeting adjourned at 9:35 P.M.


John J. Higgins, Chairman
City Plan and Zoning Commission

ZONING COMMISSION - PUBLIC HEARING - THURSDAY - SEPTEMBER 3, 1964 - 7:45 P.M.
MAYOR'S CONFERENCE ROOM (205-206) - MUNICIPAL BUILDING - MIDDLETOWN, CONNECTICUT

Present: Acting Mayor Isabelle M. Blais
John J. Higgins, Chairman
William P. Spear, Vice-Chairman
I. Robert Traverse
Nathan Shapiro
William Anderson, alternate member, sitting in official capacity
Carmelo J. Mazzotta, Jr., alternate member, sitting in official capacity
Robert Steinle, alternate member
(Chairman Higgins appointed alternate member's Anderson and Mazzotta to act in behalf of Commissioner's Warner and Passanesi respectively)

Absent: Mayor John S. Roth
Helene B. Warner, Secretary
Seb J. Passanesi

Also

Present: Barbara Davis, City Plan Office Secretary, Petitioners and Counsels,
Sherman Beinhorn, Middletown Press Reporter, John Daley, Hartford
Courant Reporter and approximately twenty-eight members of the public.

The meeting was called to order by the Chairman at 7:45 P.M.

CHM. HIGGINS: We will sit as the Zoning Commission to consider a change of zone petition. Item 1.

To consider a Change of Zone petition of the Connecticut Radio Fellowship. A request that land be changed from a Medium Density Residence Zone to a Commercial Zone. The total acreage is estimated at 0.4 acres and the property in question is located on the southerly side of Round Hill Road, east of Coleman Road. Counsel - None.

Is there anybody here who wishes to speak on that petition?

MR. WILLIAMS: I represent the Connecticut Radio Fellowship.

CHM. HIGGINS: All right Sir, will you come up to the front, please and state your name so that it can be in the record and your address.

MR. WILLIAMS: My name is Gerald B. Williams and I am treasurer of the Connecticut Radio Fellowship. An organization that has been incorporated in the State of Connecticut as a non-profit, non-commercial religious organization with the intention of building an F. M. broadcasting station. After much searching we found such a location suitable for our station on the top of Round Hill, situated on Round Hill Road. We bought a

triangular parcel of land from Mr. Jacobs, 120 feet along the edge of the road and that 341 feet that borders next to I think is the Wesleyan College property and then 345 feet on the other side of the triangle which borders on Mr. Jacobs property. This station will be 3,000 kilowatts in power. It will be broadcast from an antenna of a wooden utility pole 29 feet above the ground. And we understand that this pole will be situated such that it will be a safe distance from the edges of our property. It will not overlap in anyway on bordering property. Is there any other questions that you would . . .

CHM. HIGGINS: I think that is complete Sir. Anybody else wish to be heard on this petition. Will you state your name and your residence.

MR. GAUVIN: I'm Mr. Gauvin on Round Hill Road. I live right next door to where this place is going on. This place is supposed to be erected 300 feet from my house. I just put up a new home and I don't think it is, this spot should be changed to Commercial because I had a chance to sell property up there for Commercial use myself and they refused me, so I don't think . . . I have a lot of people from my section out here and they all don't want the same thing.

CHM. HIGGINS: Thank you. Mr. Lappin.

MR. LAPPIN: Mr. Chairman and Gentlemen. My name is Albert A. Lappin. I live at 615 Coleman Road in Middletown within approximately a half a mile of the proposed change of zoning from strictly Residential to Commercial. It maybe of interest to this Commission to know that Coleman Road is probably as Restricted Residential area as we have in Middletown. Nothing but Residential homes and I think the lot sizes and the types of homes in that particular area are more restricted than in a great many sections of Middletown. I believe that this is a, an example of spot zoning, which I understand, this Commission has been against and still is against. I have no argument with the necessity of the desirability of a radio station with the purposes as stated by a previous speaker, but nevertheless, I do believe that it would be a deterioration to all the homes and the neighborhood and the people who have built their homes in this particular area to have a zoning change to Commercial zoning which will, which could only lead to further changes and further Commercial enterprises. Therefore, I wish to enter my objection with this Board.

