

PLANNING AND ZONING COMMISSION REGULAR MEETING OCTOBER 8, 2008, 7:00 P.M.
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Chw. Barbara Plum, Comm. Les Adams, Comm. James Fortuna,
Comm. Deborah Kleckowski, Comm. Cynthia Jablonski, Comm.
Catherine Johnson, Comm. Richard Pelletier, Comm. Ron Borelli,
Comm. Matthew Lesser, Comm. Quentin Phipps, Asst. Dir. P.W.
Robert Dobmeier, Ex-Officio

MEMBERS
PRESENT

Mayor Sebastian Giuliano, Ex-Officio

MEMBERS
ABSENT

William Warner, Director, Matthew Dodge, Planning Environmental
Specialist

STAFF

There were twenty-two (22) members of the public present. There is
a word for word DVD recording of the meeting on file and available
in the Planning Office.

PUBLIC

Eleanor Kelsey commented on the Planning and Zoning Commission
minutes and felt there is a lack of information in the written minutes.
Lawrence Buck commented on the Planning and Zoning Commission
minutes and felt there is not enough information for any legal pro-
ceedings. Beth Emery commented on the Planning and Zoning Com-
mission minutes and had concerns with the DVD recording regarding
the minutes with respect to Cucia Park. She indicated the motions and
closing of the public hearing items wasn't clear.

ITEM 2
DISCUSSION
WITH PUBLIC

Chw. Barbara Plum noted that Items #4.1 and #4.2 would be moved
up before the public hearings and that Item #3.2 will be heard after
all the other public hearing items. Atty. Ralph Wilson introduced the
proposal. Comm. Catherine Johnson questioned why Item #4.1 was
under Old Business. Chw. Barbara Plum indicated that it was al-
ready on the agenda. Comm. Catherine Johnson questioned if for
a prior approval the application is placed under Old Business until
the project has been completed. Chw. Barbara Plum indicated yes.
Comm. Deborah Kleckowski questioned the street name changes
and how did it go from a city street to a private one. Atty. Ralph
Wilson indicated that it had been a private road for some time.
Comm. Deborah Kleckowski questioned who owns the road.
William Warner indicated the owner of Metro Square. Comm.
Catherine Johnson questioned if the city acquired the right-of-
way for this street, would the entrance/exit be re-opened. Atty.
Ralph Wilson indicated yes. Comm. Les Adams questioned if this
was the street that used to be behind the lumber company. Atty.
Ralph Wilson indicated yes. Comm. Ron Borelli questioned if this
street was abandoned in the 1970's. Atty. Ralph Wilson indicated
yes but the city does maintain it, it is still a private road on paper.
Comm. Ron Borelli questioned if this street could be placed on a

ITEM 4.1
APPROVED A
REQUEST FOR
MODIFICATION
OF THE SITE
PLAN AP-
PROVAL FOR
LANDMARK
SQUARE LO-
CATED AT 2
MAIN STREET
(THE FORMER
MIDDLETOWN
PRESS SITE)
WITH REGARDS
TO REMOVAL OF
THE ENTRANCE/
EXIT FROM DR.
MARTIN LUTHER
KING, JR. WAY

list so that the city will no longer maintain it. Asst. Dir. P.W. Robert Dobmeier indicated that he could bring the matter up with the Public Works Commission. Discussion ensued. Chw. Barbara Plum indicated that Robert Dobmeier would check into that for the Commission. On motion and second by Comms. Richard Pelletier and James Fortuna the Commission approved a request for modification of the Site Plan approval for Landmark Square located at 2 Main Street (the former Middletown Press site) with regards to removal of the entrance/exit from Dr. Martin Luther King, Jr. Way. Vote was unanimous. Applicant/agent Atty. Ralph E. Wilson SE2007-16

Ted Tine explains his proposal and submitted Exhibit #1, a drawing of the proposal. William Warner clarified what Ted Tine is proposing with regard to the Zoning Code. Chw. Barbara Plum questioned exactly what Ted Tine was proposing and how the Commission should proceed. William Warner indicated the patio was on the original plans and that if Ted Tine is going to have a bar, he needs to come back to the Commission. William Warner noted that the Commission could approve the request tonight. Comm. Catherine Johnson indicated she would have liked to have the site plan in the mailout packet again, felt the neighbors deserve to see what will be happening and suggested the item be tabled for comments. On motion and second by Comms. Catherine Johnson and Deborah Kleckowski the Commission tabled a request for modification to the Special Exception approval for 106-110 Court Street with regard to the construction of an outside deck and bar. Vote was unanimous. Applicant/agent Ted Tine SE2008-7

