WEDNESDAY, JULY 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: 7:01 PM
End: 8:14 PM

1. **Pledge of Allegiance**

   The Pledge of Allegiance was made.

2. **Roll Call**

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

   Absent: Commissioner Marcus Fazzino

   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**

   Kathy Dwyer – 515 Middlefield St. – began speaking in regards to 455 Middlefield St. Commissioner Pattavina interjected to inform Ms. Dwyer that she would need to wait until later in the meeting, until item nine on the agenda, to address matters that are not currently on the agenda.

5. **Confirmation that all hearing signs have been properly posted**
Director Kozikowski confirmed that all public hearing signs were properly posted.

6. Public Hearings

6.1 Request for a re-subdivision to create 10 lots from a 26.84 ac property at 2015 South Main Street in the I-4 zone. Applicant/Agent: Robert J. Trigo/Tricon International. S2022-3

Will Braun representing Robert Trigo presented the application. Robert Trigo was present as well. Will presented a slightly modified plan from a previously approved plan that had recently expired. He explained that this hearing was to reapprove this project with a modified lot line between lots eight and nine. The reason for the modification is the relocation of the two zip lines running through both of those lots.

Commissioner Giuliano asked if the new lot lines conformed to the zone.

Will Braun answered that the lot lines do conform to the zone.

Motion to close the public hearing
Moved by Commissioner Fulton, seconded by Commissioner Atherton
Passed, 7-0

Commissioner Atherton asked the commission for their feedback on re-approving an expired plan approval from a previous commission.

Commissioner Giuliano responded explaining that it would have been more significant if the zoning regulations have changed since the subdivision plans were originally approved. That would have affected this property. Since the regulations haven’t changed, he was more concerned with making sure the commission was not creating a non-conformity. If all ten lots conform to the zone, this plan probably merits an approval.

Motion to approve the request for re-subdivision
Moved by Commissioner Pelletier, seconded by Commissioner Giuliano
Passed, 7-0

7. Old Business

7.1 Discussion on next steps for the Riverfront Master Plan

Director Kozikowski discussed that since the rollout of the Riverfront Master Plan on July 2nd they are moving into phase two which consists of developing zoning codes to allow for the permitted uses and design requirements to meet the spirit of the master plan. The consultant team for the Riverfront plan would like to do a small presentation for the Planning and Zoning Commission on August 10th to outline the schedule moving forward.

Commissioner Atherton asked for the status of the RFQ for the arcade project.

Director Kozikowski answered that the city is looking to develop the arcade site located behind the Police Station. It was decided a while back that it would be best to wait to see the details of the master plan before moving forward with developing the arcade. After seeing the plans for the
pedestrian bridge, five proposals were submitted. A review committee was created for those five proposals. The pedestrian bridge was an element in the proposals that were submitted. The pedestrian bridge isn’t the only access point to the riverfront in the Master Plan, so if it doesn’t happen there will be other entry points to the riverfront.

Commissioner Atherton commented that the public should have access to the riverfront sooner than having to wait until a massive project is to be completed. Commissioner Giuliano agrees with Commissioner Atherton’s assessment of the pedestrian bridge.

Commissioner Fulton asked what is the timeline for the pedestrian walk way? Director Kozikowski answered when funding becomes available and our through strengthening our partnership with the state.

Commissioner Pelletier asked if the pedestrian bridge suggested by the D.O.T. to anticipate some cooperation from the state. Director Kozikowski answered yes and that the DOT did submit its own proposal for a pedestrian walk way.

Commissioner Giuliano commented the more we want from the state, the longer it’s going to take to complete this project.

7.2 Discussion on Scheduling a site visit for other Root Center facility locations.

Director Kozikowski explained that the commission approved a recommendation for a settlement which Atty. Forte will be presenting for a vote at the next meeting. Director Kozikowski asked the commission if they wanted to schedule a site visit prior to the next meeting.

Commissioner Pattavina isn’t inclined to do another site visit but if other commissioners would like to schedule a site visit they should feel free to do so. Commissioner Giuliano agrees with Commissioner Pattavina.

Commissioner Thompkins asked why they suggested another site visit. Director Kozikowski answered that it the site visit was offered by the Root Center to invite the commission for a site visit through Atty. Forte.

Commissioner Pattavina acknowledges that there is a consensus among the Commissioners that a site visit is not needed.

8. New Business

8.1. Request for an affirmative GS 8-24 for the acquisition of a 0.71ac property on Brown Street, map-lot 30-0201. Applicant/Agent: City of Middletown/Land Use Department. GS 8-24 2022-11.