CHM. HIGGINS: Thank you, Mr. Lappin. Anybody else wish to be heard on this petition?

MR. EYLES: My name is George Eyles. I am a resident of Round Hill Road and I personally do not care to see this station built there for the fact that I built a residence. I have worked and have built a wonderful home

and I do not see why this station should be applied there. The description of this article that this Gentleman read, by footage is by far greater than 0.4 of an acre. Now I don't believe that this zoning should be passed under those conditions.

CHM. HIGGINS: Thank you. Anybody else wish to be heard. Mr. Guida.

MR. GUIDA: Yes. Mr. Chairman. My name is Frank Guida at 696 Coleman Road, and I'm against the change of zone, to have this area changed to Commercial. Number 1. How do we know that in the future some other Commercial establishments wouldn't want to go up there. If it were changed to Commercial it is not just restricted to radio stations, I'm sure. I'm not against the radio station but I'm sure that there are other areas in the town that are already zoned properly to handle his facilities and I just want to voice my objection to it. Thank you. I live within a close proximity of the area.

CHM. HIGGINS: Thank you. Anybody else wish to be heard on this petition. Mr. Mazzotta.

ATTY. MAZZOTTA: Mr. Chairman and other Members of the Commission. For the second time I address you this evening. This time in behalf of several property owners off of Arbutus Street in the immediate vicinity here, including Mr. Edward Baldwin, Mr. John Millerick and Mr. Raymond Luckerman. Now it is our feeling to reiterate what has just been said by Messrs Lappin and Mr. Guida that we laud the purpose of this radio station, but we feel that there is a place and a time for everything, and the place for a Commercial enterprise is not in a Residential Zone. Now this particular area in question has been designated by our present Zoning laws as a Medium Density Residence Zone and on the proposed Master Plan for the City, it has been designated as a Low Medium Density Residence area. Now to extract this one small 0.4 of an acre parcel of land and designate it a Commercial Zone within the heart of such a Medium Density Residential area, is in effect to spot zone this parcel because it does just that. It extracts one small parcel of land and designates it for a use or classification of use which is in contrast and which conflicts with the use classification of the immediate area. Now we feel, to go one step further, not only is this a case of spot zoning, but we feel that it is an unjustifiable illegal case of spot zoning, because it does conflict so drastically with the surrounding immediate area and as already brought out the detrimental effect upon real estate values will be had. In addition to this, the in road might be made into an ultimate deterioration of the Master Plan of the City and the present Zoning laws of the City which designate this as a highly Restricted Residential area. Because of these drastic or this drastic conflict with the Comprehensive Plan for the City and because of the detrimental

effect this spot zoning would have on the land owners in question particularly the ones whom I represent, we oppose this proposed change of zone on the basis that it would be illegal and unjustifiable case of spot zoning. Thank you.

CHM. HIGGINS: Thank you, Mr. Mazzotta. Anybody else wish to be heard on this petition. Yes.

MR. GUIDA: My name is Joseph Guida and I live at 584 Coleman Road and I also want to be on record as opposing the change of zone of the radio station. We own several acres of land which borders, well not quite borders it but is only a couple hundred yards away and I can't see any change from Medium Density to Commercial at this time and that is why I want to be on record. Thank you.

CHM. HIGGINS: Thank you. Anybody else wish to be heard on this petition. Beg your pardon.

UNKNOWN SPEAKER: May I be heard?

CHM. HIGGINS: Would you come up and state your name, please.

MR. WILCOX: My name is Milo Wilcox, Arbutus Street. I can only reiterate I guess, what others have said before me. Number 1, the spot zoning issue. I would like to be recorded in opposition to this because of the spot zoning question. I fear very much the precedent that would be established in that area of Town in both of the breaking of the Zoning and the breaking of the General Plan. Therefore, I would like to be recorded in opposition to this.

CHM. HIGGINS: Thank you, Mr. Wilcox. Would you please come up.

MR. SHAW: Mr. Chairman. I'm Ralph Shaw and I live on Arbutus Street also, and with the risk of being charged a fee by Attorney Mazzotta, I wish just to reiterate what he has to say about this whole situation.