Robert Donald explained the revisions with regard to staff comments from the last meeting. Chw. Barbara Plum questioned if Robert Donald had seen the Public Works Departmental comments. Robert Donald indicated yes and that there was no objection to the Urban Forestry Commission's request that he had received today. Comm. Matthew Lesser questioned what kind of enforcement action would take place to make sure the Urban Forestry Commission requests are fulfilled. William Warner indicated the building permit or the certificate of occupancy could be withheld. On motion and second by Comms. James Fortuna and Richard Pelletier the Commission closed the public hearing. Vote was unanimous. A motion to grant a Special Exception to construct fifteen (15) multi-family dwellings on the east side of Jackson Street adjacent to Newfield Street (Rt. 3) to be known as Acheson Woods II was made by Comm. James Fortuna and seconded by Comm. Richard. Pelletier. Comm. Matthew Lesser offered a friendly amendment that trees be planted to replace the tree to be removed and that all departmental comments be addressed. Comm. Catherine Johnson indicated she did not approve of the widening of the street, felt the street and the

ITEM 4.2
TABLED A REQUEST FOR MODIFICATION TO THE SPECIAL EXCEPTION APPROVAL FOR 106-110 COURT STREET WITH REGARD TO THE CONSTRUCTION OF AN OUTSIDE DECK AND BAR

ITEM 3.1
GRANTED A SPECIAL EXCEPTION TO CONSTRUCT FIFTEEN (15) MULTI-FAMILY DWELLINGS ON THE EAST SIDE OF JACKSON STREET ADJACENT TO NEWFIELD STREET (RT. 3) TO BE KNOWN AS ACHESON WOOD II

tree should not be touched, was disappointed with the site plan, felt there should be stronger pre-planning and cited the lack of personal outdoor space for each homeowner as a major drawback to the site plan. The motion passed with Chw. Barbara Plum, Comm. Les Adams, Comm. James Fortuna, Comm. Richard Pelletier, Comm. Deborah Kleckowski and Comm. Cynthia Jablonski in favor and Comm. Catherine Johnson opposed. Applicant/agent Gibraltar Transcontinental Assurance Company LTD SE2008-6

Ken McGahee explained the proposal, how the property doesn't conform and indicated a swale had been added to the east and west sides of the property. Chw. Barbara Plum questioned if Ken McGahee had seen all of the departmental comments. Ken McGahee indicated no and that the tree warden would be contacted upon approval. Chw. Chw. Barbara Plum did not believe the departments have seen the new map. Ken McGahee indicated he did not know. William Warner indicated that of the comments on the summary sheet that have been on the record for awhile, only the Public Works Department has had time to review the revisions, that the other departments have not commented yet and that there is also a policy issue. Chw. Barbara Plum indicated there are still a lot of questions to be addressed, spot elevations, and that there are some major revisions. Comm. Catherine Johnson supported tabling of the application if a special exception is being requested and that she would like to see the building elevations. From the public, Sal, a resident, spoke against the proposal, indicated that there would be sewer issues and felt the proposal would render the neighborhood less stable. Comm. Ron Borelli questioned if there was a two-family there before. Sal indicated that an addition was added to make it a two-family home. Comm. Ron Borelli questioned if the Commission could find out if the property had always been a two-family home. William Warner indicated he will verify this but that the Tax Assessor has it as a one-family. Comm. Catherine Johnson questioned the sewer problem and why a two-family home shouldn't go in. Sal commented that it would not be owner occupied and felt it was not appropriate for the neighborhood. Comm. Ron Borelli asked Ken McGahee if the property was originally three lots that were non-conforming. Ken McGahee indicated yes and that the sewer is more than adequate. Chw. Barbara Plum questioned if there would be entrances on both Russell Street and Magnolia Avenue. Ken McGahee indicated yes. Chw. Barbara Plum asked if there would be a drop-off there. Ken McGahee indicated the elevation goes from 206 to 198. Comm. Matthew Lesser reminded the Commission of the special exceptions, that the proposed use won't affect traffic or property values and to focus on if it will be detrimental to the neighborhood. Thomas Cobb believed that having rental properties is a moot point and noted that there are two-family properties adjacent to this one. A resident and abutting property owner indicated he would like to see the plans. Chw. Barbara Plum indicated the plans can be viewed in the Planning De-

