

Middletown Redevelopment Agency

Sumner Brook Redevelopment Plan

2007

Working Draft

Middletown Sumner Brook Redevelopment Plan

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Executive Summary

Purpose

The purpose of the Sumner Brook Redevelopment Plan is to develop and implement activities that will improve conditions for its residents, businesses, and visitors as well as enhance the uses that will improve the economic vibrancy of the area. The overall goal of the Plan is to eliminate an area of increasing blight, and create a gateway that will enhance the emerging East Main Street retail corridor. The Middletown Redevelopment Agency is empowered through the City of Middletown and the Connecticut General Statutes to develop and implement this Plan for the Sumner Brook Redevelopment Area.

Objectives

For this redevelopment plan, ten objectives have been created to deal with blight and create an economically vibrant neighborhood. For more information please see section 4 of this plan called Development Objectives. They are as follows:

Objective #1: General renewal of the Redevelopment area in a manner consistent with the overall pattern of development in the neighborhood.

Objective #2: Elimination of substandard and deteriorated buildings and structures which are insufficient to safeguard health and safety of the residents or the economic viability of the near by businesses.

Objective #3: Elimination of housing at the corner of Saybrook Road and East Main Street, relocate the residents to better residential neighborhoods and improve the existing commercial corridor.

Objective #4: General improvement and revitalization of the Sumner Brook Redevelopment Area and surroundings to support and preserve the existing commercial corridor.

Objective #5: Encouragement of increased private investment in new commercial construction or expansion.

Objective #6: Provision of additional parking spaces for commercial activity.

Objective #7: Develop improved vehicular and pedestrian circulation in and around the redevelopment area, particularly at the intersection of Saybrook Road and East Main.

Objective #8: Discontinue and abandonment of Baer and Dunham as public rights of way. This will lead to possibility of one consolidated parcel for redevelopment.

Objective #9: Improvements of the general appearance of the redevelopment area by elimination of detracting features and provisions of improvements such as street trees and other streetscaping features.

Objective #10: Preserve existing inventory historic structures through reuse and or relocation within or near the Sumner Brook Redevelopment Area.

Properties in the Redevelopment Area

Twenty-seven properties are located within the Redevelopment Area. For more information go to Section 8 of the plan called Acquisition and Relocation Plan.

5 Baer Street
7 Baer Street
1 Dunham Street
2 Dunham Street

326 East Main Street
331 East Main Street
340 East Main Street
373 East Main Street

438 East Main Street
441 East Main Street (historic)
442 East Main Street
447 East Main Street
448 East Main Street
455 East Main Street
459 East Main Street
460 East Main Street
311 Main Street Extension
Main Street Extension (Lot 35 24-15A 3)

Mill Street (Lot 35 30-3 27X)
Mill Street (Lot 35 30-3 27C)
134 Mill Street
137 Mill Street
6 Russell Street
21-23 Saybrook Road
27 Saybrook Road
33 Saybrook Road
47-49 Saybrook Road (historic)

Costs

The estimated costs for this project would exceed \$10 million if the development required that acquisition, relocation, and demolition of the entire area. For more information see section 8 in this redevelopment plan.

Acquisition	\$ 9,878,760
Relocation	\$ 582,900
Demolition	not available at present time
Total	\$10,461,660

I. Introduction

Purpose

The purpose of the Sumner Brook Redevelopment Plan is to develop and implement activities that will improve conditions for its residents, businesses, and visitors as well as enhance the uses that will improve the economic vibrancy of the area. The overall goal of the Plan is to eliminate an area of increasing blight, and create a gateway that will enhance the emerging East Main Street retail corridor. The Middletown Redevelopment Agency is empowered through the City of Middletown and the Connecticut General Statutes to develop and implement this Plan for the Sumner Brook Redevelopment Area.

Area's Background and History

During the 1700s the South Farms became the first outlying Middletown area divided among the inhabitants for farming and remained farmland for over a century. But early in the 19th century the district experienced a notable shift in its development. Several manufacturing companies were built there, including Pameacha Manufacturing Company (1819), Sanseer Manufacturing Company (1822), Russell Manufacturing Company (1834) and Brown and Son Silk Manufacturing (1850), Russell Manufacturing was the most successful of all thanks to its innovative-patented technologies. The success of the industrial manufacturing in South Farms had a strong impact on the agricultural community, giving rise to many small businesses, stores and churches, and active residential development in the project area. By the late 19th century Silver Street, Wall, Chestnut and Maple Streets had many newly built residences that continued to attract retail businessmen and manufacturers.

In the end of the 19th century the Sumner Brook Redevelopment area was connected Main Street by means of trolley bus. The first horse-drawn car on tracks began running in 1886, and in 1894 the system was converted to electricity. The trolley line encouraged further growth of suburbs in the project area.

The area between the intersections of Elm and Baer Streets with East Main Street soon developed to be the center of this new district south of downtown. In 1869 the Christ Church was constructed in the Carpenter-Gothic style at the crossroads of East Main Street and Saybrook Road, and in 1890 the local Smith's Grocery opened a bigger store at this intersection. With the Grocery, Church, Hubbard School and a public library, and various small businesses located there, the corner of East Main Street and Saybrook Road became the commercial heart of this new community south of downtown.

In the 20th century the development of new residential neighborhoods in and around the project area went hand in hand with the commercial development of the area. Appearance of new neighborhoods was followed by appearance of multiple businesses while several old manufacturing plants disappeared from the area, such Russell Manufacturing. The Community Renewal Program Report of 1964 stated that "an intermixture of residential and commercial land uses existed in the vicinity of the Saybrook Road- East Main Street Extension, with a considerable incidence of structural deficiencies in this area," so the area today still presents a ground for further development.

Today the Sumner Brook project area and surrounding neighborhood can boast a variety of stores and businesses, including Stop & Shop grocery store, Marshall's and Bob's department store, Hollywood Video Rentals and a CVS Pharmacy, with more stores expected to open up. Bradlee's opened next to the Stop and Shop in 1992 and closed in 2000. Currently there is new interest in the area for retail uses that is evident by the opening of Marshal's next to Stop & Shop Supermarket. The Hartford Courant, Webster Bank and the Church of the Holy Trinity are also located in the area. The project area itself, located next to and within this popular shopping and commercial district. As previously described by the 1964 Community Renewal report, the project area is not best used for housing and the phasing out of housing from this area will help complete the commercialization trend that has existed for over 100 years.

II. Description of Project

Project Boundary Description

Located near the banks of Sumner Brook, the Sumner Brook Redevelopment Area is a parcel of land containing approximately 14 acres, situated in the City of Middletown, Middlesex County, State of Connecticut. The eastern boundary consists of the Stop and Shop plaza and the residential neighborhood that begins near Russell Court. Sumner Brook comprises the western border. The northern border is Main Street Extension and Saybrook Road. Russell Manufacturing Building is the southern point of the redevelopment area.

III. Goals and Potentials

The Plan is a guide for the City to follow to achieve a revitalization of the Sumner Brook Redevelopment Area, by removing the existing blight and encourage complimentary uses to the increasingly commercial uses along Saybrook Road and East Main Street. The Plan can be a long-range guide for evaluating proposals and for scheduling improvements in the Sumner Brook project area and surrounding neighborhoods. During the revitalization process it will serve as a source of information and a statement of policy that is useful to citizens, businesses, and public officials. Further it provides a framework for establishing priorities that reflect responsible fiscal and capital concerns, future opportunities, changed neighborhood needs, available funding and changing economic factors.

Blighted and substandard conditions are draining the vitality and are a detriment to the commercial/retail experience evidenced by the significant length of vacancy and difficulty in attracting retail tenants to the former Bradlee's site at 400 East Main Street. The potential for additional commercial investment is strong, but stymied by the negative social conditions, deteriorated structures and poor traffic patterns of the area. New retail development surrounding the area includes the Stop & Shop Supermarket, Marshall's, Bob's, Dollar Store, Hartford Courant, Webster Bank, CVS and Hollywood Video. The owner of 331 East Main Street has remediated the site of the former Sumner Brook Real Estate. This significant infusion of retail investment has added value and jobs to the neighborhood.

Potential Goals and Opportunities

Potential goals and opportunities of a successful Plan include:

Immediate (Short-Range) goals

- 1) Institution by the City of a program of concentrated code enforcement for landlord-owned residential properties in the Sumner Brook Redevelopment Area.
- 2) Acquisition and clearance of substandard, deteriorated or incompatible structures. Disposition to developers or sponsors for development of new commercial structures.
- 3) Utilization of the Design Review and Preservation Board to provide consultation to the Redevelopment Agency and the commercial interests regarding new construction and improvements to this gateway to the expanding commercial corridor.

Long-Range Goals

- 4) Active participation with the Connecticut Department of Transportation to ensure that adequate vehicular access to this commercial corridor is maintained or improved, not only in the redevelopment area, but also along major roadways leading to this area.
- 5) Work with the Middletown Area Transit to find ways to improve access for ridership to this area, such as investigate possible new bus stops or incorporate a designated area for the MAT within the expanding commercial corridor.
- 6) Improve pedestrian walkways in the redevelopment area to increase pedestrian safety.

Activity Patterns

Finally, there is the general potential of developing a stronger relationship between the Sumner Brook Redevelopment Area and other areas and activity patterns associated with other institutions located within the City. These areas are the downtown, the future South Cove Waterfront Development and the Saybrook Road and East Main Street Commercial Corridor. The Sumner Brook Redevelopment Area is situated between all three of these developments and could be redeveloped to help create and seamless transition from one area to another therefore encouraging greater activity at all these important commercial areas.

The recommendations of the Plan attempt to identify all appropriate measures which can further the revitalization of this keystone parcel of land between Middletown's major commercial corridors. The primary proposals are described in Section 6.

IV. Development Objectives

General

The Sumner Brook Redevelopment Plan is designed and intended to achieve development objectives hereinafter described.

Neighborhood

The redevelopment area is a neighborhood that has been in a period of transition from that of a residential neighborhood to being a commercial corridor. Middletown's Design Guidelines, developed by the Design Review and Preservation Board in 2001, acknowledged the importance of planning for this transition

“Architectural evidence of a time when Main Street and the downtown core were still expanding, the development along East Main Street and Main Street Extension is a cross between downtown overflow and that of a historical mixed use neighborhood. Further south, Route 154 development consists of predominantly professional offices, with periodic interruptions of retail or residential uses. ... Design goals include a cleaner, more uniform look for the corridor, with improved streets and more consistent lot orientation.”

The Sumner Brook Redevelopment Area has not been improved to meet changing needs, and pose a threat of being a severely blighted gateway to the Saybrook Road and East Main Street commercial corridor.

Objective #1: General renewal of the Redevelopment area in a manner consistent with the overall pattern of development in the neighborhood.

Buildings Structures, and Housing

The project area is not suited to continue as a residential neighborhood, and there are concerns about the quality of the existing residential structures. It is therefore in the interests of the city to encourage commercial activities over residential activities in this area.

Objective #2: Elimination of substandard and deteriorated buildings and structures which are insufficient to safeguard health and safety of the residents or the economic viability of the near by businesses.

Objective #3: Elimination of housing at the corner of Saybrook Road and East Main Street, relocate the residents to better residential neighborhoods and improve the existing commercial corridor.

Economic Development

A significant portion of the uses around this area are for commercial activities and therefore it makes sense to help speed the transition from residential to commercial to prevent the redevelopment area from being a drag on the expanding commercial projects nearby.

Objective #4: General improvement and revitalization of the Sumner Brook Redevelopment Area and surroundings to support and preserve the existing commercial corridor.

Objective #5: Encouragement of increased private investment in new commercial construction or expansion.

Parking & Vehicular Access

While parking is not currently in short supply it could become a serious problem as the commercial corridor continues to expand. The Sumner Brook Redevelopment Area will likely prove vital to ensure that adequate parking is provided and improved vehicular traffic so as to prevent congestion.

Objective #6: Provision of additional parking spaces for commercial activity.

Objective #7: Develop improved vehicular and pedestrian circulation in and around the redevelopment area, particularly at the intersection of Saybrook Road and East Main.

Objective #8: Discontinue and abandonment of Baer and Dunham as public rights of way. This will lead to possibility of one consolidated parcel for redevelopment.

Character

The Sumner Brook Redevelopment Area contains five (2) building listed in the Middletown Historic and Architectural resources. The transitional natural of the neighborhood has not allowed it to retain its traditional character. However the neighborhood does consist of some important structures that could provide an opportunity for preservation and developing a cohesive neighborhood character. Playing off of these landmarks could help advertise and attract consumers to the expanding East Main Street Corridor.

Objective #9: Improvements of the general appearance of the redevelopment area by elimination of detracting features and provisions of improvements such as street trees and other streetscaping features.

Objective #10: Preserve existing inventory historic structures through reuse and or relocation within or near the Sumner Brook Redevelopment Area.

V. Existing Project Area Conditions

Existing Structural Conditions

Using the resources of the City Health Department, Department of Planning, Conservation and Development, Building Department, Fire Department, and the Human Relations Department the following was concluded:

- That a majority of the structures are over 100 years old. Sixteen (16) of the 30 properties have structures that were built in 1900 or early. Seven (7) structures built between 50 and 100 years ago and seven (7) structures was built within the last fifty years.

Existing Utilities

The Middletown Plan of Development shows the major water and gas systems in the City. It is evident that all areas within the Project Area are accessible to all utilities.

Existing Zoning

The existing zoning map shows the zones in and around the project boundary. Within the project boundary there is only one zone, TD, Transitional Development. The Transitional Development zoning requires special exception approval for all new uses and at the same time provides tremendous flexibility in allowed uses, lot acreage and setbacks. This zone is ideal for redevelopment projects. Transitional Development is defined as follows:

"SECTION 39- TRANSITIONAL DEVELOPMENT ZONE

39.00- DESCRIPTION OF ZONE- The zone is designated for older sections of the City developed prior to the application of contemporary zoning technique. These areas generally are at the perimeter of the Central Business District and include a wide mix of existing land-uses.