CHM. HIGGINS: Thank you, Mr. Shaw.

ATTY. MAZZOTTA: I'll see you later.

(Laughter from the crowd)

MR. SHAW: Yes, I figured you would.

CHM. HIGGINS: Anybody else wish to be heard on this petition?

MR. WILLIAMS: Mr. Chairman, do I have a right to answer some of these questions?

CHM. HIGGINS: Well it is not necessary to answer questions. This matter, this is all in the agenda and we will discuss this in Executive Session.

MR. WILLIAMS: Well I just wanted to say that it seems that the only objection to this radio station is that the zoning will be changed to a Commercial Zone. This station is not a Commercial station, and that is why I would like to clear this. It is a little different. We would only be broadcasting tapes. There will be no live programs. There will be no traffic whatsoever. There will be one station manager and an engineer in a studio on the top of the hill and this short antenna 29 foot high and we are being supplied tapes from an outside source so there is no type of live programming whatsoever, and our request is not for a Commercial Zoning, but I understand that the Commission is considering a special radio zoning. It is very difficult to find property suitable for a radio station. You just can't buy any old lot. We've searched for a lot, a couple of months before we bought, we found this particular spot and a man that would be willing to sell us a portion of his property. And so this is what we request. Just a, this piece of property not to be Commercial but to be a radio zoning which the Commission has intentions, I understand of considering in their plans.

CHM. HIGGINS: Yes Sir. Would you please state your name.

MR. CARTA: Mr. Chairman. My name is Joseph Carta from Round Hill Road. Again I want to say the same thing as Frank Guida. We appreciate the fact that he would like to have a radio station at this particular location. However, I do want to mention again, why won't it attract other communication systems there. A lot of land owners now would state that they would not sell for the simple reason that they have this property for their own use, or for protection of their property. But, let me state that if they have an attractive offer I'm pretty sure that they would sell their land and attract other industry, not industry but other communications there. Also, I still believe that by having this radio station there, it will probably distort our local station and it will probably distort some of our T. V. stations. I just want to go on record that I want to oppose this, Mr. Chairman.

CHM. HIGGINS: Thank you. Yes Sir.

UNKNOWN SPEAKER: Mr. Chairman.

CHM. HIGGINS: Would you please come up and state your name for the record, Sir.

DOCTOR ARNOLD: I'm Doctor Arnold. I live on Coleman Road. I'm not a neighbor of this immediate area but I too would like to go on record as opposed to this spot zoning. I'm not familiar with this Radio Zoning that has been mentioned, this is a new one to me. But I do feel that we ought to remain, maintain some semblance of zoning in this City if we are going to preserve any of this desirable Residential area. I think that this would attract other Commercial ventures in this, in a Residential area as well. As I can recall of previous hearings of using examples of Commercial enterprises leading out to the disputed Hubbard property out on South Main Street and these were given as examples of how the area has changed. One change is the beginning of more changes and I would feel very much against this.

CHM. HIGGINS: Thank you, Sir. Anybody else wish to be heard on this petition?

UNKNOWN SPEAKER: Mr. Chairman.

CHM. HIGGINS: Yes Sir. Would you please come up and state your name for the record, Sir.

MR. JACOBS: Howard Jacobs talking. I can't understand why all of these people are objecting to a thing like that. Now they live anywhere from a half a mile to a mile or even 2 miles away from the place, and up there where the radio station wants to, where they want to put up this station is surrounded by woods. They will never see it. They will never know it is there. I can't understand why all this objection. Now I want to ask the Chairman or anyone of the Board, have you been up there lately?

CHM. HIGGINS: Well that is not contingent on this hearing, Mr. Jacobs.

MR. JACOBS: Well I have another point to carry if you have been, I got another point here. I'm just asking if you've ever been up there.

CHM. HIGGINS: Yes. I've been there, but that doesn't enter into this picture, Mr. Jacobs. This Gentleman is in here and he requests a change of zone to Commercial. Now we are willing to hear anybody's comments either pro or con on the change of zone, but there is no, we don't have to answer any questions, Mr. Jacobs on whether we've been there or whether we haven't been there.