ITEM 3.3
CONTINUED
P.H. FOR A PROPOSED SPECIAL EXCEPTION TO CONSTRUCT A TWO (2) FAMILY DWELLING ON A LOT WITH LESS THAN ONE HUNDRED (100) FEET OF FRONTAGE AT 29 MAGNOLIA AVENUE

partment. On motion and second by Comms. Deborah Kleckowski and Catherine Johnson the Commission continued the public hearing for a proposed Special Exception to construct a two (2) family dwelling on a lot with less than one hundred (100) feet of frontage at 29 Magnolia Avenue. Vote was unanimous. Applicant/agent Chatham Construction, LLC/Ken McGahee SE2008-9

Pat Benjamin explained the proposal. From the public, Peter Werbiski was opposed to the proximity of the right-of-way to his property and the farm usage. Jim Jarzebek agreed with Mr. Werbiski. Comm. Ron Borelli questioned what difference would moving the right-of-way have. Jim Jarzebek indicated it would keep the salt away. Discussion ensued between Comm. Ron Borelli and Jim Jarzebek. Comm. Deborah Kleckowski questioned what was meant by "the other side". Chw. Barbara Plum pointed out the changes. Comm. Matthew Lesser thanked Peter Werbiski & Jim Jarzebek for their comments and spoke in favor of protecting farms. Steve Devoto was concerned with Comm. Ron Borelli's comments regarding cows and house placement and asked to see a comprehensive plan. Eleanor Kelsey spoke regarding the well on the property and agriculture on the property. Dan Kavanaugh spoke regarding his and other agricultural properties on Higby Road. Andrew Chiaravallo indicated he would like to leave it as open space, commented that the right-of-way was placed there as a favor as it will be a piece of grass and will be a house distance away from Mr. Werbiski. and noted a road was not his intention. A resident of 296 Higby Road had concerns with the placement of the right-of-way and contamination of the water supply. Lawrence Buck spoke regarding a subdivision in Berlin with a similar situation. Pat Benjamin explained the placement of the wells and the State Health Code, indicated the right-of-way is next to the tree line and noted that it will not violate the Health Code. Jim Jarzebek questioned if the property would be landlocked without the right-of-way. Pat Benjamin indicated yes. Eleanor Kelsey spoke in regards to right-of-ways in Andrew Chiaravallo's mother's house. Peter Werbiski questioned if it would be possible for a right-of-way on the other side. Pat Benjamin indicated there are no other right-of-ways. Comm. Ron Borelli questioned if leaving a grass right-of-way would be safer for the well. Pat Benjamin indicated yes. Comm. Matthew Lesser commented that the Commission needs to assume that the property will be developed and questioned how the location of the right-of-way could be changed. William Warner indicated the Commission does not have grounds to require it. Comm. Catherine Johnson questioned what is the minimum lot frontage and acreage. William Warner indicated two hundred (200) feet of frontage and fifty (50) feet for a road right-of-way. Comm. Ron Borelli reiterated that the Commission needs to approve or disapprove the plan before them. Comm. Cindy Jablonski felt it would be better

ITEM 3.4
GRANTED
FINAL AP-
PROVAL OF A
ONE (1) LOT
RESUB-
DIVISION OF
THE PRO-
PERTY OF
ANDREW
CHIARAVALLO
& BONNIE
SCHEIDLER,
TRUSTEES LO-
CATED ON THE
WEST SIDE OF
HIGBY ROAD
AND NORTH
OF SISK
STREET

to have the right-of-way on the other side and indicated that the Commission does not know if the property will be open space. Eleanor Kelsey commented on right-of-way and road requirements. Comm. Matthew Lesser agreed with Comm. Ron Borelli. Comm. Ron Borelli noted that to ask the applicant to move the right-of-way would be intimidating. Comm. Deborah Kleckowski noted that the Commission is aware of the issues. Comm. Catherine Johnson questioned the purpose of establishing this lot. Pat Benjamin indicated that if a road were to be put in, it would still meet the Health Code. On motion and second by Comms. James Fortuna and Richard Pelletier the Commission closed the public hearing. Vote was unanimous. On motion and second by Comms. Richard Pelletier and Deborah Kleckowski the Commission granted final approval of a one (1) lot resubdivision of the property of Andrew Chiaravallo & Bonnie Scheidler, Trustees, located on the west side of Higby Road and north of Sisk Street with the condition that all departmental comments be addressed. Vote was unanimous. Applicant/agent Andrew Chiaravallo/Pat Benjamin, Bascom & Benjamin S2008-3