39.01- USES- No land or existing structure shall be used for a new use or any new structure erected without the granting of Special Exception approval by the Commission. Eligible uses for application for approval are shown in the Use Schedule, Section 60 and 61 of the Code.

39.02- HEIGHT- The maximum permitted stories shall be six (6).

39.03- LOT AREA, WIDTH AND YARD REQUIREMENTS- The following minimum requirements shall apply. Net lot area and Street Frontage. No lot shall be reduced below its currently recorded size without the prior approval of the Commission. Any parcel obtained from the existing lot shall comply with all requirements of this Section 39. Front Yard Side Yard Rear Yard 10 ft. 10 ft. 10 ft. (AMENDED EFFECTIVE 9/27/89)

39.04- LOT COVERAGE- Each main building or structure herein after erected, together with its accessory buildings or structure, shall not cover more than fifty (50) percent of the net lot area.

39.05- OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS- Off-street parking and off-street loading shall be in accordance with the provisions of Section 40.

SPECIAL EXCEPTION USES

- *Single-Family Dwelling – detached (60.01.01)*
- *Two-Family Dwelling (60.01.02)*
- *Residential Business (60.01.04)*
- *Ambulance Service (60.02.01)*
- *Child Care Facilities (60.02.02)*
- *Residential Conversion (60.02.03) – to a "different" number of units*
- *Fraternity & Sorority Houses (60.02.04)*
- *Private Club and Service Organizations (60.02.05)*
- *Elderly & Handicapped Housing (60.02.07)*
- *Professional & Business Offices (60.02.08) – no medical offices or mental health/substance abuse treatment*
- *Neighborhood Stores (60.02.09)*
- *Public Utility Buildings (60.02.11)*
- *Multi-Family Dwelling (60.02.13)*
- *Adaptive Residential (60.02.15) – currently or recently occupied by non-conforming uses*
- *Adaptive Historic Preservation (60.02.16)*
- *Banking Facilities (60.02.17) – with drive-up windows*
- *Libraries & Museums (60.02.25)*
- *Care/Nursing Homes (60.02.29)*
- *Bed and Breakfast in RPZ (60.02.30)*
- *Bus Stop Shelter (60.02.32)*

- *Banks (61.01.05)*
- *Eating & Drinking Establishments (61.01.11) – not within 200 feet of residential zone*
- *Eating & Drinking Places (61.01.12) – not including drive-in restaurants*
- *Manufacturing (61.01.19)*
- *Funeral Homes (61.01.20) – including ambulance*
- *Non-commercial Institutions (61.01.22A)*
- *Elderly & Handicapped Housing (61.01.22B) – within 1,000 feet of public transportation*
- *Professional & Business Offices (61.01.23) not to include medical / treatment facilities*
- *Printing Trades (61.01.24) – not within 100 feet of residential zone*
- *Public Buildings (61.01.25)*
- *Public Structures (61.01.26) – includes storage yards and parking areas*
- *Restaurants (61.01.30) – with or without alcohol*
- *Retail Sales – workshop and outlet required (61.01.33) – no more than 50% of floor area used for workshop*
- *Retail Service (61.01.34)*
- *Medical & Dental Offices (61.01.54) – less than 5 practitioners & no treatment facilities*
- *Gas Filling Stations (61.02.01)*
- *Banks (61.02.04) – with drive-in*
- *Public Utility Structures (61.02.10)*
- *Restaurant or Lunch Room (61.02.12)*
- *Child Care Facilities (61.02.21)*
- *Care / Nursing Homes (61.02.22)*
- *Medical & Dental Clinics (61.02.35) – more than 5 practitioners & excluding treatment facilities*

Traffic Consideration

The 2002 Draft Plan of Conservation and Development for the City of Middletown analyzes the traffic flow and street conditions found and that Saybrook Road and East Main Street were Urban minor arterials that provide access to the major activity centers of downtown and south of downtown. As activity in the commercial corridor increases these road ways will likely need to be upgraded to allow for safe vehicular and pedestrian access.

VI. Proposed Land Use Plan

The Sumner Brook Redevelopment Area is recognized as demarking the southern end of Greater Downtown Area, as proposed by the 2002 Draft Plan of Conservation and Development. All future uses should be geared to integrating this area with the Downtown and other redevelopment plans such as the South Cove waterfront project.

Retail/Commercial Uses

The proposed retail and commercial uses for the location are as follows:

- Banks (61.01.05)
- Banks (61.02.04) – with drive-up
- Bus Stop Shelter (60.02.32)
- Commercial Parking Lots (61.01.09)
- Eating & Drinking Establishments (61.01.11) – not within 200 feet of residential zone
- Eating & Drinking Places (61.01.12) – not including drive-in restaurants
- Entertainment (61.01.14)
- General Retail Use (61.02.06)
- Professional & Business Offices (61.01.23) – not to include medical / treatment facilities
- Fitness Centers (61.01.28B)
- Restaurants (61.01.30) – with or without alcohol
- Retail Business (61.01.31) – “does not detract or interfere with pedestrian shopping activity”
- Retail Service (61.01.34)
- Service Establishments (61.01.35)
- Taxi Cab Stand (61.02.13) – need not be enclosed

Public Uses/Pedestrian Circulation

Public pedestrian circulation and open space, which is defined to include: plazas, squares; courtyards; atriums; arcades; landscaped areas; sitting places; terraces; and other facilities and spaces designed, constructed for the circulation, convenience, entertainment, and enjoyment of pedestrians.

Construction of Public or Municipal Facilities which would be beneficial to the Project are a permitted use.

Description of Proposed Actions

The activities proposed by the Plan, as listed, constitute a program for physical change for the Sumner Brook Redevelopment Area. The potential that the Area possess can be realized and strengthen the existing and expanding East Main Street commercial corridor, resurgence of Downtown, and the establishment of the South Cove Waterfront development. The activities in this Section consist of acquisition and redevelopment in accordance with Section 8 on relocation in this plan.

Project Area Improvements

- Involve the Design Review and Preservation Board to serve in a consulting capacity to the Middletown Redevelopment for all improvements to the properties within the Project Area.
- Consider and evaluate the provision of a more attractive appearance for the project area and along nearby sections of Saybrook Road and East Main Street., by undergrounding all existing overhead utility wires .
- Consider and evaluate the improvements of the area with distinctive streetscape materials and landscape elements, such as stamped concrete or planting trees.
- Consider and evaluate the upgrading of the utilities during street improvements.

- Consider and evaluate the installation of new lighting fixtures and stanchions along the streets.
- Consider and evaluate the provision of improved areas for public transportation to pick-up and drop-off passengers.
- Stimulate private development interest through public investment.

Residential Uses

Residential uses should be discouraged in the project area.

Internal Circulation

The internal circulation system shall be of the following type, location, and character:

1. Vehicular Circulation- Elements of vehicular access, service and delivery systems, defined to include principal and minor arterial streets serving and traversing the Project Area; internal streets, access ways, and alleys; surface parking areas to serve Project Area activities; facilities designed to accommodate emergency access by ambulances and fire and police vehicles; eliminate Baer and Dunham public rights-of-way; rights-of-way designed to accommodate improved transit service; service and delivery facilities for storage, mass transit shelters, loading and unloading, and trash collection and handling; sign and signal equipment installed to facilitate ease of vehicular access; and other facilities, rights-of-way, and easements designed, constructed, and operated to permit adequate vehicular access within the Project Area.
2. Pedestrian Circulation- Sidewalks are to be provided along all streets and public rights of way so as to separate pedestrian and vehicular traffic and to provide convenient access to focal points in the Project Area and adjoining portions of the Project Area. Curb cuts would be eliminated along Main Street in existing access ways to the extent possible, so as to enhance pedestrian circulation. New construction or improvements to existing sidewalks shall be handicapped-accessible.

Public improvements and Utilities

Public improvements and utilities shall meet needs and be of the type, location, and character as follows:

1. Utilities- All principal buildings shall be connected to the City sanitary sewer system and to the public water supply system. There is to be adequate storm drainage, taking into account the intensity of development contemplated under this Plan and coordinated with Connecticut River flood control programs. Projects and facilities are required to be designed to ensure the availability of adequate electric, CATV, telephone, and gas utilities, with the undergrounding of all utilities. Utility easements are to be provided where pipes and other lines do not coincide with the street system, including locations where existing utilities are feasible for continued use.
2. Lighting- Ample, attractive, and environmentally sensitive street lighting is to be provided, and around "residential" land-use areas at a height or intensity that is not obtrusive to the residential ambiance.
3. Trees and Streetscapes- With the guidance of the Urban Forestry Commission, street trees are to be provided along streets within the Project Area. Areas are to be improved by means of street trees, shrubs, flower boxes, or other streetscape measures located in streets or easements or on private property.

VII. Urban Renewal Techniques

Techniques

New Construction- Private investment in new construction of buildings on the site for commercial use to replace then obsolete or other deficient buildings.

Acquisition and Redevelopment- The procedure of acquisition, relocation, clearance and redevelopment by the Agency is applicable to the entire redevelopment area. Acquisition, relocation and clearance is applicable to achieve one or more of the following:

1. Removal of buildings that are structurally substandard to a degree requiring clearance or that have a number and type of other deficiencies which in combination;
2. Removal of conditions having a blight influence; or,
3. Assembly of land for redevelopment, and other plan objectives.

The Middletown Redevelopment Agency, upon adoption of this plan, may initiate acquisition of those areas identified in the acquisition and relocation schedules. The acquisition of property shall be pursuant to Sections 8-128 through 8-133 inclusive of the Connecticut General Statutes. It is recommended that the Redevelopment Agency either form a Real Estate Subcommittee of its members to guide the negotiating process of acquisition or meet as an agency of the whole to review appraisals and to authorize land acquisition offers. When the Agency determines that a particular acquisition area should be acquired, the Agency should cause to have prepared at an independent appraisal prepared by qualified appraisers as the basis for negotiating for property. The Redevelopment Agency may acquire real property by eminent domain with the approval of the Common Council of the City of Middletown in accordance with Section 8-129 through 8-133, inclusive of the Connecticut General Statutes. Once acquired by the Agency, the Agency may clear, repair, operate or insure such property while it is in its possession or make site improvements essential to preparation for its use in accordance with the approved Redevelopment Project Plan. The acquisition schedule for the Baer & Dunham project area is as follows:

The estimated market value was determined by using the resources of the City of Middletown Tax Assessor's office.

Public Facilities Improvements- The Agency, or the City of Middletown, may from time to time provide public facility improvements such as but not limited to new public buildings, streets, sidewalks, parks, drainage, parking, landscaping and undergrounding of utilities and may acquire property needed for such improvements.

Code Enforcement- The procedure of property inspection and code compliance is a technique applicable to the Project Area, and such procedure may include use of the City's general municipal powers and Blighted Structures Ordinance to alleviate hazards to the public health and safety.

Technical Assistance- The Agency, or its staff, may from time to time provide technical assistance and guidance for private construction activities with regard to planning, design criteria, financing and conformance with municipal codes and ordinances.

VIII. Acquisition and Relocation Plan

Introduction

The Sumner Brook Redevelopment Project, as proposed, would involve the relocation of a maximum of 5 non-residential businesses and a maximum of 20 residential households. Therefore, this relocation plan will address the processes of relocating non-residential concerns and residential concerns.

The entire relocation process will be accomplished by the Middletown Redevelopment Agency, the City of Middletown Department of Planning, Conservation and Development.

Acquisition Plan

Properties to be Acquired

The redevelopment area is divided in to six sub-areas. These areas allow for the possibility of phasing in any implementation of the redevelopment plan.

Area A	Owner	Map Block and Lot #
21-23 Saybrook Road	21-23 Saybrook Road LLC	35 24-21 4
27 Saybrook Road	Ava C Franco	35 24-21 3
33 Saybrook Road	Peter & Linda Smigel	35 24-21 2
47-49 Saybrook Road	Gaetana & Nicolo Bafumi	35 30-4 27
326 East Main Street	Beverly A Pasieka	35 24-21 1
340 East Main Street	Anthony C Fonda	35 30-4 22
5 Baer Street	Joseph Jr. & Lena Ruitto	35 30-4 23
7 Baer Street	Ruth & Daniel Fountain	35 30-4 26
1 Dunham Street	Dean H Bishop	35 30-4 25
2 Dunham Street	Anthony C Fonda	35 30-4 24
Area B	Owner	Map Block and Lot #
Mill Street (Lot 35 30-3 27X)	Connecticut Light & Power	35 30-3 27X
Mill Street (Lot 35 30-3 27C)	Joseph H Mylchreest Inc.	35 30-3 27C
134 Mill Street	Rayco Metal Finishing Inc.	35 30-327AX
331 East Main Street	Glastonbury Oak LLC	35 30-3 27 A
373 East Main Street	Dyana E Fonda	35 30-3 27
Area C	Owner	Map Block and Lot #
311 Main Street Extension	John C Seagrave	35 24-15A 3A
Main Street Extension	John C Seagrave	35 24-15A 3
137 Mill Street	John C Seagrave	35 24-15A 4
Area D	Owner	Map Block and Lot #
441 East Main Street	Norman & Kathleen Dewey	35 30-3 23
447 East Main Street	Peter & Linda Smigel	35 30-3 22
455 East Main Street	Peter & Linda Smigel	35 30-3 21
459 East Main Street	Peter & Linda Smigel	35 30-3 20
6 Russell Street	Regina Golba	35 30-3 19
Area E	Owner	Map Block and Lot #
438 East Main Street	Karen Nichols	35 30-4 82
442 East Main Street	Joanne E Faust	35 30-4 80
448 East Main Street	Joseph & Rose Aresco	35 30-4 78
Area F	Owner	Map Block and Lot #
460 East Main Street	Peter & Linda Smigel	35 30-9 16A

Acquisition Expenses

The total expense to acquire a maximum of 27 properties in the project area is estimated at a minimum to be \$9,878,760. This figure assumes that real estate prices have increased by 122% since the 2002 property assessment.

