

# Middletown Planning and Zoning Commission



Chair	Thom Pattavina ('23)	
Vice-Chair	Marcus Fazzino ('23)	
Secretary	Shanay Fulton ('25)	
Members	Richard Pelletier ('23)	Vacant ('25)
	Catherine Johnson ('23)	Sebastian Giuliano ('25)
Alternates	Kellin Atherton ('23)	Kelly Sweeney ('23)
	Tyler Eckstrom ('25)	
Ex- Officio	Mayor Ben Florsheim	
	Christopher Holden, Director of Public Works	
Staff	Marek Kozikowski, AICP, Director of Land Use	

## REGULAR MEETING MINUTES

**WEDNESDAY, JANUARY 11, 2023**  
**Council Chambers, City Hall & Virtual on WebEx**  
**7:00 P.M.**

The meeting was held both virtually and in-person. Members of the public had access via <https://webex.com>, the WebEx application, and via telephone.

Start: 7:03 PM  
End: 7:56 PM

### 1. Pledge of Allegiance

The Pledge of Allegiance was made.

### 2. Roll Call

Present: Commissioner Thomas Pattavina  
Commissioner Shanay Fulton  
Commissioner Catherine Johnson  
Commissioner Sebastian Giuliano  
Commissioner Kellin Atherton (Seated for Commissioner Pelletier)  
Commissioner Kelly Sweeney (Seated for Commissioner Fazzino)

Absent: Commissioner Marcus Fazzino  
Commissioner Richard Pelletier  
Commissioner Tyler Eckstrom

Staff: Marek Kozikowski, Director of Land Use

Public: 4 members of the public attended.

### 3. Items removed from the Agenda

Item 6.2 has been postponed by the applicant until February 8. Item 7.1 is postponed to a later meeting. Item 8.1 is postponed until January 25.

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

None.

#### **5. Confirmation that all hearing signs have been properly posted**

All public hearing signs have been properly posted.

#### **6. Public Hearings**

##### **6.1. Request for a special exception to convert a 2-family into a commercial use at 133 South Main Street (Map-Lot: 26-0384) and 19 Loveland Street (Map-Lot: 26-0383) in the MXC zone. Applicant/Agent: Thomas Hutton/MWH Associates, LLC. SE2022-14.**

Thomas Hutton and Larry Murdowski presented the application. Thomas Hutton explained that 19 Loveland Street, which is adjacent to 133 South Main Street will be used to accommodate the parking requirements for the proposed dentist office in addition to the parking at 133 South Main Street.

Larry Murdowski, 1 Dover Lane, Wallingford, CT stated that they addressed the comments made by David and Jacqueline Palmer of 27 Loveland Street. There's a long-standing right-of-way over the driveway of 27 Loveland Street to access the rear of 19 Loveland Street. Thomas Hutton stated that they are in the process of revoking their right of use to their driveway.

Commissioner Giuliano made a point of order that the right of way easement issue is more of a legal issue that should be handled by the court and not by the Planning and Zoning Commission. He expressed his concerns about getting into the nuances of the right-of-way.

Larry addressed Commissioner Giuliano's concern stating that they are willing to abandon the easement on 27 Loveland Street's driveway to be granted the special exception.

Commissioner Giuliano asked if they have access to 133 South Main Street with or without the easement.

Thomas Hutton answered, yes.

David Palmer of 27 Loveland Street asked if they are going to abandon the right-of-way on the driveway, does that mean there will be no traffic from your development on that driveway. Mr. Palmer expressed his concerns over the potential for increased traffic on his driveway.

Thomas Hutton answered, that there will be no traffic from the development on his driveway and that they will be abandoning the easement so that Mr. Palmer can put a fence up on his property.

Commissioner Giuliano asked if any other persons that have rights over that easement besides Thomas Hutton.

David Palmer answered, not anymore.

Larry Murdowski added that all the properties that would be used by this easement are all owned by Thomas Hutton.

John Schilike of 3 Hubbard Street is for this in principle however he expressed his concerns about the parking lot planned to be constructed. He wants to ensure that the look of the neighborhood is maintained.

Thomas Hutton commented that they are willing to work with the neighbors to keep the look of the neighborhood

Commissioner Pattavina recognized that Commissioner Atherton is no longer on WebEx.

Melissa Shilike of 3 Hubbard Street expressed her concern about the parking lot on Loveland Street. She doesn't want the parking lot to extend to the side walk. It would be dangerous for pedestrians walking by and those who live across the street shouldn't have to deal with car lights shining through their windows. She would like the Commission to wait to approve this application until the rest of his building plans for the area are reviewed. She also said there's a pile of dirt that's just sitting there and wants to know when it will be cleaned up.

Thomas Hutton responded stating that the parking lot isn't complete. Mr. Hutton explained that the dirt will be removed in the coming weeks.

Melissa Shilike of 3 Hubbard Street asked if there will be an addition to 133 South Main Street.

Thomas Hutton answered if there are any changes or additions in the future, they will go through the appropriate Committee for approval and keep the process transparent.