William Warner discussed the proposed updates. From the public, Arline Rich provided some suggestions to the chapter to make it more user-friendly and accurate. William Warner questioned if Arline Rich would submit the suggestions into the record. Arline Rich indicated yes. Trevor Davis commended the Commission and staff with regard to the Plan of Conservation and Development. Comm. Matthew Lesser commented on the Washington Street corridor section and felt that significant development would most likely occur there. William Warner indicated the regulations promote single story buildings fifty (50) feet away from the road and that this is negatively encouraged. Comm. Matthew Lesser indicated he felt changes to the B-2 zone for Washington Street should be considered. William Warner indicated that amendments have already provided. Comm. Ron Borelli commented on the industrial market indicator and a shared River Road. William Warner spoke about sewer service to that area and lands under the Memorandum of Understanding, Kleen Energy and CL&P properties as well as Pratt & Whitney. Comm. Ron Borelli questioned if Pratt & Whitney could do something there. William Warner indicated they could develop it or to sell the property they would have to offer it to the state. Beth Emery commented on adding language to include alternative transportation. Eleanor Kelsey commented on residential and commercial/industrial development, had issues with the map and language missing from her copy of the Plan of Conservation and Development proposed update, claimed that the documents that the Plan of Conservation and Development update is based upon aren't accurate and are biased and she disagreed with some of the language. Comm. Matthew Lesser thanked Eleanor Kelsey

ITEM 3.2
CLOSED P.H.
FOR A PROPOSED UPDATE
TO CHAPTER 9
PROMOTING
COMMERCIAL/
INDUSTRIAL
GROWTH OF
THE PLAN OF
CONSERVATION AND
DEVELOPMENT

and agreed that through streets are a good idea. Lawrence Buck commented on minutes taken at workshops and the language used in the Plan of Conservation and Development. Eleanor Kelsey commented further on facts in the proposed Plan of Conservation and Development updates. Beth Emery indicated she would like more information on growth and goals for getting more business here. Comm. Cindy Jablonski questioned if there will be agri-industry in the city. William Warner explained the Farm Viability Grant report and how it will be presented to address some of these issues. Comm. Catherine Johnson indicated she would like a copy of the 1976 copy of the Plan of Conservation and Development sent to her. Comm. Deborah Kleckowski questioned if the public hearing could be kept open. Chw. Barbara Plum asked if Comm. Deborah Kleckowski would like to see the additions, where they're inserted and give the public an opportunity to comment. Comm. Deborah Kleckowski indicated yes. Chw. Barbara Plum asked for a motion to continue the public hearing. William Warner felt the Commission should close this hearing and have a more consolidated public hearing in the future. Comm. Deborah Kleckowski felt the Commission needs to give the public a chance to review the document. William Warner indicated that the Commission could put it on as Old Business and carry it. A motion to close the public hearing for a proposed update of Chapter 9 Promoting Commercial/Industrial Growth of the Plan of Conservation and Development and placing the item under Old Business at the next meeting was made by Comm. Deborah Kleckowski and seconded by Comm. Richard Pelletier. The motion passed with Chw. Barbara Plum, Comm. Les Adams, Comm. James Fortuna, Comm. Cindy Jablonski, Comm. Deborah Kleckowski and Comm. Richard Pelletier in favor and Comm. Catherine Johnson opposed. Proponent P&Z Comm.

William Warner discussed changes be incorporated per the public and Commission comments and recommended tabling until the next meeting. On motion and second by Comms. Deborah Kleckowski and James Fortuna the Commission tabled a proposed update of Chapter 6 Future Residential Growth of the Plan of Conservation and Development. Vote was unanimous.

On motion and second by Comms. Richard Pelletier and Deborah Kleckowski the Commission scheduled a public hearing date of November 12, 2008 for a proposed update of Chapter 8 Addressing the Urban Dilemma and Statement on Alternate Modes of Transportation of the Plan of Conservation and Development. Vote

ITEM 4.3
TABLED A PROPOSED UPDATE OF CHAPTER 6 FUTURE RESIDENTIAL GROWTH OF THE PLAN OF CONSERVATION AND DEVELOPMENT

ITEM 5.1
SCHEDULED P.H. 11/12/08 PROPOSED UPDATE OF CHAPTER 8

was unanimous. Proponent P&Z Comm.