Area A	2002 Assessed Value	2007 Estimated Value
21-23 Saybrook Road	\$84,360	\$ 187,470
27 Saybrook Road	\$88,670	\$ 197,040
33 Saybrook Road	\$131,000	\$ 291,110
47-49 Saybrook Road	\$121,660	\$ 270,360
326 East Main Street	\$81,900	\$ 182,000
340 East Main Street	\$547,100	\$1,215,780
5 Baer Street	\$87,480	\$ 194,400
7 Baer Street	\$106,780	\$ 237,290
1 Dunham Street	\$90,780	\$ 201,730
2 Dunham Street	\$75,840	\$ 168,530
Total	\$1,415,570	\$3,145,710
Area B	2002 Assessed Value	2007 Estimated Value
Mill Street (Lot 35 30-3 27X)	\$ 500	\$ 1,110
Mill Street (Lot 35 30-3 27C)	\$ 291,500	\$ 647,780
134 Mill Street	\$ 155,200	\$ 344,890
331 East Main Street	\$ 143,100	\$ 318,000
373 East Main Street	\$1,305,800	\$2,901,780
Total	\$1,896,100	\$4,213,560
Area C	2002 Assessed Value	2007 Estimated Value
311 Main Street Extension	\$ 152,000	\$ 337,780
Main Street Extension (Lot 35 24-15A 3)	\$ 2,200	\$ 4,890
137 Mill Street	\$ 33,200	\$ 73,780
Total	\$ 187,400	\$ 416,450
Area D	2002 Assessed Value	2007 Estimated Value
441 East Main Street	\$ 140,700	\$ 312,670
447 East Main Street	\$ 127,450	\$ 283,330
455 East Main Street	\$ 97,200	\$ 216,000
459 East Main Street	\$ 76,800	\$ 170,670
6 Russell Street	\$ 110,940	\$ 246,530
Total	\$ 553,090	\$1,229,200
Area E	2002 Assessed Value	2007 Estimated Value
438 East Main Street	\$ 78,740	\$ 174,980
442 East Main Street	\$ 70,620	\$ 156,930
448 East Main Street	\$ 96,170	\$ 213,710
Total	\$ 245,530	\$ 545,620
Area F	2002 Assessed Value	2007 Estimated Value
460 East Main Street	\$ 147,700	\$ 328,220
Total	\$ 147,700	\$ 328,220
Total Acquisition of All Areas	\$ 4,445,390	\$ 9,878,760

Non-Residential Relocation Plan

The 11 non-residential concerns which would be relocated are identified on the Property Acquisition Map.

The non-residential uses in the Phase are as follows (the bold properties represent owner-occupied as determined by the properties tax assessor's card):

Once the proposed Sumner Brook Redevelopment Plan is approved by the Common Council of the City of Middletown, project relocation staff will be required to follow the Non-Residential Relocation Assistance Advisory Plan as described below.

Non-Residential Relocation Assistance

Surveys to Determine Relocation Needs

1. Initial Surveys- Interviews will be conducted by the project relocation staff with individual business concerns located within the Project Area proposed for activity at the earliest possible time during the planning phase of that activity. These surveys will be designed to determine the characteristics of each concern that would relate to its possible relocation. These characteristics include tenure, space requirements, number of employees, relocation plans, location preferences, etc. The data to be compiled will be documented on the "Site Occupant Record, Nonresidential." See Appendix for copy.
2. Follow Surveys- Additional surveys will be made of all occupants of properties to be acquired at the time of the beginning of activity in that area. These surveys will bring up to date the information gathered from the Initial Surveys, and will be more detailed in regard to the specific situation and relocation factors of each concern to be relocated.
3. Information Program and Relocation Office- An informational letter for non-residential occupants will be delivered to all non-residential site occupants by the relocation staff at the time of approval of a project contract with the City. This letter will include at least the following elements:
 - a. A complete description of the nature and types of activities that will be undertaken, including delineation of clearance, rehabilitation, conservation, and code enforcement areas;
 - b. An indication of the availability of relocation payments, including the types of payments, the general eligibility criteria for non-residential occupants, and a precaution that premature moves make concerns ineligible for benefits;
 - c. A statement that no concern lawfully occupying property will be required to move without at least ninety (90) days written notice.
 - d. A map, with clear explanation, showing the boundaries of the Project Area;
 - e. A statement of the purpose of the non-residential relocation program with a brief summary of sources and aids available, including a statement that the relocation staff will provide maximum assistance in locating non-residential relocation sites;
 - f. Encouragement to site occupants to visit the relocation staff at the Department of Planning, Conservation, and Development, to cooperate with the staff to seek their own relocation accommodations, and to notify the Department of Planning, Conservation, and Development prior to their move.
 - g. A statement that the relocation staff will provide assistance to concerns in obtaining locations of their choice, including assistance in the referral of their complaints of discrimination to the State Human Rights Commission;
 - h. A summary of the Agency's eviction policy; and

- i. The address, telephone number and hours of the Department of Planning, Conservation and Development.
4. Services to be Provided to Non-Residential Concerns- Representatives of the Department of Planning, Conservation and Development will periodically visit or call non-residential concerns being displaced in order to consult with them regarding their relocation. These consultants will keep up to date the information gathered in earlier surveys or by consultants, and will enable the Department of Planning, Conservation and Development and these concerns to exchange information on new non-residential listings, listings found to be unsuitable by the concern, and other opportunities or problems involved.
5. Current Information on Relocation Sites and Referrals- The Department of Planning, Conservation and Development will be responsible for assembling data relating to relocation sites for non-residential concerns.
 - a. General Data- The Department of Planning, Conservation and Development will continuously collect current information on the availability, costs, and floor space of comparable relocation sites. It will do this through a systematic review of all advertised vacancies and through direct appeals through agents, brokers, and the news media for vacancy listings.
 - b. Economic Information- Whenever and as often as it is deemed necessary and feasible by the Department of Planning, Conservation, and Development, studies will be conducted and data compiled relating to the various economic and growth potential factors of non-residential vacancies and building sites. The study will include such elements as property values, growth potentials, zoning ordinances, and other general and economic information concerning individual sites and/or areas within the City and surrounding area. This study would be augmented or replaced by any related factors of a Land utilization and Marketability Study or Economic and Market Analysis Study that may have been conducted for a project or program.
6. Listings and Referrals- The Department of Planning, Conservation and Development will maintain an up-to-date file of all known and potential non-residential vacancies and sites for referral to relocating concerns. These listings will include all available information concerning each potential location and the results of whatever economic studies may have been conducted.
7. Referrals- Relocating concerns will receive, in person or by mail, copies of the relevant listings of available locations that are comparable and suitable. The Department of Planning, Conservation and Development will also assist, through consultation with the relocating concerns, with other considerations or discussions or discussion of sites. In the course of these referrals and consultations, the Department of Planning, Conservation and Development will avoid involvement in or interference with the relocating concern's daily operation or its decisions.
8. Procedures for Making Relocation Payments Eligibility- Relocation payments will be made to all eligible project or program area occupants under the provisions of the Uniform Relocation Assistance Act and the State of Connecticut Public Act 838 and carried out in accordance with the policies, procedures and requirements therein.
 - a. Notification to Persons in Area- The Department of Planning, Conservation and Development will notify, in person or by mail at the earliest possible time, all non-residential concerns that may be displaced by project or program activities of the availability of relocation payments, the office where detailed information about the program may be obtained, the dates governing eligibility for payments.

- b. Assistance in Making Claims- Upon request of a claimant, the Department of Planning, Conservation and Development will provide assistance in the preparation of claims for relocation payments. The occupant will be required to utilize the claim forms entitled "Claim for Fixed Payment in Lieu of Payment for Actual Moving and Related Expenses," and "Claim for Actual Reasonable Moving and Related Expenses," see Appendix.
 - c. Time Limit for Submission of Claims- Claims for relocation payments must be submitted by the business concern within six (6) months of the date of the claimant's displacement.
9. Review
 - a. Determining Eligibility- The Department of Planning, Conservation and Development will be responsible for determining the eligibility of a claim for , and the amount of, payment in accordance with Federal and State regulations and procedures. Once the final determination is made, there will be no adjustment of the amount for any reason unless an error is detected, or the Agency is directed by the Federal and State governments or a court to make and adjustment as a result of a review of a claimant's grievance.
 - b. Relocation Payments Documentation- The Department of Planning, Conservation and Development will maintain it its files complete and proper documentation supporting the determination made with respect to each claim. The determination will be made or approved by the Chairman of the Redevelopment Agency, and the Mayor of the City of Middletown and/or a duly authorized designee.
10. Prior HUD Approval- Not applicable unless Federal funds are utilized. If Federal dollars are used, HUD approval will be sought as applicable.
11. Payment of Claims- All non-residential relocation payments will be made in accordance with the regulations, guidelines, and procedures promulgated by Federal and State Law. Eligible businesses may choose to claim either reimbursement for real moving and related expenses and real property loss or a fixed payment in lieu of real moving expenses. The fixed payment will not exceed \$20,000.
 - a. Time of Payment- A payment will be made by the Agency as promptly as possible after a claimant's eligibility has been determined. Advance payments may be made in hardship cases if the Agency determines such advances to be appropriate (e.g., the claimant needs money for security deposit or a replacement site).
 - b. Set-Off against Claim- In instances where otherwise eligible claimants have unpaid financial obligations to the Agency, the Agency may set off these obligations against the claimant's relocation payments.
12. Procedures to Avoid Duplicate Payments- Any person who receives a relocation payment as part of an eminent domain award, under State Laws governing same, shall not receive a duplicate relocation payment to which he may be entitled under these guidelines.
13. Payments Not to be Considered as Income- Federal and State regulations provide that relocation payments are not to be considered as income for Federal Income Tax purposes or for determining eligibility or extent of eligibility of a person under the Social Security Act or any other Federal Law.
14. Termination of Relocation Assistance- The Department of Planning, Conservation and Development will provide assistance to non-residential concerns until permanent relocation has been successfully achieved and all relocation payments have been made. In general, the only circumstances under which the Agency's obligation ceases are the following:
 - a. The business concern has received all assistance and payments to which it is entitled and has either has successfully relocated or ceased operations;

- b. The site occupant refuses to accept one or a reasonable number of offers of accommodations meeting the Agency's relocation standards. (In the case of continuous refusal to admit a relocation interviewer who attempts to provide assistance, visits the site occupant at reasonable convenient times, and has whenever possible, given notice of his intention to visit the site occupant, the Agency and/or its staff shall write, telephone, or take other reasonable steps to communicate with the site occupant before terminating assistance.)
15. Eviction Policy- Site occupants will be evicted as a last resort. Eviction in no way effects eligibility of non-residential concerns for relocation payments. The Department of Planning, Conservation and Development records will be documented to reflect the specific circumstances surrounding the eviction from Agency-acquired property. Eviction shall be undertaken only for one or more of the following reasons:
 - a. Refusal to accept on of a reasonable number of offers or accommodations meeting the Agency's relocation standards; or,
 - b. The eviction is required by State or local Law and cannot be prevented by the Agency.
16. Relocation Records and Reports- The Department of Planning, Conservation and Development will keep up-to-date records on the relocation of all site occupants. These records shall be retained for inspection and audit for a period of three (3) years following completion of the project or program or the completion of relocation payments, whichever is later. All of the information will be compiled on a "Non-Residential Relocation Management Report," see Appendix.
 - a. Relocation Record- The Department of Planning, Conservation and Development will develop and also maintain a relocation record, beginning with the information secured during the first interview to assess the needs of the displaced occupant. The record shall contain all data relating to relocation of the displaced occupant, including the nature and dates of services that arte provided, the type and amount of relocation payments made and the location to which those displaced are relocated, including a description and/or inspection certificate for accommodation.

Anticipated Non-residential Relocation Expenses

The total expense to relocate a maximum of 11 non-residential business entities in the project area is estimated at a minimum to be \$300,000. This figure reflects anticipated expenditures to cover relocation of 4 small businesses at the maximum eligible fixed payment of \$20,000. It is important to note that in several cases the City may be required to pay only actual costs, which could range from \$1,000 to \$19,999.

The anticipate residential relocation expenses by property are as follows (the bold properties represent owner-occupied as determined by the properties tax assessor's card 2002 values):

Area A	Business	Relocation Cost Estimates	
		State Regs.	Federal Regs.
21-23 Saybrook Road	Multi-Use Sales	\$20,000	
27 Saybrook Road			
33 Saybrook Road			
47-49 Saybrook Road			
326 East Main Street	Liquor Store	\$20,000	
340 East Main Street	Retail/Office/Restaurant	\$60,000	
5 Baer Street			
7 Baer Street			
1 Dunham Street			
2 Dunham Street			
Total		\$100,000	

Area B	Residential Units	Relocation Cost Estimates	
		State Regs.	Federal Regs.
Mill Street (Lot 35 30-3 27X)	Warehouse	\$20,000	
Mill Street (Lot 35 30-3 27C)	Warehouse	\$20,000	
134 Mill Street	Manufacturing	\$20,000	
331 East Main Street			
373 East Main Street	Office/Warehouse/Bank	\$40,000	
Total		\$100,000	

Area C	Residential Units	Relocation Cost Estimates	
		State Regs.	Federal Regs.
311 Main Street Extension	Retail	\$20,000	
Main Street Extension (Lot 35 24-15A 3)			
137 Mill Street			
Total		\$20,000	

Area C	Residential Units	Relocation Cost Estimates	
		State Regs.	Federal Regs.
441 East Main Street			
447 East Main Street			
455 East Main Street	Retail	\$20,000	
459 East Main Street	Retail	\$20,000	
6 Russell Street			
Total		\$40,000	

Area C	Residential Units	Relocation Cost Estimates	
		State Regs.	Federal Regs.
438 East Main Street			
442 East Main Street			
448 East Main Street			
Total		\$0	

Area C	Residential Units	Relocation Cost Estimates	
		State Regs.	Federal Regs.
460 East Main Street	Retail	\$40,000	
Total		\$40,000	

Total Non-Residential Relocation of All Areas **\$300,000**

Assumes 100% Occupancy

Residential Relocation Plan

The 29 residential housing units that would be relocated are identified on the Property Acquisition Map and listed below.

