REGULAR MEETING MINUTES

WEDNESDAY, JUNE 22, 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: 7:02 PM  
End: 8:04 PM

1. **Pledge of Allegiance**

The Pledge of Allegiance was made.

2. **Roll Call**

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

Absent: Commissioner Hillary Thompkins

Staff: Marek Kozikowski, Director of Land Use

Public: Three members of the public attended 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 noted no public hearing were required.
Motion to move 8.1 to above 6.1  
Moved by Johnson, seconded by Pelletier  
Passed unanimously, 7-0

8.1 Request for a site plan approval for a change of nonconforming uses from an alcoholic liquor establishment to a service establishment for a new beauty salon/spa located at 82 North Main Street in the IRA zone. Applicant/Agent: John DeSena. SPR2022-118

John Desena and Stacy Markom presented the application. The proposal includes abandoning the liquor store use and replacing it with the service establishment use where the wig placing and other wellness services will be provided. The size of the space limits how much can be done. There is no parking but there is street parking. There will be one staff member.

Motion to approve  
Moved by Giuliano, seconded by Fulton.  
Passed unanimously, 7-0

Motion to move 7.1 and 7.2 ahead of 6.1  
Moved by Pelletier, seconded by Giuliano  
Passed unanimously, 7-0

7.1. Approving 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) Christopher Forte, Assistant General Counsel; and (4) Attorney Tom Gerarde, Howd & Ludorf, LLC.

Motion to go into executive session  
Moved by Giuliano, seconded by Pelletier  
Passed unanimously, 7-0

The Commission entered the executive session at 7:13pm and exited at 7:24pm.

7.2 Motion to authorize Assistant General Counsel Christopher Forte to convey the Planning and Zoning Commission’s response to The Hartford Dispensary d/b/a Root Center for Advanced Recovery’s settlement offer.

Motion to authorize Assistant General Counsel Christopher Forte to convey the Commission’s response  
Moved by Giuliano, seconded by Fulton  
Passed unanimously, 6-1  
(In favor: Pattavina, Fazzino, Fulton, Giuliano, Pelletier, Sweeney. Against: Johnson)
6. Public Hearings

6.1. Continuation: Petition to update and amend the Middletown Zoning Code by deleting Sections 23A, 33A, 39, 39A, 44.08.45, and 62, modifying Sections 11.01, 16, 26, 30, 40.03.09, 44.08.21, 48.03.06, 60, and 61 and create new Sections 23A, 23B, 23C, and 62, and amend the Middletown Zoning Map by rezoning several properties located in the MX, TD, B-3, IM, M, R-15, or R-30 zones to a proposed new MXR, MXC or MXI zone to preserve and promote traditional neighborhood development. 

Applicant/ Agent: City of Middletown Land Use Department. Z2022-2

Commissioner Sweeney stated on the record that she watched the video recording of the June 8th meeting.

Director Kozikowski presented the proposal. He briefly describe the proposal noting that a detailed description was provided at the June 8th meeting. He discussed revisions to the proposal that include withdrawing the proposed changes to the Park Land zone and rezoning the property currently the IM zone to the IT zone. Secondly the schedule of uses were revised to include retail businesses. Lastly there were nominal and numbering corrections.

The Director fielded questions from Commissioners.

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

Motion to approve the proposal
Moved by Giuliano, seconded by Fazzino
Passed, 6-1
(In favor: Pattavina, Fazzino, Fulton, Giuliano, Pelletier, Sweeney. Against: Johnson)

7. Old Business

8. New Business

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 June 8, 2022 regular meeting

Motion to approve the minutes
Moved by Giuliano, seconded by Fazzino.
Passed, 6-0-1 (Sweeney abstained)

10.2. RiverCOG Report

Commissioner Johnson reported that there was no meeting. A meeting is scheduled for the next Monday.

10.3. Staff Reports
Director Kozikowski provided a draft public hearing notice for the July 13th meeting which includes the re-approval of an expired subdivision. He reminded the Commission that the rollout event for the Riverfront Master Plan is scheduled for July 2nd.

10.4. Commission Affairs

None.

11. Adjournment

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

Submitted,

Marek Kozikowski, AICP
Director of Land Use