MR. JACOBS: Well it looks to me as if the zone has been changed already and quite awhile ago. I don't know and that is why I asked you. There is a junk yard up there now bordering this place. That's why I asked you if you have been up there. Now there is a junk yard up there. Now if you ask me, that is Residential. .

CHM. HIGGINS: That is another thing Mr. Jacobs, that's not the prerogative of the Zoning Board. The policing for the Zoning Board is done by the Department of Public Works. If there is anything in that area which is not in conformance with the Zone and anybody who wishes to complain if they bring a complaint in to the Zoning Board it will be turned over to the proper authorities for policing.

MR. JACOBS: And furthermore, it is not, as Mr. Williams said, it is not a Commercial thing. They are not going to make money by commercializing it. It is all donations that is going to keep the thing going. There is no Commercial, and I should think some of these neighbors around here would be glad to tune in some Sunday to some good music instead of some of this trash that they get.

CHM. HIGGINS: Thank you Mr. Jacobs. Anybody else wish to be heard on this petition?

MR. WILLIAMS: Mr. Chairman. There was a mention of further communications being installed in the neighborhood, if we should get the permission to build this radio station there. This is the last frequency, the only frequency that the F.C.C. will ever grant to this area, and so there cannot be any more communication systems be equipped in this area.

CHM. HIGGINS: Thank you. Any further comment on this petition? Yes Sir.

MR. MILLERICK: John Millerick from Arbutus Street. I would like to know that if it would be possible at anytime for this radio station or their license to be sold to a Commercial broadcasting station, not the likelihood of it only, but what I'm concerned about is the possibility of it. This question I have to direct to the representative of the broadcasting station.

CHM. HIGGINS: Well that

MR. WILLIAMS: Could I answer him?

CHM. HIGGINS: That is not in proper form but we will allow you to answer it, Sir, because I don't think this will be carried on for to long.

MR. WILLIAMS: The U. S. Government Regulations, when we get this permission and broadcast. If we dissolve as a corporation, we have to state as to where the property is and who's hand the property is to go and it has to be a similar organization such as we have. In other words, we are incorporated as a non-commercial enterprise. It cannot go to a commercial enterprise. The Government controls this and the F. C. C. very rigidly

controls this sort of thing. It can't run wild in anyway.

CHM. HIGGINS: Thank you.

ATTY. MAZZOTTA: Mr. Chairman. May I address the Board just once more. I'll try to be very brief. There has been some mention here of the fact that the Radio Fellowship has sought long and hard for this one particular site and I would like to bring to your attention what you already are probably aware. That the people who live out there at the present time have sought for their land for long times, and they wish to rely upon the present Zoning as established in the Town of Middletown and as the present, as the future Master Plan would put forth for the City of Middletown and as already been brought out this might be only the beginning of a future series of changes of spot zoning similar to this. It is not this one particular one which we are against so much tonight as the precedent it might start and then too, as with regard to this one particular instance of spot zoning. It is so much of a drastic conflict and contrast with the surrounding area that we feel that it is entirely unjustifiable. The area in question here, Round Hill Road and Arbutus Street is one of the loveliest Residential areas in the City and it should be an oasis, so to speak, away from the Commercial districts in the City.

CHM. HIGGINS: Thank you, Mr. Mazzotta. Anybody else?

MRS. GAUVIN: I'm Mrs. Gauvin from Round Hill Road extension. We own the land right next to Mr. Jacobs. We just put up a brand new home and we are building it now and it is only 300 feet from where this tower is going or station is going and I don't think I would like to stay there afterwards. It is goes up, I mean after all I got a new home here.

CHM. HIGGINS: Thank you. Any . . . please state your name again for the record, Sir.

MR. EYLES: To repeat again George Eyles. We have lived in this piece of land. Mr. Jacobs referred to nobody visiting this piece of land. We have lived there for a period of 10 years. Now this piece of land is highly Residential, we have quite a few guests, visitors and they enjoy our property, as it stands right now, without Commercial. Now I feel that it should stay the same. We are the only ones that live there. Only ones, my neighbor and myself. Nobody else. We maintain that road. We shovel snow in the wintertime and everything else and I don't feel it justified that anybody else should move into there on a Commercial basis.