The residential uses in the Phase are as follows (the bold properties represent owner-occupied as determined by the properties tax assessor's card):

Once the proposed Sumner Brook Redevelopment Plan is approved by the Common Council of the City of Middletown, project relocation staff will be required to follow the Residential Relocation Assistance Advisory Plan as described below.

Residential Relocation Assistance

Surveys to Determine Relocation Needs

1. **Surveys and Consultations with Residential Occupants-** A meeting with each household will be conducted by the Department of Planning, Conservation, and Development staff and/or a designated tenant advocate prior to the start of any activity in a project area(s) and at the earliest possible time during the planning phase of that activity. These meetings will be designed to determine the tenant needs of each household that will be displaced and to record data as to the number of rooms, special needs, location preferences, etc. The data to be compiled will be documented on the "Site Occupant Record—Residential," Appendices 10 and 11.
2. **Social Service Special Needs Assessment-** If the designated tenant advocate determines that the tenant's needs surpass the amenities and services offered in traditional rental housing, a tenant needs assessment will be conducted by an appropriate public service professional/provider, as recommended by the tenant advocate. The tenant needs assessment—a more detailed survey—will cite the specific needs of each such household/tenant. These data will be compiled in cooperation with the tenant advocate.
3. **Information Program and Relocation Office-** An informational letter for residential occupants will be delivered to all residential site occupants by the Department of Planning, Conservation, and Development at the time of approval of the North End Renewal Plan by the City of Middletown. This letter/notice will include at least the following information:
 - a. A complete description of the nature and types of activities which will be undertaken in the Project Area, including delineation of clearance, rehabilitation, conservation, and code enforcement areas, and a map showing the Project Area boundaries; and
 - b. The notice to persons to be displaced shall:
 - i. Explain that a project has been proposed and caution the person not to move before the project is approved and the person receives a notice of eligibility for relocation assistance; and
 - ii. Generally describe the relocation payments for which the person may be eligible, the basic conditions of eligibility, and the procedures for obtaining the payments; and
 - iii. Inform the person that he or she will be given reasonable relocation advisory services, including referrals to replacement properties, help in filing payment claims, and other necessary assistance to help the person successfully relocate; and
 - iv. Inform the person that he or she will not be required to move without at least 90 days' advance written notice and inform any person to be displaced from a dwelling that he or she

- will not be required to vacate the property earlier than 90 days after at least one comparable replacement dwelling has been made available; and
- v. Describe the person's right to appeal the Agency's determination as to the person's eligibility for relocation assistance or the amount of such assistance. When applicable, explain a residential occupant's right to appeal the acceptability of the comparable replacement dwelling(s) to which the person has been referred.
- c. Notice of Eligibility for Relocation Assistance- This notice shall:
- i. Inform the person of his/her eligibility for relocation assistance, effective on the date of the initiation of negotiations—utilizing the "Guideform Notice of Eligibility for Relocation Assistance, Residential Tenant," see Appendix or, in the case of homeowners, a "Guideform Notice of Eligibility for Relocation Assistance, 180-Day Homeowner," see Appendix.
 - ii. Describe the assistance, the estimated amount of assistance, and the procedures for obtaining the assistance.
- d. Ninety-Day Notice (Covers Persons to be Displaced)-
- i. General- No lawful occupant to be displaced shall be required to move unless he or she has received at least 90 days' advance written notice of the earliest date by which he or she may be required to move.
 - ii. Timing of Notice- The 90-day notice shall not be given before the person is issued a notice of eligibility for relocation assistance. A person to be displaced from a dwelling shall not be issued a 90-day notice before a comparable replacement dwelling has been made available.
 - iii. Content of Notice- The 90-day notice shall either: a) state the specific date by which the property must be vacated; or, b) specify the earliest date by which the occupant may be required to move and indicate that the occupant will receive a vacate notice indicating, at least 30 days in advance, the specific date by which he or she must move.
 - iv. Urgent Need- In unusual circumstances, an occupant may be required to vacate the property on less than 90 days' advance written notice if the Agency determines that a 90-day notice is impracticable, such as when the person's continued occupancy of the property would constitute a substantial danger to health or safety. A copy of the Agency's determination shall be included in the applicable case file.
 - v. Notice Not Required- The 90-day notice need not be issued if a) there is no structure, growing stock, or personal property on the real property, or b) the occupant makes an informed decision to relocate and vacates the property without prior notice, or c) the occupant owns the property and enters into a negotiated agreement for delivering possession of the property (e.g., delivery of possession is specified in the purchase contract), or d) the occupant will not qualify as a displaced person.
 - vi. Delivery of Notices- Each notice shall be sent by certified mail, return receipt requested. Each notice shall indicate the name and telephone number of a person who may be contacted for answers to questions or other needed help.
4. Replacement Housing Assistance-

- a. Written Notice of Comparable Replacement Dwelling- No tenant to be displaced shall be issued a 90-day notice until such tenant has been given a written notice of a "comparable replacement" dwelling.
- b. Definition of Comparable Replacement-
 - i. Decent, safe and sanitary.
 - ii. Functionally equivalent to the displaced dwelling. The term "functionally equivalent" means that it performs the same function, provides the same utility, and is capable of contributing to a comparable style of living. While a comparable replacement dwelling need not possess every feature of the displaced dwelling, the principal features must be present. Generally, functional equivalency is an objective standard reflecting the range of purposes for which the various physical features of a dwelling may be used. However, when determining whether a replacement dwelling is functionally equivalent to one displaced dwelling, the City may consider reasonable trade-offs for specific features when the replacement unit is "equal to or better than" the displaced dwelling.
 - iii. Examples of Trade-Offs- If the displaced dwelling contains a pantry, and a similar dwelling with a pantry is not available, a replacement dwelling with ample kitchen cupboards may be acceptable. Insulated and heated space in a garage might prove an adequate substitute for basement workshop space. A dining area may substitute for a separate dining room. Under some circumstances, attic space could substitute for basement space for storage purposes, and vice versa. Generally, a comparable replacement dwelling must contain approximately the same amount of space as the displaced dwelling. However, when the displaced dwelling is dilapidated, a smaller "decent, safe, and sanitary" replacement dwelling (which by definition is "adequate to accommodate the displaced person") may be determined to be functionally equivalent to the displaced dwelling.
 - iv. In an area not subject to unreasonable adverse environmental conditions from either natural or human sources.
 - v. Currently available to the displaced person. A dwelling is considered "available" if the person is informed of the location of the dwelling; has sufficient time to negotiate and enter into a purchase agreement or lease for the dwelling; and, subject to reasonable safeguards, is assured of receiving the relocation assistance and acquisition payment, if applicable, in sufficient time to complete the purchase or lease.
 1. If the person does not receive a government housing subsidy before displacement, the comparable replacement dwelling must be available on the private market and not require a government housing subsidy.
 2. A comparable replacement dwelling for a person receiving government housing assistance before displacement may reflect similar government housing assistance, such as:
 - a. A government-owned public housing unit may qualify as a comparable replacement

- dwelling only for a person displaced from a public housing unit.
 - b. A privately owned dwelling with a project-based housing subsidy (i.e., subsidy tied to the unit) may qualify as a comparable replacement dwelling only for a person displaced from a similarly subsidized unit or government-owned public housing unit.
 - c. A privately owned dwelling made affordable by a housing program subsidy to a person (i.e., subsidy not tied to the building), such as Section 8 Existing Housing Program Certificate or Housing Voucher, may qualify as a comparable replacement dwelling for a person receiving a similar subsidy before displacement or displaced from a unit with a project-based subsidy.
- 5. Replacement Housing Referrals- Gathering information on Replacement Housing will be the responsibility of the City. The City will also compile and assemble data relating to relocation sites for residential concerns.
 - a. Current Information- The Department of Planning, Conservation, and Development will continuously collect current information on the availability of rental units, rental costs, and room size of comparable relocation sites. It will do this through a systematic review of all advertised vacancies; direct appeals through agents, brokers, and the news media for vacancy listings.
 - b. Economic Information and Listings- Whenever and as often as it is deemed necessary and feasible by the Department of Planning, Conservation, and Development, studies will be conducted and data compiled relating to the current residential rental costs; see the Newspaper Rent Survey in Appendix.
 - c. Referrals- Relocating concerns will be notified of available locations that are comparable and suitable by providing them, in person or by mail, with copies of the relevant listing sheets. The Department of Planning, Conservation, and Development will also assist, through consultation with the relocating concern, with other considerations or discussion of sites. In the course of these referrals and consultations, the Department of Planning, Conservation, and Development will avoid involvement in or interference with the relocating concern's daily operation or its decisions.
- 6. Procedures for Making Relocation Payments Eligibility- Relocation payments will be made to all eligible project or program area occupants under the provisions of the Uniform Relocation Assistance Act and Chapter 135 of the Connecticut General Statutes, carried out in accordance with the policies, procedures, and requirements contained therein.
- 7. Referrals- Relocating concerns will receive, in person or by mail, copies of the relevant listings of available locations that are comparable and suitable. The Department of Planning, Conservation and Development will also assist, through consultation with the relocating concerns, with other considerations or discussions or discussion of sites. In the course of these referrals and consultations, the Department of Planning, Conservation and Development will avoid involvement in or interference with the relocating concern's daily operation or its decisions.
 - a. Notification to Persons in Area- Again, the Department of Planning, Conservation, and Development will notify, in person or by mail at the earliest possible time, all residential tenants who will be displaced by project. Relocation payment eligibility and the office

- where detailed information about the project may be obtained will also be described in the notice to tenants.
- b. Assistance in Making Claims- Upon request of a claimant, the Department of Planning, Conservation and Development will provide assistance in the preparation of claims for relocation payments. The occupant will be required to utilize the claim forms entitled "Claim for Fixed Payment in Lieu of Payment for Actual Moving and Related Expenses," and "Claim for Actual Reasonable Moving and Related Expenses," see Appendix.
 - c. Time Limit for Submission of Claims- Claims for relocation payments must be submitted by the business concern within six (6) months of the date of the claimant's displacement.
8. Review
- a. Determining Eligibility- The Department of Planning, Conservation and Development will be responsible for determining the eligibility of a claim for, and the amount of, payment in accordance with Federal and State regulations and procedures. Once the final determination is made, there will be no adjustment of the amount for any reason unless an error is detected, or the Agency is directed by the Federal and State governments or a court to make and adjustment as a result of a review of a claimant's grievance.
 - b. Relocation Payments Documentation- The Department of Planning, Conservation and Development will maintain its files complete and proper documentation supporting the determination made with respect to each claim. The determination will be made or approved by the Chairman of the Redevelopment Agency, and the Mayor of the City of Middletown and/or a duly authorized designee.
9. Prior HUD Approval- Not applicable unless Federal funds are utilized. If Federal dollars are used, HUD approval will be sought as applicable.
10. Payment of Claims- All non-residential relocation payments will be made in accordance with the regulations, guidelines, and procedures promulgated by Federal and State Law.
- a. Time of Payment- A payment will be made by the Agency as promptly as possible after a claimant's eligibility has been determined. Advance payments may be made in hardship cases if the Agency determines such advances to be appropriate (e.g., the claimant needs money for security deposit or a replacement site).
 - b. Set-Off against Claim- In instances where otherwise eligible claimants have unpaid financial obligations to the Agency, the Agency may set off these obligations against the claimant's relocation payments.
11. Procedures to Avoid Duplicate Payments- Any person who receives a relocation payment as part of an eminent domain award, under State Laws governing same, shall not receive a duplicate relocation payment to which he may be entitled under these guidelines. However, the City may make a relocation payment for any difference between the relocation payment prescribed by the court and the amount to which such person is entitled under these guidelines.
12. Payments Not to be Considered as Income- Federal and State regulations provide that relocation payments are not to be considered as income for Federal Income Tax purposes or for determining eligibility or extent of eligibility of a person under the Social Security Act or any other Federal Law.
13. Termination of Relocation Assistance- The Department of Planning, Conservation and Development will provide assistance to residential concerns until permanent relocation has been successfully achieved and all relocation payments have been made. In general, the only circumstances under which the Agency's obligation ceases are the following:

- a. The tenant received all assistance and payments to which it is entitled and has either has successfully relocated or ceased operations;
 - b. The site occupant refuses to accept one or a reasonable number of offers of accommodations meeting the Agency's relocation standards. (In the case of continuous refusal to admit a relocation interviewer who attempts to provide assistance, visits the site occupant at reasonable convenient times, and has whenever possible, given notice of his intention to visit the site occupant, the Agency and/or its staff shall write, telephone, or take other reasonable steps to communicate with the site occupant before terminating assistance.)
14. Eviction Policy- Site occupants will be evicted as a last resort. Eviction in no way effects eligibility of non-residential concerns for relocation payments. The Department of Planning, Conservation and Development records will be documented to reflect the specific circumstances surrounding the eviction from Agency-acquired property. Eviction shall be undertaken only for one or more of the following reasons:
- a. Refusal to accept on of a reasonable number of offers or accommodations meeting the Agency's relocation standards; or,
 - b. The eviction is required by State or local Law and cannot be prevented by the Agency.
15. Relocation Records and Reports- The Department of Planning, Conservation and Development will keep up-to-date records on the relocation of all site occupants. These records shall be retained for inspection and audit for a period of three (3) years following completion of the project or program or the completion of relocation payments, whichever is later. All of the information will be compiled on a "Residential Relocation Management Report," see Appendix.
- a. Relocation Record- The Department of Planning, Conservation and Development will develop and also maintain a relocation record, beginning with the information secured during the first interview to assess the needs of the displaced occupant. The record shall contain all data relating to relocation of the displaced occupant, including the nature and dates of services that arte provided, the type and amount of relocation payments made and the location to which those displaced are relocated, including a description and/or inspection certificate for accommodation.