Director Kozikowski explained that this is a request that came from Atty. Forte through the mayor’s office. It’s a property at the intersection of Brown St. and Randolph Rd. It was created from a subdivision from 1987, a 43 lot subdivision. There was a subdivision application to make this parcel of land a building lot by the owner however it was denied by the Planning and Zoning Commission. Within that public hearing it was noted by the residence that there was a lot of wetlands on that piece of property. The owner then commissioned a wetlands study to be done and it was determined that most of the property is a wetland. Since the owner purchased this land under false pretenses thinking it was a buildable lot, the city and the owner entered into discussions for the city to acquire the property.

Commissioner Thompkins asked if there are underground waterways that is making this property wetlands. Director Kozikowski answered that wetlands is determined by soil type.

Motion for a positive request for the affirmation
Moved by Commissioner Atherton, seconded by Commissioner Pelletier

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Motion passed, 7-0

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

Kathy Dwyer, 515 Middlefield St., Middletown is speaking for herself and for residents of Middlefield St, Forest St., George St., & Aston Ln Ms. Dwyer stated her and her neighbors concerns about the alleged zoning and health violations at 455 Middlefield St that she wants to be finally resolved. She further raised concerns about the public hearing notice for the past Zoning Board of Appeals meeting. Ms. Dwyer later raised concerns over potential oil leaks.

Commissioner Atherton and Commissioner Johnson commented that public hearing sign requirements. Commissioner Sweeney agreed.

Director Kozikowski requested that he address this issue in his staff report. Commissioner Pattavina answered in the affirmative.

Commissioner Giuliano commented that this public hearing wasn’t for the Planning and Zoning Commission. It was for another commission. There are offices of the city and state that have jurisdiction over this property. This seems more complicated than a simple application coming before the PZC.

10. Minutes, Staff Reports, and Commission Affairs

10.1. Minutes of the June 22, 2022 regular meeting

Commissioner Atherton stated that he wasn’t present at the June 22 meeting and will be abstaining
Motion to approve the minutes
Moved by Commissioner Giuliano, seconded by Commissioner Pelletier
Passed, 6-0-1 (Commissioner Atherton abstained)

10.2. RiverCOG Report

Commissioner Johnson reported that the regional housing plan draft has now been formed. Since we approved a Middletown draft, she is surprised that Middletown would have micro-apartments as part of the Middletown plan when we don’t have any transit except for buses. Three pieces of farm equipment was purchased using a $49,000 grant for use anywhere in the RiverCOG region including Middletown for planting. Any of the farms we have or land that is being worked on can use this equipment.

10.3. Staff Reports

Director Kozikowski addressed the 455 Middlefield application explaining that in 1993 the PZC approved that site for used car sales with conditions. Through Connecticut, statutes requires used car sales approval from the state and any change of ownership requires a new license and local approval by the ZBA. An application was made for approval for this location. The applicant was notified of the requirement to post a public hearing sign but due to a language barrier it was difficult communicating with the applicant. The sign went up on that Friday before the Thursday ZBA meeting. It was a rush job. Within a few hours of the sign’s posting, we received phone calls in regards to the application. The ZBA held the public hearing last Thursday and denied the application. The next day the applicant requested what the next steps would be. It was determined
that the ZEO, Environmental Planner, & Director of Land Use would inspect the property with an invitation from the property owner. The applicant hasn’t appealed the decision of his application yet. There is no ZBA meeting tomorrow or next week. The next meeting is scheduled for the first Thursday in August. There will be no approvals granted by staff. It would have to be approved by the ZBA.

Commissioner Johnson asked Director Kozikowski if he could write down his comments and give them to Ms. Dwyer since she is under the impression there is a ZBA meeting being held tomorrow. She then asked when the inspection will take place.

Director Kozikowski responded in the morning.

Commissioner Johnson commented that Ms. Dwyer probably confused the inspection with a meeting.

**10.4. Commission Affairs**

Commissioner Johnson spoke to the posting of public hearing signs. She brought up concerns that the size of the letters should be big enough for those driving by to be able to read it. The signs should also have the commission name as well as that it’s taking place in Town Hall.

Director Kozikowski responded to Commissioner Johnson’s comments stating that we’re looking at amending the sign requirements and looking at options for staff to send out certified mailing to abutters. Commissioner Giuliano suggested the city contract out posting the public hearing signs.

**11. Adjournment**

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

Submitted,

Marek Kozikowski, AICP
Director of Land Use