



**REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION
MIDDLETOWN CONNECTICUT
FEBRUARY 10, 2021**

1. Roll Taking

Present: Commissioner Stephen Devoto
Commissioner Nicholas Fazzino
Commissioner Thom Pattavina
Commissioner Richard Pelletier
Commissioner Catherine Johnson
Commissioner James O'Connell
Commissioner Kellin Atherton (not seated)
Commissioner Quatina Frazer (seated for Marcus Fazzino)
Commissioner Shanay Fulton (not seated)

Absent: Commissioner Marcus Fazzino

Staff: Marek Kozikowski, AICP, City Planner

2. Items removed from the agenda and why

None

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

None

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

No public hearing signs were required for this meeting.

5. Public Hearings (when scheduled)

None

6. Old Business

None

7. New Business

- 1. Request for an affirmative G.S. 8-24 report for open space and agricultural land acquisition of properties located at map-lots 07-0329, 07-0330, 07-0333, and 07-**

0334 South Plumb Road. Applicant/agent City of Middletown/PCD Dept. G.S. 8-24 2021-1

Marek Kozikowski gave a summary of the application sharing maps of the location with the Commission. The property is bound by East Street and South Plumb Road and to the west is Smith Park. Smith Park has a trail network and the property the City would like to acquire is right there and gives an opportunity to extend the network.

Commissioner Thom Pattavina moves for approval for an affirmative G.S. 8-24 report for open space and agricultural land acquisition of properties located at map-lots 07-0329, 07-0330, 07-0333, and 07-0334 South Plumb Road. Commissioner Catherine Johnson 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 an affirmative G.S. 8-24 report for open space acquisition of property located at map-lot 07-0029 Country Club Road. Applicant/agent City of Middletown/PCD Dept. G.S. 8-24 2021-2

Marek explained that he was approached by the owner of this parcel who wanted to donate to the City. This piece of property also abuts Smith Park so the City may have the ability to expand the trail more.

Commissioner Thom Pattavina moves for approval for an affirmative G.S. 8-24 report for open space acquisition of property located at map-lot 07-0029 Country Club Road. Commissioner James O'Connell 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.

3. Discussion on zoning codes related to the MX zone.

Marek asked the Commission to share their input and guidance. A lengthy discussion ensued.

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

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

a. Minutes of the January 27, 2021 Regular Meeting

Commissioner Richard Pelletier moves for approval of the minutes of the January 27, 2021 Regular Meeting. Commissioner Nicholas Fazzino 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.

b. River-Cog Report

Commissioner Atherton said that there has not been a meeting since January 25th.

c. Staff Reports

Marek said that the Department is working on a new tax abatement program for the preservation of historic buildings.

Commissioner O'Connell stated that there is a lot of news about RFPs concerning the Riverfront and asked Marek if the PCD has been involved in any of it. Marek explained that the PCD drafted the RFP, facilitated receiving them for review by a Committee set up by the Mayor. Chairman Devoto who is on the Committee said that there are typically a few 2-5 responses for an RFQ. This one got 21 applications from firms who do work all over the world. The Committee whittled down to 12 applications and are setting up meetings now.

d. Commission Affairs

10. Adjournment

Commissioner O'Connell moved to adjourn at 8:00 PM. Commissioner Fazzino seconds the motion. Meeting adjourned.

Respectfully submitted,

Marek Kozikowski, AICP
City Planner

SEE BELOW FOR ADDITIONAL COMMENTS

For the Minutes - P&Z meeting (2/10/21)
Comments by Catherine Johnson

MX Zone Regulations

One of the best things we can do is create more mixed-use in every neighborhood. We have a zoning code that does not accurately reflect the form or historical uses of many of our neighborhoods. It makes many buildings, lots and uses illegal (non-conforming). We need to examine the code and pull out those components that do not support the existing fabric of these neighborhoods, and add uses and building types that reinforces what's there and what we'd like to see more of.

The goal for every zone should be to broaden the uses and make it easier for developers to do more. Second, we need *all existing parcels in MX zones* to be conforming. [The older buildings are truly the models for how to use a smaller property most efficiently. They should not be made non-conforming because we have some poorly conceived regulations, written long after they were built.]

Background

A rewrite is desperately needed for the mixed-use zones (MX). The standards were changed in March 2013, when an application came before the commission proposing a new text. It was submitted by a developer who had his eye on building a chain store on a 3 properties on Washington St, between High and Pearl. The standards that were proposed would not follow the existing development pattern of the historic neighborhood, but instead would build sprawl. The proposed development was strongly opposed, as it would have knocked down 3 buildings on the National Register, etc.

At the public hearing, the planning director suddenly proposed new language for text: reducing the 300' frontage req't to 150' and a few other changes, but the public was not given the chance to respond. This quick substitution gave the commission the perception of the regulation being less bad and they approved the text. It has not been revisited in the intervening years.

Since 2017, a few applications have been approved for this zone. The regulations do not work, We can see how the new construction near Washington Plaza and South Main St doesn't fit in with the adjacent neighborhoods. The experience also revealed how vulnerable our historic properties are.

Having mixed use zones is a good idea, but these zones are in different neighborhoods with distinctly different characters. Also, *there is potential for much more development on these parcels* than the regulations describe. While we are obligated to treat all areas in a zone equally in the zoning text, we need to customize the regulations to reflect the different neighborhood contexts. There are several techniques to draw upon like overlays, sub-categories, etc. I have studied two areas in detail and have recommendations.

Some actions might be to remove minimum lot frontage, minimum building size, and prohibitions on certain uses. Mixed use zones should allow a mix of uses by right.

For the Minutes- P&Z meeting (2/10/21)
Comments by Catherine Johnson

Open Space review (East St/Plumb)

Recommend replacing the map posted with the more complete one with labels presented.
Comments

We need trail standards in our zoning regulations, [so when open property is acquired, trails go in certain places to achieve more than public access. EG: its public use doesn't interrupt an agriculture use].

Plumb property: The trail should not be located through the agricultural fields here, but along the street. This way the farming activity can go on without worry about people cutting across the field.

Second: preserving view sheds. We have fewer and fewer places in town to experience a long view across a field. What is left must be protected. This one along East St is one. To do that, no hedgerow should be allowed to develop along the East St property line, so the view of the farmland up to the hill is possible. Max 20%.

Third: We should think about eliminating "flag" lots by right from our zoning code, but allow in certain unusual circumstances for a greater gain - like this residential lot off Plumb. This is a good solution.

Fourth: it would be wise for the city to carve out a road connection for bikes and walking from Plumb, WEST to Country Club, through the woods. Apparently, there was a road.

One of our long-range goals should be making east-west bike connections across the city, which is difficult due to the glacial moraine: hills run north-south. Since the regional commuter bus from Hartford to New Haven only stops at the RT 91 exit on Country Club, this would a great way to make that connection. It is challenging to bike from downtown to that bus due to hills.