Anticipated Residential Relocation Expenses

The minimum anticipated total expense to relocate a maximum of 16 tenant households and 4 owner-occupied household in the project area is estimated at (\$83,200 for rental households).

This figure is based on the maximum payment of \$5,200 rental assistance per tenant/ household, plus \$200 dislocation payment and \$300 moving expense payment per household; and, \$479,420 housing replacement payment for the owner-occupied household. It should be noted that a tenant could receive much more than \$5,200, since the Federal relocation guidelines have been revised.

The anticipate residential relocation expenses by property are as follows (the bold properties represent owner-occupied as determined by the properties tax assessor's card):

Area A	Residential Units	Relocation Cost Estimates State Regs.
21-23 Saybrook Road	2 Rentals	\$11,400
27 Saybrook Road	2 Rentals	\$11,400
33 Saybrook Road	4 Rentals	\$22,800
47-49 Saybrook Road	1 Owner-occupied	\$22,500
326 East Main Street		
340 East Main Street		
5 Baer Street	2 Rentals	\$11,400
7 Baer Street	1 Owner/1 Rental	\$28,200
1 Dunham Street	1 Owner/1 Rental	\$28,200
2 Dunham Street	1 Rental	\$5,700
Total	16 units	\$141,600

Area B	Residential Units	Relocation Cost Estimates State Regs.
Mill Street (Lot 35 30-3 27X)		
Mill Street (Lot 35 30-3 27C)		
134 Mill Street		
331 East Main Street		
373 East Main Street		
Total	0 units	\$0

Area C	Residential Units	Relocation Cost Estimates State Regs.
311 Main Street Extension		
Main Street Extension (Lot 35 24-15A 3)		
137 Mill Street		
Total	0 units	\$0

Area D	Residential Units	Relocation Cost Estimates State Regs.
441 East Main Street	1 Owner-occupied	\$22,500
447 East Main Street	1 Rental	\$5,700
455 East Main Street	2 Rentals	\$11,400
459 East Main Street	2 Rentals	\$11,400
6 Russell Street	1 Owner-Occupied	\$22,500
Total	7 units	\$73,500

Area E	Residential Units	Relocation Cost Estimates State Regs.
438 East Main Street	1 Owner-occupied	\$22,500
442 East Main Street	1 Owner-occupied	\$22,500
448 East Main Street	2 Rentals	\$11,400
Total	4 units	\$56,400

Area F	Residential Units	Relocation Cost Estimates State Regs.
460 East Main Street	2 Rentals	\$11,400
Total	2 units	\$11,400

Total Residential Relocation 29 units \$282,900

Assumes 100% Occupancy

IX. Activity Supplements

Principles

In accordance with the procedures of Section 10 & 11 of this Plan, one or more activity Supplements may be added to make a part of this Plan, in order to set forth particular activities and detailed plans. Activity Supplements shall be in general accord with this Plan and may cover elements such as but not limited to the following: acquisition, clearance, redevelopment, land disposition, design guidelines and design review procedures.

X. Other Provisions

General

This Redevelopment Plan for the Project Area incorporates other provisions necessary to meet requirements of applicable State or local law. The Plan is prepared under Chapter 130 of the Connecticut general Statutes, as amended, and constitute both a Redevelopment Plan and Urban Renewal Plan as specific in said Chapter. The other provisions are hereinafter set forth.

Relocation

A Relocation Plan has been prepared by the Middletown Redevelopment Agency under Chapter 135, Connecticut Department of Housing Uniform Relocation Act. Connecticut General Statutes as required for each Acquisition area. New acquisition/relocation areas may be added by activity supplement.

General Plan

The Redevelopment Plan substantially conforms to the Plan of Development of the City of Middletown.

Planning Changes

Such changes in planning as are proposed for the Project Area are set forth in Section 11 of this document.

XI. Amendments and Supplements

General

The Sumner Brook Redevelopment Plan may be amended at any time by the Middletown Redevelopment Agency, provided that, where the amendment will substantially change the Plan, the approval of the amendment shall follow the same procedure as that which governed the adoption of the Plan.

Activity Supplements

For purposes set forth in Section 9 of this Plan, Activity Supplements may be adopted by the Middletown Redevelopment Agency and made a part of this Plan. The adoption of Activity Supplements shall follow the same procedure as that which governed the adoption of this Plan, but such adoption of an Activity Supplement shall not be considered a modification of this Plan. Activity Supplements may be modified from time to time by the Middletown Redevelopment Agency, provided that where the modification will substantially change such Supplement, the approval of the modification shall follow the same procedure as that which govern the adoption of such Supplement. In addition, if an Activity Supplement that provides for acquisition and clearance of property by the Agency and redevelopment thereof is modified at any time after the lease or sale by the Agency or real property within the area covered by such a Supplement, the modification must be approved by the Common Council.

Schedule of Adoption

1. Forward the Redevelopment Plan to the Planning & Zoning Commission for its study and comments. In addition, request a written opinion of the Middletown Planning and Zoning Commission as to general conformance of the Redevelopment Plan to the Local Plan of Development.
2. Forward the Redevelopment Plan to the Middletown Housing Authority for its study and comments.
3. Hold the required Public Hearing. (Publish legal notice at least twice in newspaper of general circulation within municipality. The first publication shall not be less than 2 weeks prior to scheduled hearing date.)
4. Approval of Redevelopment Plan by the Redevelopment Agency by resolution which finds the following:
 - a. The area in which the proposed redevelopment is to be located is a redevelopment area;
 - b. Carrying out the redevelopment plan will result in materially improving conditions within the Project Area;
 - c. Sufficient living and business accommodations are available within reasonable distance of the Project Area or are provided for in the Redevelopment Plan for persons, families and businesses displaced by the proposed improvement, at prices or rental within the financial reach of such persons, families and businesses; and
 - d. The redevelopment plan is satisfactory as to site planning, relation to the comprehensive or general plan of the municipality and, except when the redevelopment agency has prepared the redevelopment plan, the construction and financial ability of the redeveloper to carry it out.
5. Approval of the Redevelopment Plan Legislative body.
6. Forward the Relocation Plan to the Connecticut Department of Housing for its review and approval by the Commissioner as it pertains to those persons, families and businesses to be displaced by the Relocation Plan.
7. Advertise for Designated Developers.
8. Designated Developer deposits funding in escrow for any related taking expense.
9. Disposition of land to Designated Developer.

Appendix

A. Maps

- Map 1- Project Boundary
- Map 2- Property Address Map
- Map 3- Existing Structures and Uses
- Map 4- Existing Zoning Map
- Map 5- Flood Plain Map

B. Comparison of available rental units. February – March 1999/2003/2005

C. Connecticut General Statutes Sections 48-6, 48-12, and 48-13

D. Connecticut General Statutes Sections 8-127 through 8-133b

E. Connecticut General Statutes Sections 8-266 through 8-282

F. Sections of the Middletown Design Guidelines

G. Design Standards And Guidelines For Large Retail Establishments

H. Inventoried Historic Structures

I. Relocation Forms and Letters

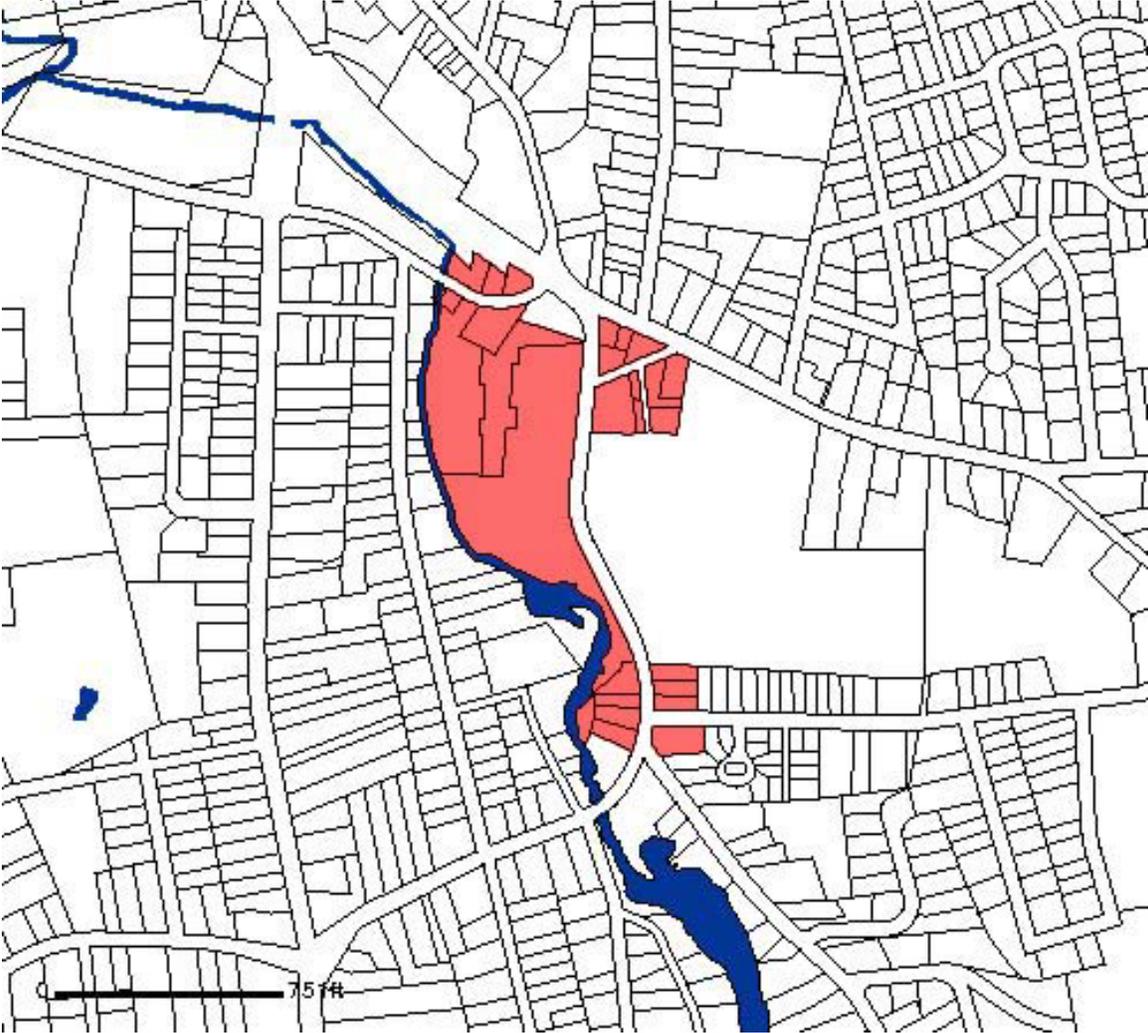
- Claim for Rental or Purchase Assistance
- Claim for Moving and Related Expenses
- Claim for Replacement Housing Payment for 180-Day Homeowner
- Claim for Rental Assistance or Down Payment Assistance
- Claim for Fixed Payment in Lieu of Payment for Actual Moving and Relate Expenses
- Claim for Actual Reasonable Moving and Related Expenses
- Guideform General Information Notice- Residential Tenant to be Displaced
- Guideform General Information Notice- Residential Tenant that Will Not be Displaced
- Guideform Notice of Eligibility for Relocation Assistance- 180-Day Homeowner
- Guideform Notice of Eligibility for Relocation Assistance- Residential Tenant
- Guideform Notice of Eligibility for Relocation Assistance- Business
- Guideform Notice of Nondisplacement to Residential Tenant