ADDRESSING
THE URBAN
DILEMMA AND
STATEMENT ON
ALTERNATE
MODES OF
TRANS-
PORTATION OF
THE PLAN OF
CONSER-
VATION AND
DEVELOPMENT

William Warner explained the State Fire Marshal regulations and that the City has no authority to do this. Arline Rich of Westfield Residents Association withdrew the proposed text amendment. On motion and second by Comms. Richard Pelletier and Deborah Kleckowski the Commission accepted withdrawal of a proposed Zoning Code text amendment to add Section 12.15 Blasting-Protection of Property. Vote was unanimous. Applicant/agent Westfield Residents Association/Arline Rich Z2008-2

ITEM 5.2
ACCEPTED
WITHDRAWAL
OF A PROPOSED
ZONING CODE
TEXT AMEND-
MENT TO ADD
SECTION 12.15
BLASTING-
PROTECTION
OF PROPERTY

On motion and second by Chw. Barbara Plum and Comm. Deborah Kleckowski the Commission scheduled a public hearing date of November 12, 2008 for a proposed Zoning Code text amendment to modify Section 60.02.38 Permanent Year Round Farm Markets. Vote was unanimous. Applicant/agent Joshua D. Eddinger Z2008-5

ITEM 5.3
SCHEDULED P.H.
11/12/08 FOR A
PROPOSED ZON-
ING CODE TEXT
AMENDMENT
TO MODIFY
SECTION 60.02.38
PERMANENT
YEAR ROUND
FARM MARKETS

On motion and second by Chw. Barbara Plum and Comm. Richard Pelletier the Commission scheduled a public hearing date of October 22, 2008 for a proposed two (2) lot subdivision with a Site Plan Review to construct a church building on Coe Avenue near the intersection with Saybrook Road, adjacent to Rt. 9 and abutting The Village at South Farms. Vote was unanimous. Applicant/agent 693 Saybrook Road LLC/LRC Group S2008-4

ITEM 5.4
SCHEDULED P.H.
10/22/08 FOR A
PROPOSED TWO
LOT RESUB-
DIVISION WITH
A SITE PLAN
REVIEW TO
CONSTRUCT
A CHURCH

BUILDING ON
COE AVENUE
NEAR THE IN-
TERSECTION
WITH SAY-
BROOK ROAD,
ADJACENT TO
RT. 9 AND
ABUTTING THE
VILLAGE AT
SOUTH FARMS

A motion to table the minutes of the September 24, 2008 regular meeting was made by Comm. Deborah Kleckowski and seconded by Comm. Catherine Johnson. Chw. Barbara Plum noted the following change: After Comm. Matthew Lesser's name under "Members Present", indicated "seated for Comm. Richard Pelletier". William Warner indicated that the proposed church is a site plan review and not a Special Exception. Comm. Catherine Johnson requested that the site plans for the church be sent out as soon as possible, noted that the word "tape" should be replaced by DVD as the method of recording and she had other changes to the minutes. William Warner indicated that staff would go through the DVD and clarify this going forward. Comm. Deborah Kleckowski commented on the availability and purchase of DVDs of the meetings and there be notification that the DVDs are available in the library.

ITEM 6.1
TABLED THE
MINUTES OF
THE 9/24/08
REGULAR
MEETING

William Warner explained the Federal Energy Regulatory Commission gas line notice.

ITEM 6.2
STAFF REPORTS
KLEEN ENERGY
PROJECT

William Warner explained the proposed landscaping guidelines. Comm. Ron Borelli questioned the need for the guidelines. William Warner explained the need for the amendment. Comm. Ron Borelli felt the Commission was regulating too much. Discussion ensued on the floodplain maps.

ITEM 6.3
STAFF REPORTS
PROPOSED
ZONING CODE
TEXT AMEND-
MENT – SECTION
49

Comm. Cindy Jablonski discussed the law regarding the availability of meeting minutes to the public and that the City needs to keep the website up-to-date. Comm. Catherine Johnson indicated she would like a CD of the Plan of Conservation and Development, felt that money for planning should be set aside, wanted to know the schedule for the Air Quality Subcommittee meetings, felt the Plan of Con-

ITEM 6.4
COMMISSION
AFFAIRS

servation and Development should be reviewed in a sub-committee, and questioned the motion regarding Cucia Park. Comm. Matthew Lesser indicated that the Cucia Park Resolution was not on because it was a timely issue, the Commission had a responsibility to express its opinion and that putting it on the agenda wasn't an option. Comm. Matthew Lesser indicated that the Air Pollution Subcommittee would be reporting to the Commission at the first November meeting. Discussion ensued between Comms. Matthew Lesser and Catherine Johnson regarding the Cucia Park Resolution.

Lawrence Buck commented that the Planning and Zoning rules must be filed with the Town Clerk. William Warner questioned what state statute requires this. Lawrence Buck indicated the rules of the Town Clerk. Eleanor Kelsey requested a copy of the Commission bylaws.

On motion and second by Comms. James Fortuna and Richard Pelletier the Commission adjourned the meeting at 11:00 pm. Vote was unanimous.

ITEM 8
DISCUSSION

ITEM 9
ADJOURNMENT

Respectfully submitted,

Matthew Dodge
Planning/Environmental Specialist