Melissa Shilike stated for the record that she is opposed to this approval because the parking lot will take away from the residential neighborhood look.

Marek Kozikowski addressed some comments in the staff report to the applicant. A bike rack should be located near the main entrance. There should be three street trees. One in front of Loveland Street and two in front of South Main Street. Director Kozikowski notified the Commission that the Design Review and Preservation Board approved the façade improvements to 133 South Main Street in March of 2022 with a condition that when the design for the porch is finalized they would have to go to the Design Review and Preservation Board for approval. The vestibule would be subject to their approval as well. He suggested that the Commission consider landscaping for screening of the parking lot. Director Kozikowski clarified that Thomas Hutton has egress to South Main Street from property under his ownership, and that the property that fronts South Main Street is under a different LLC than the subject properties, but both LLC's are owned by Thomas Hutton. Director Kozikowski recommended that Thomas Hutton speak with his legal team about any potential easements that would need to be created between the two LLC's.

Thomas Hutton agreed to the conditions in the staff report and will speak to his legal team about potential easements.

Commissioner Giuliano expressed his concerns over using Juniper trees as a buffer because they block the sun and cause ice to form on the sidewalk in the winter causing people to fall.

Director Kozikowski stated that regulations require a landscape buffer but it doesn't specify the type of landscaping.

Motion to close the public hearing.

Moved by Commissioner Giuliano, seconded by Commissioner Johnson.

Motion passed: 7-0.

Commissioner Johnson proposed three conditions. Remove the asphalt on Loveland Street with an eight foot lawn and then an opaque hedge at least eight feet tall planted in the center of the lawn and then have a fourteen foot curb cut. Commissioner Johnson commented that a dentist office at that location will be difficult. She agrees that there should be a plan for all of Mr. Hutton's properties in the area and meet with the neighbors about those plans.

Motion to approve the special exception.

Moved by Commissioner Johnson, seconded by Commissioner Sweeney.

Motion passed unanimously: 7-0

## **7. Old Business**

None.

## **8. New Business**

### **8.2. Request for a subdivision creating three lots from a 4.73 ac property located at 295 Country Club Road in the R-15 zone. Applicant/Agent: Michael Aronne, Jr./Aronne Building and Remodeling. S2023-1.**

Director Kozikowski stated that according to the Planning and Zoning bylaws, the Commission needs to decide if there should be a public hearing for this application to be scheduled for February 8 or should this be discussed as old business during the next Planning and Zoning meeting on January 25.

Commissioner Johnson asked what the City of Middletown's interest is in the small parcel on the site plan.

Director Kozikowski answered the small parcel is for water storage for the fire department.

Motion to set a public hearing for this subdivision on February 8.

Moved by Commissioner Giuliano, seconded by Commissioner Johnson.

Motion passed unanimously: 7-0.

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

None.

## **10. Minutes, Staff Reports and Commission Affairs**

### **10.1. Minutes**

Motion to approve the December 14, 2022 meeting minutes.

Moved by Commissioner Giuliano, seconded by Commissioner Fulton.

Passed: 6-0-1 (Commissioner Sweeney abstained)

### **10.2. RiverCOG Report**

Commissioner Johnson recapped the December RiverCOG meeting. There were two items from the meeting she highlighted. One, there is a working group for septic. Middletown is mostly serviced by City Water & Sewer. The second item is they were asked to comment on the Broadband Access Map but Middletown is completely covered by broadband.

### **10.3. Staff Report**

Director Kozikowski shared that there is one public hearing item on the agenda for the January 25 meeting. He then shared the report completed by the Zoning Enforcement Officer, Tom Hazel. There are currently two blight cases open. There are three cases of blight under citation and one failure to pay notice which is on its way to court. There are currently four cases that have been assessed by the court and receive a lean or be foreclosed. Temporary sign enforcement continues and patrol of the major arteries is scheduled in the coming weeks.

Director Kozikowski distributed the Annual Connecticut Land Use Law for Municipal Land Use Agency and Boards and Commission Workshop flyer, an all-day event on Saturday, March 11. This is a virtual meeting. This event will satisfy the state's training requirements for Planning and Zoning Commissioners.

The ZBA approved a frontage variance for the Roscommon development. The Inland Wetlands Agency held a public hearing on a proposed multi-family development off of Kaplan Drive. The public hearing is continued into next month. If this project gets approved by Wetlands, it will then go in front of the Planning and Zoning Commission which would require a map or text zoning change and a special exception would be needed. No application submission has been made as of yet.

Commissioner Johnson asked what the zone is.

Director Kozikowski answered a portion of the land is in I-3 and the other portion is in R-1.

If you'd like to see the plans, they are available for review online.

### **10.4. Commission Affairs**

None.

## **11. Adjournment**

Motion to adjourn

Moved by Commissioner Johnson, seconded by Commissioner Giuliano

Passed Unanimously: 7-0

Submitted,

Marek Kozikowski, AICP

Director of Land Use