J. Tax Assessor's Map

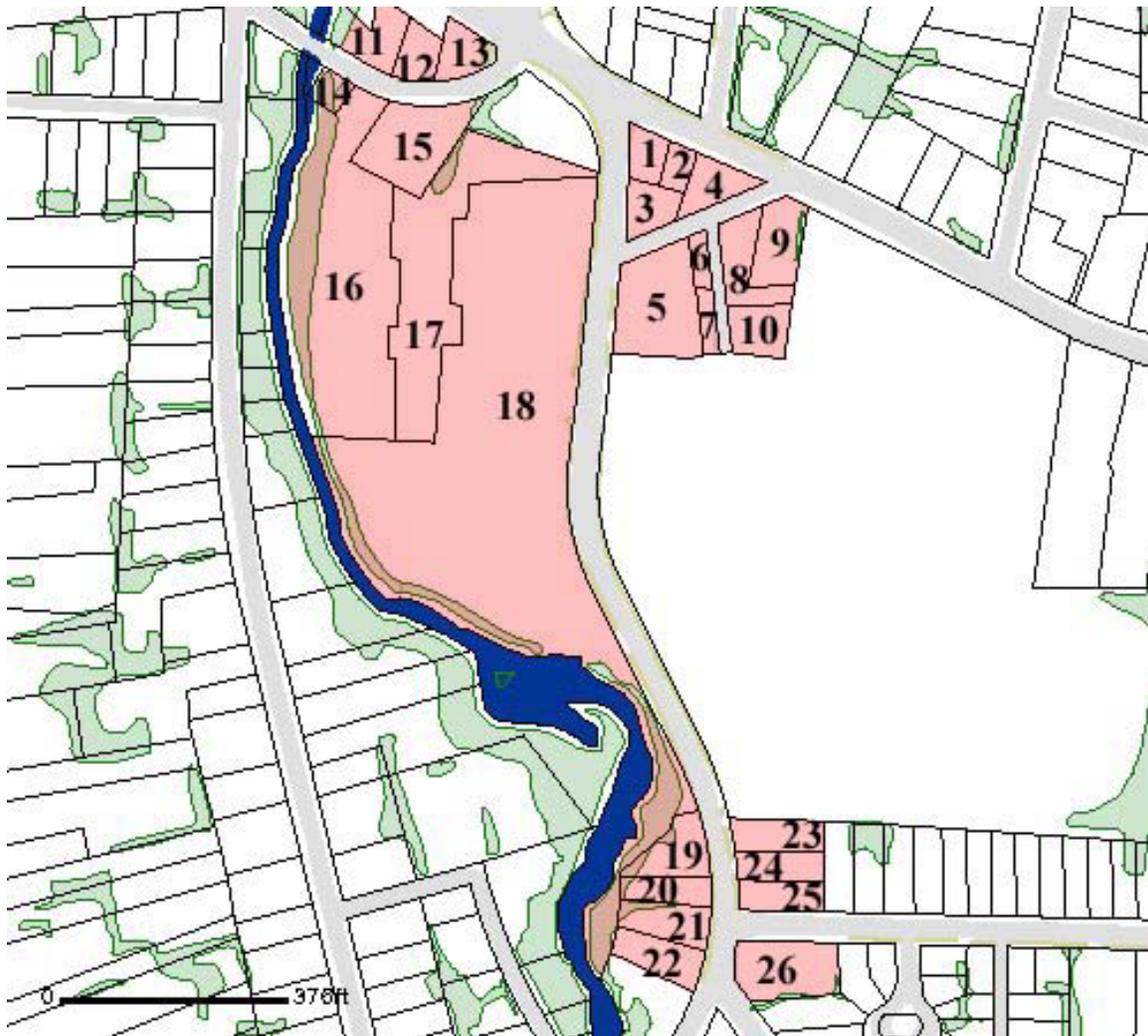
K. Tax Assessor's Cards

A. MAPS

Map 1- Redevelopment Area



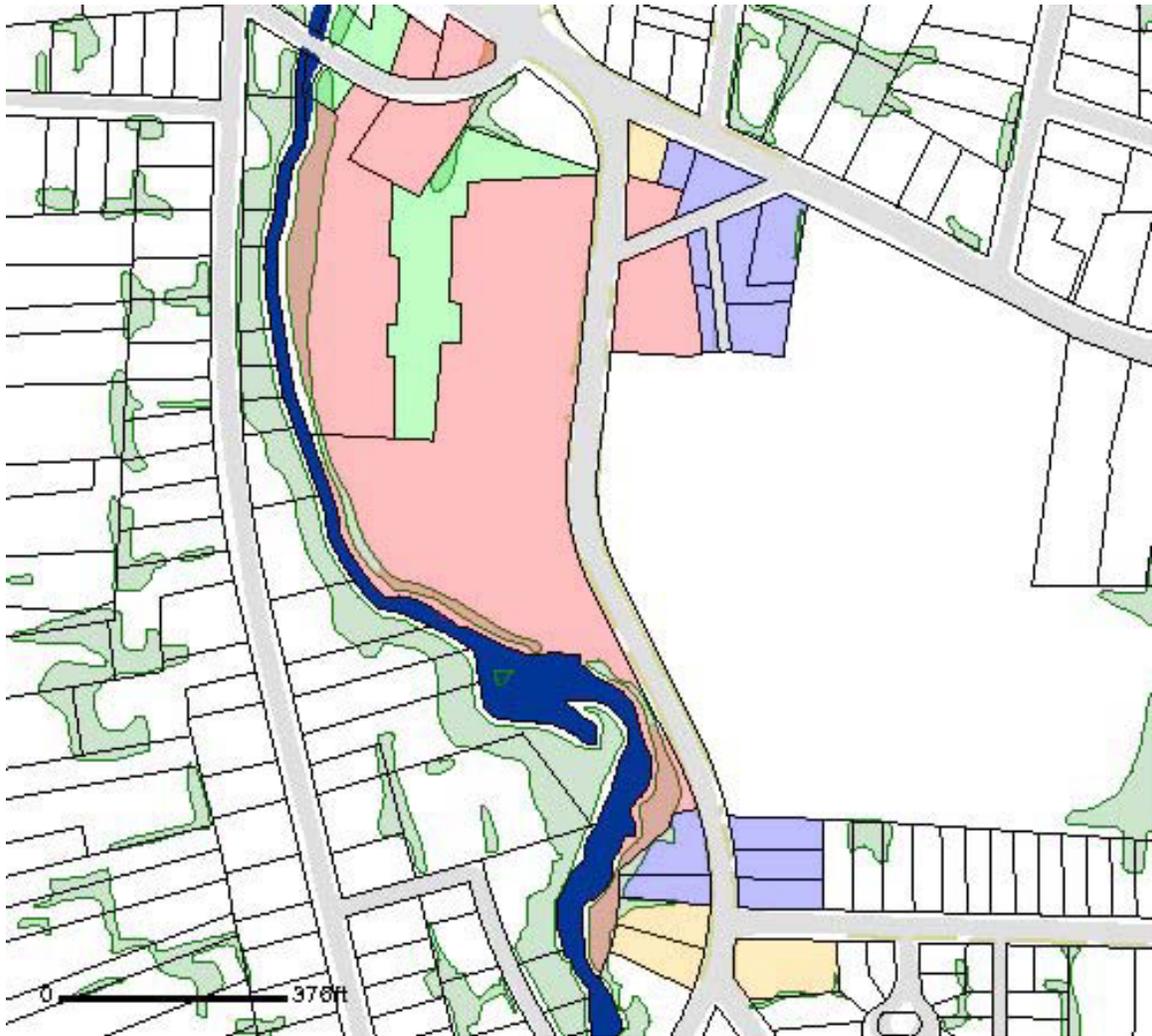
Map 2- Property Address Map



- 1- 21 Saybrook Road
- 2- 27 Saybrook Road
- 3- 326 East Main Street
- 4- 33 Saybrook Road
- 5- 340 East Main Street
- 6- 5 Baer Street
- 7- 2 Dunham Street
- 8- 7 Baer Street
- 9- 47-49 Saybrook Road
- 10- 1 Dunham Street
- 11- Main Street Extension (35 24-15A 3)
- 12- 311 Main Street Extension
- 13- 137 Mill Street

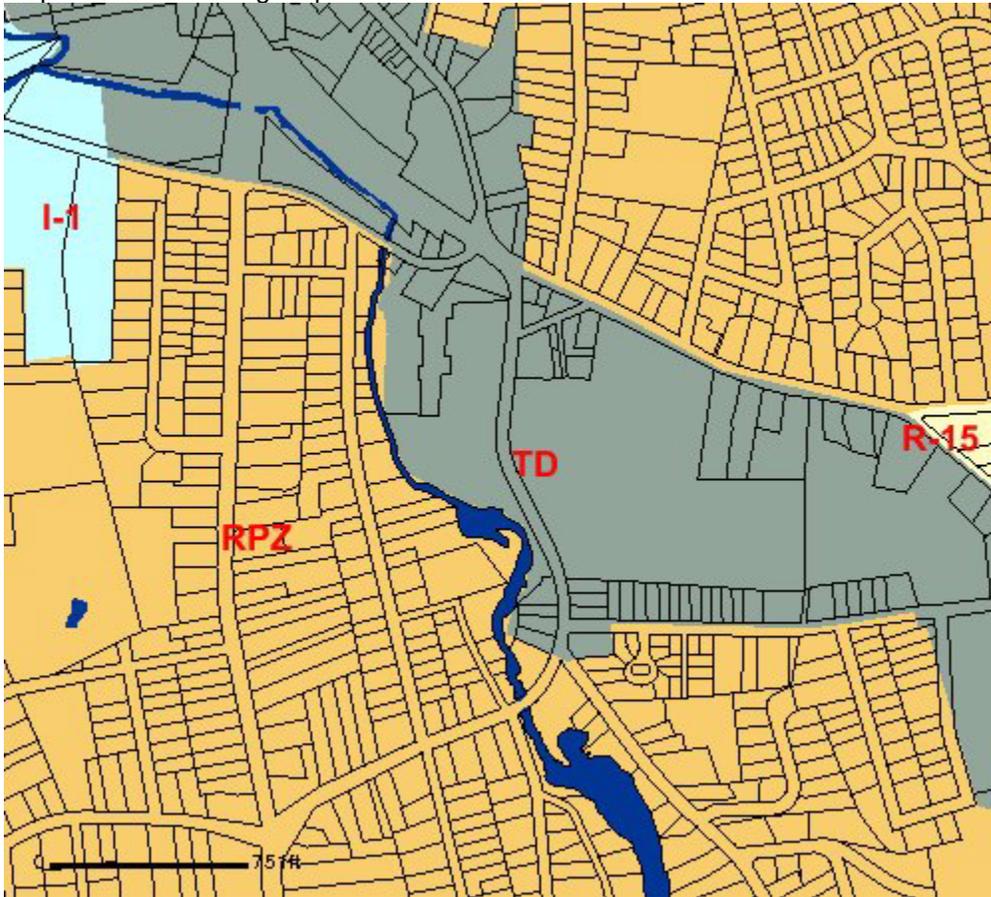
- 14- Mill Street (35 30-3 27X)
- 15- 134 Mill Street
- 16- Mill Street (35 30-3 27C)
- 17- 331 East Main Street
- 18- 373 East Main Street
- 19- 441 East Main Street
- 20- 447 East Main Street
- 21- 455 East Main Street
- 22- 459 East Main Street
- 23- 438 East Main Street
- 24- 442 East Main Street
- 25- 448 East Main Street
- 26- 460 East Main Street

Map 3- Current Uses

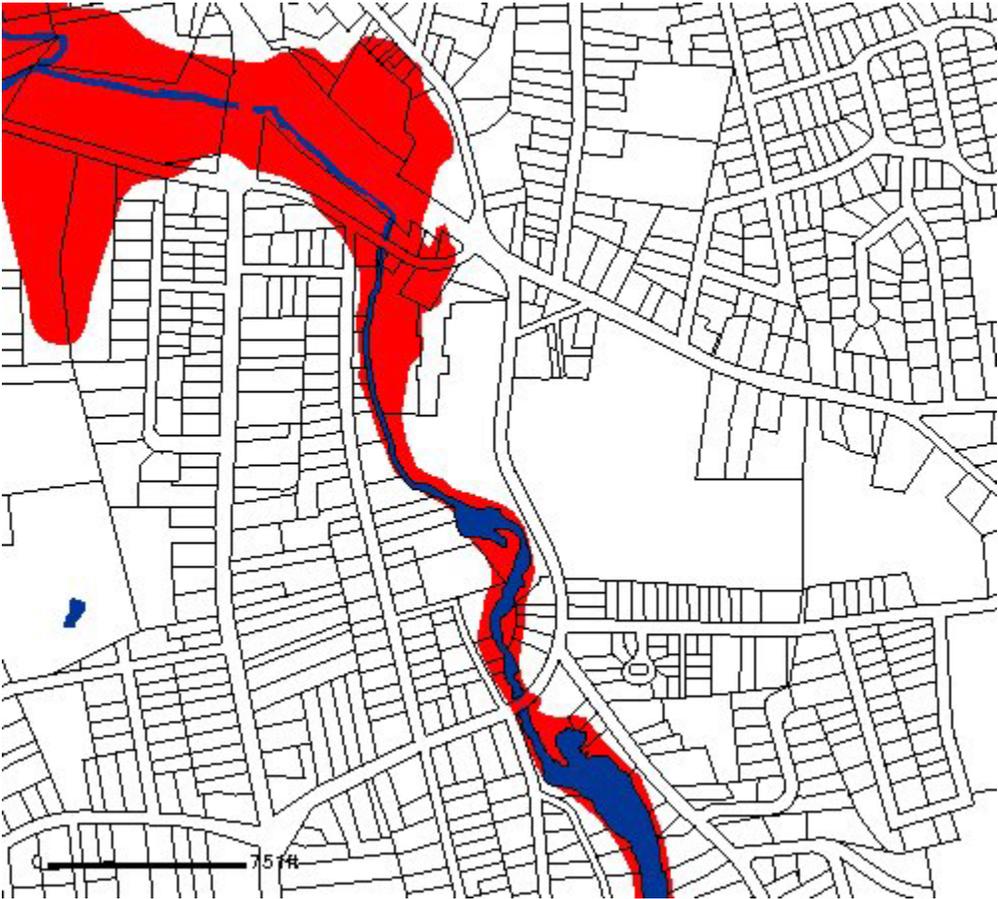


Green- Vacant
Blue- Residential
Red- Commercial
Yellow- Mixed Use- Commercial and Residential