CHM. HIGGINS: Thank you Sir. Any further comment on this petition? Well hearing no further comment we will go to item 2 on the agenda as

the Zoning Commission.

To consider a Change of Zone petition of A. M. Bucinois. A request that land be changed from a Medium Density Residence Zone to a Commercial Zone. The 2.3 acre parcel of land is located on the westerly side of Saybrook Road, between Access Road and Bartholomew Road. Counsel - John F. Pickett, Jr., Attorney at Law, 164 Court Street, Middletown, Conn.

ATTY. PICKETT: Mr. Chairman, Members of the Commission. My name is Attorney John Pickett of Middletown of the firm Dzialo, Pickett, Allen and Hurney. I note for the record that we have a quorum here tonight. Mr. Chairman I think that this is one of our less controversial hearings.

CHM. HIGGINS: Yes Sir.

ATTY. PICKETT: This property is owned presently by the Sergi family. It is situated on the, at the intersection of Route 9, the old Route 9 and the Canel Access Road in the southeastern portion of Middletown. Specifically it is on the west side of old Route 9 and the north side of Canel Road. You have a map here I prepared showing the property which consists of approximately 2.3 acres. It has a substantial frontage shown on that map along Route 9. The topography is such that it goes westerly from Route 9 and then at the point indicated there is a brook, that dips sharply. There is a substantial gully or culvert in the middle of this property and continues on and is bordered on all the south and southwesterly side by the Canel Access Road. For your information, there is no access from the property to the Canel Access Road but only one access from the property to Route 9. The property presently is situated in a Medium Density Residence Zone. The Master Plan indicates that this property is within the proposed Commercial Zone. For your information and I'm sure at your Executive Session that you will check the map which is downstairs in the office of the Commission on the City Plan, you will see that the property in question together with a few more acres situated between the New Route 9 and the old Route 9 is, proposed to rather, be in a Commercial Zone. I think that in urging this I would point out that the property in its present topographical status is such that certainly no residence would ever be built on it because of the substantial cash outlay required to improve it for any use whatsoever, that in all probability in its present status it simply would not be used, hasn't been used at any time in modern history and certainly the change of zone that we request would permit this to become useful land and I point specifically to the possibility of a Commercial enterprise there with regard to the taxable property, to the taxable list of the City of Middletown. In short, the change of zone would permit the present owner to sell to my client, who is Mr. Bucinois, and utilize it for Commercial purposes, which specific purpose we don't know at this point.

Mr. Bucinois intends to invest his money in this property and to develop it in some Commercial enterprise whatever it may be we don't know. Certainly it would be governed by the existing laws and the future laws of the City of Middletown and the State of Connecticut, concerning the use of land in this area. I would be happy to answer any questions but in summation I merely say that this already has been designated by you as a Commercial Zone in that you have so indicated on the Master Plan for this property to be included within the Commercial Zone in the future.

CHM. HIGGINS: Thank you Attorney Pickett. I'll read for the record here from the Department of Health , this is the wrong one. I'm sorry, oh yes. From the Department of Health. . .

#2. Re: Petition of A. Bucionis

Inspection of the proposed site shows an area of sufficient size to take care properly of a private water supply and sewage disposal system.

Yours truly, M. L. Palmieri, M. D., Director of Health

any further comment on this petition. Well hearing no further comment I'll declare this hearing closed.

The meeting adjourned at 8:10 P.M.

Respectfully submitted:



Barbara E. Davis, Recording Secretary

COMMISSION ON THE CITY PLAN - ACTING AS THE ZONING COMMISSION - EXECUTIVE SESSION
THURSDAY, SEPTEMBER 3, 1964 - MAYOR'S CONFERENCE ROOM - MUNICIPAL BUILDING -
MIDDLETOWN, CONNECTICUT.

