Middletown Planning and Zoning Commission

REGULAR MEETING MINUTES

WEDNESDAY, APRIL 13, 2022
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: 7:00 PM
End: 9:22 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 Richard Pelletier
Commissioner Sebastian Giuliano
Commissioner Marcus Fazzino
Commissioner Kellin Atherton (Alternate)
Commissioner Kelly Sweeney (Alternate) (Seated for Thompkins)
Commissioner Joan Liska (Alternate)

Absent: Commissioner Hillary Thompkins

Staff: Marek Kozikowski, Director of Land Use

Public: Nine members of the public attended into the meeting.

3. Items removed from the Agenda

None.

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

Director Kozikowski confirmed that all public hearing signs have been properly posted.

6. Public Hearings

If you require special accommodations for any meeting, please call the ADA Coordinator at (860) 638-4540, (voice) or (860) 638-4812 (TDD/TTY), or the Town Clerk’s Office at (860) 698-4910 at least ten (10) days prior to the scheduled meeting.
6.1 Request for special exception approval for a proposed office use to occupy space on the first floor in an existing building located at 10A Main Street in the B-1 zone. Applicant/agent Foster Charles, Charles IT. SE2022-1

Jeff Bauch, UKS introduced the application for a special exception to permit an office use to occupy the majority of the first floor of the building.

Foster Charles, Charles IT presented the proposal and explained that the business is Middletown based and has been growing over the past few years. They started on Main Street and has relocated several times on or near Main Street as they outgrew the space. The proposed location will accommodate their space needs now and offers opportunity to grow further in the space occupied and on the second floor. The business provides information technology and computer services.

There are 106 parking spaces on site, of which 50 spaces are allocated to this use. The business currently leases 40 parking spaces on Williams Street from the City and will continue to do so while in this new location.

The opaque window film on the first floor windows will be removed to activate the space along Main Street.

Larry McHugh, President of the Middlesex Chamber of Commerce spoke in favor of the application.

Motion to close the public hearing
Moved by Fulton, seconded by Pelletier
Passed unanimously, 7-0

Commissioner Giuliano stated that the City instituted the requirements that the first floor space along Main Street was to be retail space and should remain retail and therefore cannot support the application.

Commissioner Pelletier stated that the space is suitable for the use and noted that Middletown Press formally occupied the property. Furthermore, she noted that the space has been empty for some time now and is glad that the window film will be removed.

Commissioner Johnson stated that she is glad that the window film will be removed and forecasted that this location offers a solution for the applicant for a short time and is in support of the proposal.

Motion to approve the special exception
Moved by Pelletier, seconded by Johnson
Passed, 6-1 (Giuliano opposed)

6.2 Special exception for 15 Walnut St. for the sale of used cars. Applicant/Agent Timothy Potvin Lincoln Auto World SE2022-2

Timothy Potvin, applicant, presented the application. The used car dealership will utilize about 2,000 SF of interior space and impervious area adjacent to the building. The dealership will be predominantly be online sales where cars will be prepared for sales, posted online, sold, and delivered to the customer. There will be 30 cars maximum in the inventory and will have employees to help manage the inventory. There are also security cameras on site.

Larry McHugh, President of the Middlesex Chamber of Commerce spoke in favor of the application.

Motion to close the public hearing
Moved by Johnson, seconded by Fulton
Passed unanimously, 7-0
Motion to approve the special exception
Moved by Johnson, seconded by Giuliano
Passed unanimously, 7-0

6.3 Special exception to convert area above the garage at Grace Covenant Church to a small apartment for caretaker of property for 999 Randolph Rd.
Applicant/Agent Wm. Benjamin Shaw/Shaw’s & Associates, LLC SE2022-3

Benjamin Shaw, applicant presented the application. The property is over 6 acres, with much of the land being lawn and landscaped areas. The intent is to create a living unit above an existing garage that was recently constructed, for a full-time caretaker of the property.

Motion to close the public hearing
Moved by Giuliano, seconded by Fulton
Passed unanimously, 7-0

Motion to approve the special exception
Moved by Fulton, seconded by Johnson
Passed unanimously, 7-0

Motion to move item 7.2 up before 7.1.
Moved by Johnson, seconded by Giuliano
Passed unanimously, 7-0

Motion to move 8.1 before the executive session
Moved by Johnson, seconded by Fazzino
Passed unanimously, 7-0

7. Old Business

7.1. Approving that an Executive Session of the Planning and Zoning Commission be held pursuant to the Freedom of Information Act, Section 1-200(6)(B), for the purpose of discussing attorney-client communications involving strategy and negotiations regarding the pending litigation known as The Hartford Dispensary d/b/a Root Center for Advanced Recovery v. City of Middletown Planning and Zoning Commission, Docket No.: AC 45292, MMX-CV20-6029705-S, and that the following individuals are invited to attend: (1) the members and alternate members of the Planning and Zoning Commission; (2) Marek Kozikowski, Director of Land Use; (3) Tom Hazel, Zoning Enforcement Officer; (4) Christopher Forte, Assistant General Counsel; and (5) Attorney Tom Gerarde, Howd & Ludorf, LLC.

The Commission entered executive session at 8:01pm and exited at 9:15pm.

7.2. Continued: Request for site plan approval for the rehabilitation of the 46,000 SF building with commercial space and 48 residential apartments located at 339 Main Street in the B-1 zone. Applicant/agent David Marasow, 339 Main, LLC. SPR2022-9

David Marasow, applicant noted that he was able to secure a lease of the required 50 parking spaces for the application in the corporate center parking garage.

Motion to approve the site plan.
Moved by Giuliano, seconded by Fazzino.
Passed unanimously, 7-0

8. New Business

8.1. Request for an affirmative GS 8-24 report for the conveyance of two parcels located at 395 Country Club Road and map-lot 07-0498 Country Club Road from the City
of Middletown to Middletown Youth Soccer. Applicant/agent City of Middletown/Land Use Dept. GS 8-24 2022-6

Director Kozikowski presented the application. The City is looking to convey the property to Middletown Youth Soccer who uses the property exclusively with a long term lease. The property will remain as open space for active recreation use. The City will no longer need to maintain the property or carry liability.

Commissioner Liska expressed concerns about the artificial turf that was installed on the property.

Commissioner Atherton inquired about public use of the fields.

Motion to grant an affirmative GS 8-24 Report
Moved by Giuliano, seconded by Fazzino
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 of the March 23, 2022 regular meeting

Motion to approve the minutes
Moved by Giuliano, seconded by Fazzino.
Passed unanimously with one abstention, 7-0

10.2. RiverCOG Report
None.

10.3. Staff Reports

Director Kozikowski introduced Tom Hazel as the new Zoning/Blight Enforcement Officer. Furthermore he reported on, riverfront master planning, and updates on activity of the Zoning Board of Appeals, Commission on Conservation and Agriculture, the Inland Wetlands and Watercourses Agency, and the upcoming Arbor Day celebration to be held on April 29th.

10.4. Commission Affairs

Commissioner Johnson noted that new regulations should be considered related transparent glass on the first floor of buildings on Main Street, artificial turf fields, and dumpster locations for buildings with zero lot lines. Furthermore, she suggested that the Parking Department do an audit of the parking passes that have been issued for the city parking areas.

11. Adjournment

Motion to adjourn
Moved by Giuliano, seconded by Pelletier.
Passed unanimously, 7-0

Submitted,

Marek Kozikowski, AICP
Director of Land Use