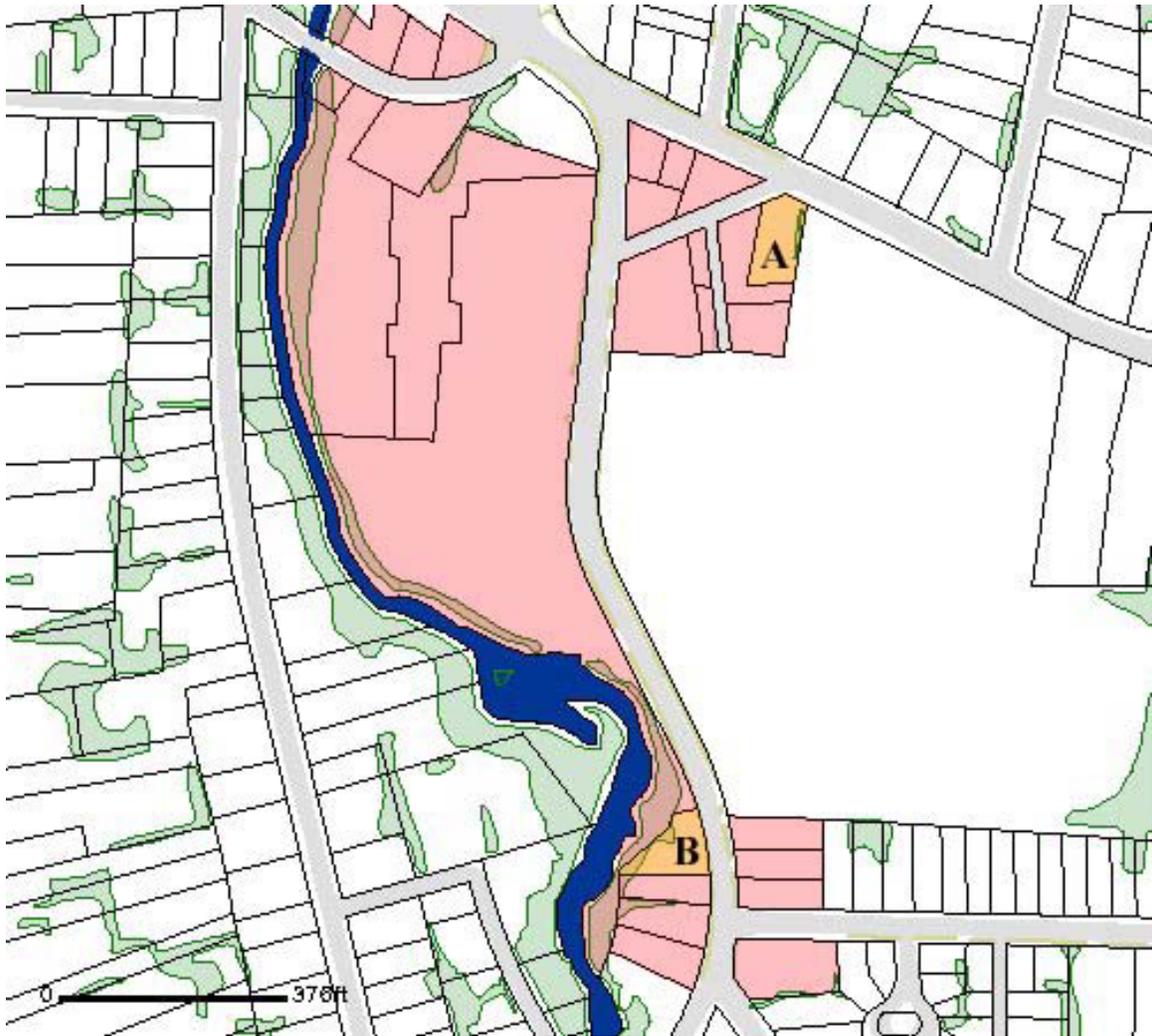
Map 4- Current Zoning Map



Map 5- Flood Plain Map



Map 6- Inventoried Historic Structures



- A- 47-49 Saybrook Road
- B- 441 East Main Street

B. Comparison of available rental units. February – March 1999/2003/2005

Unfurnished apartments	Year	1 bedroom	2 bedroom	3 bedroom
Median rental prices	1999	\$550	\$650	\$750
	2003	\$585	\$775	\$900
	2005	\$650	\$830	\$ 965
Percent increase	1999-2003	6%	19%	20%
	2003-2005	11%	7%	7%
	1999-2005	18%	28%	29%

Condo	Year	1 bedroom	2 bedroom	3 bedroom
Median rental prices	1999	\$495	\$750	\$900
	2003	\$575	\$725	\$838
	2005	-	? \$985	? \$1200
Percent increase	1999-2003	16%	-3%	-7%
	2003-2005			
	1999-2005			

Room	Year	1 bedroom	2 bedroom	3 bedroom
Median rental prices	1999	345		
	2003	480		
	2005			
Percent increase	1999-2003	39%		
	2003-2005			
	1999-2005			

Sampling numbers	Year	1 bedroom	2 bedroom	3 bedroom
Apartments unfurnished	1999	21	17	6
	2003	17	6	3
	2005	9	20	9
Condo	1999	1	14	1
	2003	3	7	2
	2005	-	2	1
Room	1999	3		
	2003	4		
	2005			

Single-family houses	Year	2 bedroom	3 bedroom	4 bedroom	5 bedroom
Average price	2005	173,933	240,575	365,168	386,175
#		3	48	41	4

condos	Year	1 bedroom	2 bedroom	3 bedroom	4 bedroom
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Draft Sumner Brook Redevelopment Plan
Middletown, Connecticut

Average price	2005	98,600	142,940	138,250	144,900
#		3	12	2	1

C. CONN. GEN. STATUTES SECTIONS 48-6, 48-12, AND 48-13 PERTAINING TO CONDEMNATION

Sec. 48-6. When municipal corporations may take land. (a) Any municipal corporation having the right to purchase real property for its municipal purposes which has, in accordance with its charter or the general statutes, voted to purchase the same shall have power to take or acquire such real property, within the corporate limits of such municipal corporation, and if such municipal corporation cannot agree with any owner upon the amount to be paid for any real property thus taken, it shall proceed in the manner provided by section 48-12 within six months after such vote or such vote shall be void.

(b) In the case of acquisition by a redevelopment agency of real property located in a redevelopment area, the time for acquisition may be extended by the legislative body upon request of the redevelopment agency, provided the owner of the real property consents to such request.

(c) In accordance with the policy established in section 7-603, any municipal corporation may take property which is located within the boundaries of a neighborhood revitalization zone identified in a strategic plan adopted pursuant to sections 7-601 and 7-602. The acquisition of such property shall proceed in the manner provided in sections 8-128 to 8-133, inclusive, and section 48-12.

Sec. 48-12. Procedure for condemning land. The procedure for condemning land or other property for any of the purposes specified in sections 48-3, 48-6, 48-8 and 48-9, if those desiring to take such property cannot agree with the owner upon the amount to be paid him for any property thus taken, shall be as follows: The Comptroller in the name of the state, any town, municipal corporation or school district, or the trustees or directors of any state institution in the name of the state, shall proceed in the same manner specified for redevelopment agencies in accordance with sections 8-128, 8-129, 8-129a, 8-130, 8-131, 8-132, 8-132a and 8-133.

Sec. 48-13. Inspection and testing prior to condemnation. Upon filing a notice of condemnation of a condemning authority, either before or after the institution of a condemnation proceeding and after reasonable notice to the property owner or owners affected, the Superior Court or any judge thereof may authorize such condemning authority to enter upon and into land and buildings sought or proposed for public uses for the purpose of inspection, survey, borings and other tests. Such condemning authority shall be responsible to the owner or owners of such property for any damage or injury caused by such entrance and use, and such court or judge may require the filing of a bond or deposit of surety to indemnify the owner or owners of property for such damage. This section shall not limit or modify rights of entry upon private property otherwise provided for by law.

D. CONN. GEN. STATUTES SECTIONS 8-127 THROUGH 8-133B PERTAINING TO REDEVELOPMENT

Sec. 8-127. Initiation and approval of redevelopment plan. The redevelopment agency may prepare, or cause to be prepared, a redevelopment plan and any redeveloper may submit a redevelopment plan to the redevelopment agency, and such agency shall immediately transmit such plan to the planning agency of the municipality for its study. The planning agency may make a comprehensive or general plan of the entire municipality as a guide in the more detailed and precise planning of redevelopment areas. Such plan and any modifications and extensions thereof shall show the location of proposed redevelopment areas and the general location and extent of use of land for housing, business, industry, communications and transportation, recreation, public buildings and such other public and private uses as are deemed by the planning agency essential to the purpose of redevelopment. Appropriations by the municipality of any amount necessary are authorized to enable the planning agency to make such comprehensive or general plan. The redevelopment agency shall request the written opinion of the planning agency on all redevelopment plans prior to approving such redevelopment plans. Before approving any redevelopment plan, the redevelopment agency shall hold a public hearing thereon, notice of which shall be published at least twice in a newspaper of general circulation in the municipality, the first publication of notice to be not less than two weeks before the date set for the hearing. The redevelopment agency may approve any such redevelopment plan if, following such hearing, it finds that: (a) The area in which the proposed redevelopment is to be located is a redevelopment area; (b) the carrying out of the redevelopment plan will result in materially improving conditions in such area; (c) sufficient living accommodations are available within a reasonable distance of such area or are provided for in the redevelopment plan for families displaced by the proposed improvement, at prices or rentals within the financial reach of such families; and (d) the redevelopment plan is satisfactory as to site planning, relation to the comprehensive or general plan of the municipality and, except when the redevelopment agency has prepared the redevelopment plan, the construction and financial ability of the redeveloper to carry it out. No redevelopment plan for a project which consists predominantly of residential facilities shall be approved by the redevelopment agency in any municipality having a housing authority organized under the provisions of chapter 128 except with the approval of such housing authority. The approval of a redevelopment plan may be given by the legislative body or by such agency as it designates to act in its behalf.

Sec. 8-128. Acquisition or rental of real property in redevelopment areas. Within a reasonable time after its approval of the redevelopment plan as hereinbefore provided, the redevelopment agency may proceed with the acquisition or rental of real property by purchase, lease, exchange or gift. The redevelopment agency may acquire real property by eminent domain with the approval of the legislative body of the municipality and in accordance with the provisions of sections 8-129 to 8-133, inclusive, and this section. The legislative body in its approval of a project under section 8-127 shall specify the time within which real property is to be acquired. The time for acquisition may be extended by the legislative body in accordance with section 48-6, upon request of the redevelopment agency, provided the owner of the real property consents to such request. Real property may be acquired previous to the adoption or approval of the project area redevelopment plan, provided the property acquired shall be located within an area designated on the general plan as an appropriate redevelopment area or within an area whose boundaries are defined by the planning commission as an appropriate area for a redevelopment project, and provided such acquisition shall be authorized by the legislative body. The redevelopment agency may clear, repair, operate or insure such property while it is in its possession or make site improvements essential to preparation for its use in accordance with the redevelopment plan.

Sec. 8-129. Agency to determine compensation and file with Superior Court and town clerks; notice to owners and interested parties. Possession of land. Certificate of taking. The redevelopment agency shall determine the compensation to be paid to the persons entitled thereto for such real property and shall file a statement of compensation, containing a description

of the property to be taken and the names of all persons having a record interest therein and setting forth the amount of such compensation, and a deposit as provided in section 8-130, with the clerk of the superior court for the judicial district in which the property affected is located. Upon filing such statement of compensation and deposit, the redevelopment agency shall forthwith cause to be recorded, in the office of the town clerk of each town in which the property is located, a copy of such statement of compensation, such recording to have the same effect as and to be treated the same as the recording of a lis pendens, and shall forthwith give notice, as hereinafter provided, to each person appearing of record as an owner of property affected thereby and to each person appearing of record as a holder of any mortgage, lien, assessment or other encumbrance on such property or interest therein (a), in the case of any such person found to be residing within this state, by causing a copy of such notice, with a copy of such statement of compensation, to be served upon each such person by a state marshal constable or an indifferent person, in the manner set forth in section 52-57 for the service of civil process and (b), in the case of any such person who is a nonresident of this state at the time of the filing of such statement of compensation and deposit or of any such person whose whereabouts or existence is unknown, by mailing to each such person a copy of such notice and of such statement of compensation, by registered or certified mail, directed to his last-known address, and by publishing such notice and such statement of compensation at least twice in a newspaper published in the judicial district and having daily or weekly circulation in the town in which such property is located. Any such published notice shall state that it is notice to the widow or widower, heirs, representatives and creditors of the person holding such record interest, if such person is dead. If, after a reasonably diligent search, no last-known address can be found for any interested party, an affidavit stating such fact, and reciting the steps taken to locate such address, shall be filed with the clerk of the superior court and accepted in lieu of mailing to the last-known address. Not less than twelve days nor more than ninety days after such notice and such statement of compensation have been so served or so mailed and first published, the redevelopment agency shall file with the clerk of the superior court a return of notice setting forth the notice given and, upon receipt of such return of notice, such clerk shall, without any delay or continuance of any kind, issue a certificate of taking setting forth the fact of such taking, a description of all the property so taken and the names of the owners and of all other persons having a record interest therein. The redevelopment agency shall cause such certificate of taking to be recorded in the office of the town clerk of each town in which such property is located. Upon the recording of such certificate, title to such property in fee simple shall vest in the municipality, and the right to just compensation shall vest in the persons entitled thereto. At any time after such certificate of taking has been so recorded, the redevelopment agency may repair, operate or insure such property and enter upon such property, and take whatever action is proposed with regard to such property by the project area redevelopment plan. The notice referred to above shall state (a) that not less than twelve days nor more than ninety days after service or mailing and first publication thereof, the redevelopment agency shall file, with the clerk of the superior court of the judicial district in which such property is located, a return setting forth the notice given, (b) that upon receipt of such return such clerk shall issue a certificate for recording in the office of the town clerk of each town in which such property is located, (c) that upon the recording of such certificate, title to such property shall vest in the municipality, the right to just compensation shall vest in the persons entitled thereto and the redevelopment agency may repair, operate or insure such property and enter upon such property and take whatever action may be proposed with regard thereto by the project area redevelopment plan and (d) that such notice shall bind the widow or widower, heirs, representatives and creditors of each person named therein who then or thereafter may be dead. When any redevelopment agency acting in behalf of any municipality has acquired or rented real property by purchase, lease, exchange or gift in accordance with the provisions of this section, or in exercising its right of eminent domain has filed a statement of compensation and deposit with the clerk of the superior court and has caused a certificate of taking to be recorded in the office of the town clerk of each town in which such property is located as herein provided, any judge of such court may, upon application and proof of such acquisition or rental or such filing and deposit and such recording, order such clerk to issue an execution commanding a state marshal to put such municipality and the redevelopment agency, as its agent, into peaceable possession of the property so acquired, rented or condemned. The provisions of this section shall not be limited in any way by the provisions of chapter 832.