Present: Acting Mayor Isabelle M. Blais
John J. Higgins, Chairman
William P. Spear, Vice-Chairman
I. Robert Traverse
Nathan Shapiro
William Anderson, alternate member, sitting in official capacity
Carmelo J. Mazzotta, Jr., alternate member, sitting in official capacity
Robert Steinle, alternate member
(Chairman Higgins appointed alternate member's Anderson and Mazzotta
to act in behalf of Commissioner's Warner and Passanesi respectively)

Absent: Mayor John S. Roth
Helene B. Warner, Secretary
Seb J. Passanesi

Also

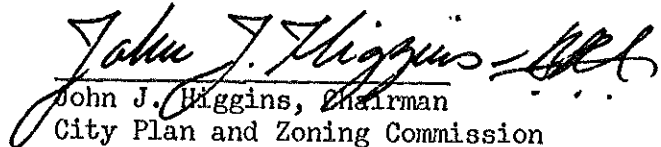
Present: Barbara Davis, City Plan Office Secretary, Sherman Beinhorn, Middletown
Press Reporter and John Daley, Hartford Courant Reporter

The meeting was called to order by the Chairman at approximately 8:15 P.M.

The following item was discussed and acted upon:

APPROVAL "OLANDER" TOP SOIL, PEAT MOSS, SAND AND GRAVEL PETITION: On
motion of Commissioner Mazzotta, seconded by Commissioner Traverse, unanimous
approval was granted for the release of the performance bond covering the
removal of gravel for the "Olander" Top Soil, Peat Moss, Sand and Gravel
petition.

The meeting adjourned at 8:20 P.M.


John J. Higgins, Chairman
City Plan and Zoning Commission

COMMISSION ON THE CITY PLAN - ACTING AS THE PLANNING COMMISSION - EXECUTIVE SESSION, THURSDAY, SEPTEMBER 17, 1964 - CITY PLAN OFFICE - MUNICIPAL BUILDING, MIDDLETOWN, CONNECTICUT

Present: John J. Higgins, Chairman
William P. Spear, Vice-Chairman
Helene B. Warner, Secretary, Did not vote
Nathan Shapiro
I. Robert Traverse
William Anderson, alternate member, sitting in official capacity
Carmelo J. Mazzotta, alternate member, sitting in official capacity
Robert Steinle, alternate member
(Chairman Higgins appointed alternate member's Anderson and Mazzotta to act in behalf of Commissioner's Warner and Passanesi respectively)

Absent: Mayor John S. Roth
Seb J. Passanesi

Also

Present: B. Ralph Gustafsson, City Planner

The meeting was called to order by the Chairman at approximately 7:31 P.M.

The following items were discussed and/or acted upon:

1. APPROVAL FOR SUBDIVISION "ARBUTUS HEIGHTS - PART I": On motion of Commissioner Traverse, seconded by Commissioner Spear, the Commission unanimously granted final approval for subdivision "Arbutus Heights - Part I".
2. APPROVAL FOR SUBDIVISION "ARBUTUS HEIGHTS - PART II": On motion of Commissioner Shapiro, seconded by Commissioner Anderson, the Commission unanimously granted final approval for subdivision "Arbutus Heights - Part II".
3. APPROVAL FOR SUBDIVISION "OAKWOOD HILLS - PART I": On motion of Commissioner Traverse, seconded by Commissioner Anderson, the Commission unanimously granted final approval for subdivision "Oakwood Hills - Part I".
4. APPROVAL FOR SUBDIVISION "OAKWOOD HILLS - PART II": On motion of Commissioner Traverse, seconded by Commissioner Spear, the Commission unanimously granted final approval for subdivision "Oakwood Hills - Part II".
5. APPROVAL FOR THE RELEASE OF A PERFORMANCE BOND FOR PUMPING STATION FOR SUBDIVISION "RIDGEWOOD MANOR": On motion of Commissioner Mazzotta, seconded by Commissioner Traverse, unanimous approval was granted for the release of a \$15,000 performance bond for the pumping station in subdivision "Ridgewood Manor".

6. FINAL APPROVAL OF THE PRELIMINARY REPORT OF THE PLAN OF DEVELOPMENT FOR PRINTING: On motion of Commissioner Traverse, seconded by Commissioner Spear, the Commission unanimously granted final approval for the preliminary report of the Plan of Development for printing, which report will later be distributed to the residents of the City of Middletown.

The meeting adjourned at 7:44 P.M.

Respectfully submitted:


Helene B. Warner, Secretary