



**REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION
MIDDLETOWN CONNECTICUT
FEBRUARY 12, 2020**

1. Pledge of Allegiance

Chairman Devoto called the meeting to order at 7:03 PM with the Pledge of Allegiance.

2. Roll Taking

Present: Commissioner Stephen Devoto
Commissioner Nicholas Fazzino
Commissioner Richard Pelletier
Commissioner Thom Pattavina
Commissioner Marcus Fazzino (arrived at 7:04 PM)
Commissioner Catherine Johnson
Commissioner Kellin Atherton (seated for Commissioner Brown)
Commissioner Shanay Fulton
Commissioner James O'Connell

Absent: Commissioner Tyrell Brown

Staff: Marek Kozikowski, AICP, City Planner

3. Items removed from the agenda and why

6.1 is postponed per applicant's request
6.2 is postponed per applicant's request

4. Public comment on items on agenda which are not currently scheduled for a public hearing

None

5. ZEO Certification that all public hearing signs have been properly noticed (when scheduled)

No signs required.

6. Public Hearings (when scheduled)

- 1. Continued: Proposed three (3) lot subdivision at 584 Atkins Street (Atkins Ridge) between Brechlin Road and Timber Ridge Road in the R-60 Residential**

Zone. Applicant/agent Cocco II, LLC S2019-3 (To be rescheduled to March 11, 2020 per applicant)

Rescheduled to the February 26, 2020 per applicant's request.

- 2. Special Exception application proposing a 17 Unit Multi-Family Development at 0 & 61 West Street in the MX Zone. Applicant/agent DelFavero Associates, Inc. SE2019-9 (Postponed by applicant to February 26, 2020)**

Rescheduled to the March 11, 2020 per applicant's request.

7. Old Business

None

8. New Business

- 1. Proposed amended site plan (SPR2017-72) to modify the footprint of Building 1 to accommodate Retail and Automotive Use for the property of Washington West, LLC located at 804 Washington Street. Applicant/agent Washington West, LLC / Abe Kaoud SPR2020-2 (Date of receipt 2/12/20)**

Commissioner Richard Pelletier moved, seconded by Commissioner Thom Pattavina to waive Roberts Rules of Order to allow public testimony. The chair calls for the vote. It is unanimous to approve as amended with 7 aye votes. The chair states the matter passes unanimously with 7 affirmative votes.

Amy Souchons, attorney at Herwitz Sagarin Slossberg & Knuff representing Bridgestone Retail Operation, LLC spoke on behalf of the proposal. Mark Grocki, Project Manager with VHB gave a summary of what was approved in 2017 and the current proposal with a much smaller footprint. Because some of the site has already been constructed, the storm water improvements has also already been constructed for the larger impervious footprint.

Commissioner Atherton said it seems that the applicant took a lot of effort in insuring everything that was brought up to where they are now and asked if there were any follow up measures for any foreseeable issues in the future. Mark said the DEEP and Army Corps approvals were strictly for the culverting of the stream. The follow-up would be to ensure that all work has been completed and the stabilized.

Commissioner Fazzino asked if the Water Sewer requirement been satisfied. Mark said the revised plan was submitted last Friday and the W/S comments were submitted this week. They have no issues with complying with the W/S comments so if the approval is with the condition of the comments, they would have no issue.

Commissioner Johnson questioned the amount of parking in the plans with 22 extra spaces. Mark explained that they don't know what the adjacent use next to the Firestone building will be. It could be a restaurant, urgent care or some type of division between those which are more intensive uses. Having more spaces on site is a benefit should the use having to change for a different type of tenant.

Commission Devoto said that electric vehicle charging stations is a requirement with the Zoning Code. Mark said he wasn't aware of that requirement. Marek said the Zoning Code calls for 3% of the total spaces which would be 5-6 charging stations for this proposal. The applicant may ask

for a waiver or reduction at the time of the site plan approval. Mark asked for a few minutes to confer with the applicant. Attorney Souchons said that they would be willing to put in 2 charging stations but would have to look at the locations of the utilities to see where they can go.

Commissioner Devoto also asked about sidewalks on Plaza Drive. Mark explained that it wasn't compatible with their side of the street because of the steepness of the slope and their proposal for a guardrail next to the curb.

Commissioner Johnson would like the dumpster moved to another location. Mark Grocki explained that the IWWA were adamant not to put the dumpster in the upland review area.

Attorney Rich Carella said that he represents a number of people in the area that have many concerns about the project including the traffic flow and the totally different type of use that was originally approved. He asks for a public hearing.

Beth Emery who is on the Complete Streets Committee and the Commission's representative to RiverCog is concerned about the walkability in that area. She would like to ask the state why there aren't more crosswalks put in so the public can go from one shopping center to the next. The guardrail that is proposed is for the safety of the cars. Where is the proposal for the safety of the pedestrians?

Commissioner Fulton said she would also like to have more public input regarding the walkability. She feels the entryways are congested.

A discussion ensued about whether a public hearing is needed.

A motion to waive the number of charging stations from 5 to 3 was moved by Commissioner Devoto and seconded by Commissioner Fazzino. The chair calls for the vote. It is unanimous to waive the number of charging stations with 7 aye votes. The chair states the matter passes unanimously with 7 affirmative votes.

Commissioner Nicholas Fazzino moves for approval for an amended site plan to modify the footprint of Building 1 to accommodate Retail and Automotive Use for the property located at 804 Washington Street with the following conditions: 1) Install 3 charging stations; 2) Install sidewalks along Plaza Drive; and 3) The excess 22 parking spaces should be pervious to reduce runoff; 4) adhere to all staff and departmental comments. Commissioner Thom Pattavina seconds the motion. The chair calls for the vote. It is unanimous to approve with 7 aye votes. The chair states the matter passes unanimously with 7 affirmative votes.

2. Request for a five (5) year extension for Permit #SE2015-4 and Site Plan Approval for the South Cove Residential Development located at 225 River Road and 35 Eastern Drive. Applicant/agent Turkey Hill LLC/ Martin Smith SE2015-4 (Date of receipt 1/22/20)

Marek Kozikowski gave a review of the application. Commissioner Pelletier said there has been a significant change in Middletown since they gave this approval in 2015. He recommends not extending it. Marek said there is still a lot of discussion regarding the riverfront and moving River Road but there are no plans yet. Commissioner Johnson agrees with Commissioner Pelletier. She said the road needs to be moved.

The applicant, Martin Smith said it has been a long drawn-out process. The water treatment plant was supposed to be closed years ago and that is why this project has been delayed. He would

be happy to work with the City regarding moving the road but is not confident that it would ever happen. He needs to get more from the City than he is getting.

Commissioner Devoto suggests tabling the application so that they can get more input from staff and perhaps the mayor's office with respect to the master plan for the riverfront.

Commissioner Richard Pelletier moves to table until March 11, 2020. Commissioner Nicholas Fazzino seconds the motion. The chair calls for the vote. It is unanimous to table with 7 aye votes. The chair states the matter passes unanimously with 7 affirmative votes.

- 3. Schedule a Public Hearing for a Special Exception for a Home Day Care for children at 72 Pond Place in the R-1 Zone. Applicant/agent Valerie Demeze SE2020-1 (Date of receipt 1/22/20) (Suggested date February 26, 2020)**

Commissioner Thom Pattavina moves to schedule a Public Hearing for February 26, 2020 for a Special Exception for a Home Day Care for children at 72 Pond Place in the R-1 Zone. Commissioner Richard Pelletier seconds the motion. The chair calls for the vote. It is unanimous to schedule a public hearing with 7 aye votes. The chair states the matter passes unanimously with 7 affirmative votes.

- 4. Schedule a public hearing for a re-subdivision to convert parcel (30-0201) Brown Street into a building lot. Applicant/agent Brad Baker S2020-1 (Suggested date February 26, 2020)**

Commissioner Richard Pelletier moves to schedule a public hearing on February 26, 2020 for a re-subdivision to convert parcel (30-0201) Brown Street into a building lot. Commissioner Thom Pattavina seconds the motion. The chair calls for the vote. It is unanimous to schedule a public hearing with 7 aye votes. The chair states the matter passes unanimously with 7 affirmative votes.

- 5. Schedule a public hearing for a text amendment to Section 71 (Amendment Procedure) of the Middletown Zoning Code. Applicant/agent City of Middletown PCD Dept. Z2020-1**

Commissioner Thom Pattavina moves to schedule a public hearing on March 11, 2020 for a text amendment to Section 71 (Amendment Procedure) of the Middletown Zoning Code. Commissioner Nicholas Fazzino seconds the motion. The chair calls for the vote. It is unanimous to schedule a public hearing with 7 aye votes. The chair states the matter passes unanimously with 7 affirmative votes.

- 6. Schedule a public hearing for text amendments to Sections 61 and 40 to modify language related to prohibited uses, rooming houses and clinics in the Middletown Zoning Code. Applicant/agent City of Middletown PCD Dept. Z2020-2 (Suggested date of public hearing March 11, 2020)**

Commissioner Thom Pattavina moves to schedule a public hearing on March 11, 2020 for text amendments to Sections 61 and 40 to modify language related to prohibited uses, rooming houses and clinics in the Middletown Zoning Code. Commissioner Nicholas Fazzino seconds the motion. The chair calls for the vote. It is unanimous to schedule a public hearing with 7 aye votes. The chair states the matter passes unanimously with 7 affirmative votes.

7. Schedule a public hearing for a text amendment to Section 61 of the Middletown Zoning Codes to allow motor vehicle uses in the Transitional Development Zone. Applicant/agent John Sheil Z2020-3

Commissioner Richard Pelletier moves to schedule a public hearing on March 11, 2020 for a text amendment to Section 61 of the Middletown Zoning Codes to allow motor vehicle uses in the Transitional Development Zone. Commissioner Nicholas Fazzino seconds the motion. The chair calls for the vote. It is unanimous to schedule a public hearing with 7 aye votes. The chair states the matter passes unanimously with 7 affirmative votes.

9. Public comment on topics which are not or have not been the subject of a public hearing

None

10. Minutes of the Regular Meeting, Transcripts, Staff Reports and Commission Affairs

10.1 Minutes of January 8, 2020 Meeting

Commissioner Nicholas Fazzino moves for approval of the minutes of January 8, 2020 Meeting. Commissioner Richard Pelletier seconds the motion. The chair calls for the vote. It is 6 aye votes and 1 abstention by Commissioner Devoto. The Chair states the matter carried with 6 affirmative votes.

Commissioner Devoto left the meeting at 8:44 PM

**10.2 Other Commission Affairs
a. River-Cog Report**

Commissioner Kellin Atherton gave a report.

10.3 Report from by-laws subcommittee

Marek said they met on Monday and will continue working through the text.

10.4 POCD subcommittee

Marek said that the sub-committee was formed by previous members of the Commission and they will need to form a new POCD subcommittee. Commissioner Johnson said that the whole committee should be participating.

The Committee is working on amending the draft to incorporate comments made. Draft to come soon. The next sub-committee meeting to be determined. All commissioners encouraged to attend the next sub-committee meeting.

11. Adjournment

Commissioner Richard Pelletier moves for adjournment at 8:53 PM. Commissioner Kellin Atherton seconds the motion. The vice-chair states the matter passes unanimously with 6 affirmative votes.

Respectfully submitted,

Marek Kozikowski, AICP
City Planner