Sec. 8-129a. Apportionment and abatement of taxes on acquisition of property. In any case where a redevelopment agency acquires real property, municipal taxes on such property may be apportioned in accordance with prevailing local practice in the transfer of property as of the date title vests in the grantee and the authority authorized under the provisions of section 12-124 to abate taxes in the municipality wherein such real property is situated may abate the taxes on such property from the date title so vests.

Sec. 8-130. Deposit filed with Superior Court clerk. Withdrawal of agency from proceeding. Whenever any redevelopment agency files a statement of compensation as provided for in section 8-129, it shall deposit with the clerk of the Superior Court a sum of money equal to the amount set forth in the statement of compensation to the use of the persons entitled thereto. The redevelopment agency, at any time prior to the issuance by the clerk of the Superior Court of a certificate of taking, as provided for in section 8-129, may withdraw any condemnation proceeding by filing with the clerk of the Superior Court a withdrawal, which shall state that all persons having a record interest therein have been given notice of the withdrawal in the same manner as provided in section 8-129 for giving notice of the filing of a statement of compensation. Upon the filing of such a withdrawal the clerk of the Superior Court shall return to the redevelopment agency any moneys deposited in court without charge of any fee. The redevelopment agency shall cause a copy of such withdrawal to be recorded in the office of the town clerk of each town in which the property which is the subject of the condemnation proceeding is located so as to remove the lis pendens as provided in section 8-129. If the amount of compensation is finally determined through the filing of an amended statement of compensation which is thereafter accepted by the owners and all other persons having a record interest therein as provided for in section 8-131, the redevelopment agency shall deposit with such amended statement an additional sum of money representing the excess over the amount appearing in the original statement of compensation. Interest shall not be allowed in any judgment on so much of the amount as has been deposited in court. Upon the application of any person claiming an interest therein the Superior Court, or any judge thereof, after determining the equity of the applicant in the deposit, shall order that the money so deposited or any part thereof be paid forthwith for or on account of the just compensation to be awarded in the proceeding. If the compensation finally awarded exceeds the total amount of money so deposited or received by any person or persons entitled thereto, the court shall enter judgment against the municipality for the amount of the deficiency.

Sec. 8-131. Acceptances to be filed. Approval by judge or judge trial referee. After the statement of compensation provided for in section 8-129 has been filed with the clerk of the Superior Court, the property owner affected and all other persons having a record interest therein may file with said clerk his or their written acceptance thereof. Said clerk shall thereupon notify the redevelopment agency of such acceptance. If the amount to be paid by the redevelopment agency or the municipality for such property does not exceed ten thousand dollars, said clerk shall send a certified copy of the statement of compensation and the acceptance thereof to the redevelopment agency, and the court shall order the deposit or any balance remaining thereon not disbursed by order of the court in accordance with the procedure set forth in section 8-130 to be paid to the persons entitled thereto in accordance with their equities upon application made by such persons. If the amount of such compensation exceeds ten thousand dollars, said clerk shall not certify the same until the compensation has been approved as reasonable in amount by a judge of the Superior Court or a judge trial referee. If such judge or judge trial referee approves such compensation, said clerk shall thereupon send a certified copy of the statement of compensation and the acceptance thereof to the redevelopment agency, and the court shall order the deposit or any such balance remaining on deposit to be paid to the persons entitled thereto in accordance with their equities upon application made by such persons. If such judge or judge trial referee does not approve such statement of compensation, said clerk shall notify the redevelopment agency and the latter may file an amended statement of compensation.

Sec. 8-132. Review of statement of compensation by judge trial referee or court. (a) Any person claiming to be aggrieved by the statement of compensation filed by the redevelopment

agency may, at any time within six months after the same has been filed, apply to the superior court for the judicial district in which such property is situated for a review of such statement of compensation so far as the same affects such applicant. The court, after causing notice of the pendency of such application to be given to said redevelopment agency, may appoint a judge trial referee to make a review of the statement of compensation.

(b) If the court appoints a judge trial referee, such judge trial referee, after giving at least ten days' notice to the parties interested of the time and place of hearing, shall hear the applicant and said redevelopment agency, shall view the property and take such testimony as such judge trial referee deems material and shall thereupon revise such statement of compensation in such manner as such judge trial referee deems proper and forthwith report to the court. Such report shall contain a detailed statement of findings by the judge trial referee, sufficient to enable the court to determine the considerations upon which the judge trial referee's conclusions are based. The report of the judge trial referee shall take into account any evidence relevant to the fair market value of the property, including evidence of environmental condition and required environmental remediation. The judge trial referee shall make a separate finding for remediation costs and the property owner shall be entitled to a setoff of such costs in any pending or subsequent action to recover remediation costs for the property. The court shall review the report, and may reject it for any irregular or improper conduct in the performance of the duties of such judge trial referee. If the report is rejected, the court may appoint another judge trial referee to make such review and report. If the report is accepted, its statement of compensation shall be conclusive upon such owner and the redevelopment agency.

(c) If the court does not appoint a judge trial referee, the court, after giving at least ten days' notice to the parties interested of the time and place of hearing, shall hear the applicant and said redevelopment agency and take such testimony as it deems material, may view the subject property, and shall make a finding regarding the statement of compensation. The findings of the court shall take into account any evidence relevant to the fair market value of the property, including evidence of environmental condition and required environmental remediation. The court shall make a separate finding for remediation costs and the property owner shall be entitled to a set-off of such costs in any pending or subsequent action to recover remediation costs for the property. The findings of the court shall be conclusive upon such owner and the redevelopment agency.

(d) If no appeal to the Appellate Court is filed within the time allowed by law, or if one is filed and the proceedings have terminated in a final judgment finding the amount due the property owner, the clerk shall send a certified copy of the statement of compensation and of the judgment to the redevelopment agency, which shall, upon receipt thereof, pay such property owner the amount due as compensation. The pendency of any such application for review shall not prevent or delay whatever action is proposed with regard to such property by the project area redevelopment plan.

Sec. 8-132a. Determination of equities of parties in deposit or compensation. (a) Any person making application for payment of moneys deposited in court as provided for by section 8-130 or claiming an interest in the compensation being determined in accordance with section 8-132 may make a motion to the superior court for the judicial district in which the property that is the subject of the proceedings referred to is located for a determination of the equity of the parties having an interest in such moneys. The court may appoint a judge trial referee to hear the facts and to make a determination of the equity of the parties in such moneys.

(b) If the court appoints a judge trial referee, such judge trial referee, after giving at least ten days' notice to the parties interested of the time and place of hearing, shall hear the applicant and any parties interested, take such testimonies as such judge trial referee deems material and determine the equities of the parties having a record interest in such moneys and forthwith report to the court. Such report shall contain a detailed statement of findings by the judge trial referee, sufficient to enable the court to determine the considerations upon which the judge trial referee based his conclusions. The court shall review the report, and may reject it for any irregular or improper conduct in the performance of the duties of such judge trial referee. If the report is

rejected, the court may appoint another judge trial referee to make such determination and report. If the report is accepted, such determination of the equities shall be conclusive upon all parties given notice of such hearing, subject to appeal to the Appellate Court.

(c) If the court does not appoint a judge trial referee, the court, after giving at least ten days' notice to the parties interested of the time and place of hearing, shall take such testimony as it deems material and determine the equities of the parties having a record interest in such moneys. The finding of the court and such determination of the equities shall be conclusive upon all parties given notice of such hearing, subject to appeal to the Appellate Court.

(d) If no appeal to the Appellate Court is filed within the time allowed by law, or if one is filed and the proceedings have terminated in a final judgment determining the amount due to each party, the clerk shall send a certified copy of the statement of compensation and of the judgment to the redevelopment agency, which shall, upon receipt thereof, pay such parties the amount due them as compensation. The pendency of any such application for review shall not prevent or delay whatever action is proposed with regard to such property by the project area redevelopment plan.

Sec. 8-133. Costs taxable against agency. If, as the result of any review under the provisions of section 8-132, the applicant obtains an award from the court greater than the amount determined as compensation by the redevelopment agency, costs of court, including such appraisal fees as the court determines to be reasonable, shall be awarded to the applicant and taxed against the redevelopment agency in addition to the amount fixed by the judgment.

Sec. 8-133a. Relocation or removal of public service facilities from streets closed as part of project. As used in this section, "public service facility" includes any sewer, pipe, main, conduit, cable, wire, pole, tower, building or utility appliance owned or operated by an electric, gas, telephone, telegraph, water or community antenna television service company. Whenever a redevelopment agency determines that the closing of any street or public right-of-way is provided for in a redevelopment or renewal plan adopted and approved in accordance with section 8-127, or where the carrying out of such a redevelopment or renewal plan, including the construction of new improvements, requires the temporary or permanent readjustment, relocation or removal of a public service facility from a street or public right-of-way, the agency shall issue an appropriate order to the company owning or operating such facility, and such company shall permanently or temporarily readjust, relocate or remove the same promptly in accordance with such order, provided an equitable share of the cost of such readjustment, relocation or removal of said public service facility located within the redevelopment area, including the cost of installing and constructing a facility of equal capacity in a new location, shall be borne by the redevelopment agency. Such equitable share shall be fifty per cent of such cost after the deductions hereinafter provided. In establishing the equitable share of the cost to be borne by the redevelopment agency, there shall be deducted from the cost of the readjusted, relocated or removed facilities a sum based on a consideration of the value of materials salvaged from existing installations, the cost of the original installation, the life expectancy of the original facility and the unexpired term of such life use. For the purposes of determining the equitable share of the cost of such readjustment, relocation or removal, the books and records of the company shall be available for the inspection of the redevelopment agency. When any facility is removed from a street or public right-of-way to a private right-of-way, the redevelopment agency shall not pay for such private right-of-way. If the redevelopment agency and the company owning or operating such facility cannot agree upon the share of the cost to be borne by the redevelopment agency, either may apply to the superior court for the county within which the street or public right-of-way is situated, or, if the court is not in session, to any judge thereof, for a determination of the cost to be borne by the redevelopment agency, and such court or such judge, after causing notice of the pendency of such application to be given to the other party, shall appoint a state referee to make such determination. Such referee, having given at least ten days' notice, to the parties interested, of the time and place of the hearing, shall hear both parties, shall take such testimony as such referee may deem material and shall thereupon determine the amount of the cost to be borne by the redevelopment agency and forthwith report to the court. If the report is accepted by the court,

such determination shall, subject to right of appeal as in civil actions, be conclusive upon such parties.

Sec. 8-133b. Payments in lieu of taxes. The redevelopment agency of a municipality shall make payments in lieu of taxes to such municipality on all property acquired by such agency in accordance with any redevelopment or urban renewal plan, to the extent that such payments qualify as part of the gross project cost as provided by the federal Housing Act of 1949, as amended and as it may be amended, except that any municipality, by ordinance, may provide for the use of tax credits instead of actual payments as permitted by said federal act.

E. CONN. GEN. STATUTES SECTIONS 8-266 THROUGH 8-282 PERTAINING TO RELOCATION

Sec. 8-266. Short title: Uniform Relocation Assistance Act. Purpose. Policy. This chapter shall be known as the "Uniform Relocation Assistance Act". The purpose of this chapter is to establish a uniform policy for the fair and equitable treatment of persons displaced by the acquisition of real property by state and local land acquisition programs, by building code enforcement activities, or by a program of voluntary rehabilitation of buildings or other improvements conducted pursuant to governmental supervision. Such policy shall be uniform as to (1) relocation payments, (2) advisory assistance, (3) assurance of availability of standard housing, and (4) state reimbursement for local relocation payments under state assisted and local programs.

Sec. 8-267. Definitions. As used in this chapter:

(1) "State agency" means any department, agency or instrumentality of the state or of a political subdivision of the state, or local housing authorities, or any department, agency or instrumentality of two or more political subdivisions of the state, but shall not include community housing development corporations authorized under section 8-217;

(2) "Person" means any individual, partnership, corporation, limited liability company or association;

(3) "Displaced person" means (a) any person who, on or after July 6, 1971, moves from real property, or moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of the written order of the acquiring agency to vacate real property, for a program or project undertaken by or supervised by a state agency or unit of local government and solely for the purposes of subsections (a) and (b) of section 8-268 and section 8-271 as a result of the acquisition of or as a result of the written order of the acquiring agency to vacate other real property, on which such person conducts a business or farm operation, for such program or project; or (b) any person who so moves as the direct result of code enforcement activities or a program of rehabilitation of buildings pursuant to such governmental program or under such governmental supervision, except a business which moves from real property or which moves its personal property from real property acquired by a state agency when such move occurs at the end of a lease term or as a result of eviction for nonpayment of rent, provided the state agency acquired the property at least ten years before the move;

(4) "Nonprofit organization" means associations incorporated under chapters 598 and 600;

(5) "Business" means any lawful activity, excepting a farm operation, conducted primarily (A) for the purchase, sale, lease and rental of personal and real property, and for the manufacture, processing or marketing of products, commodities or any other personal property; (B) for the sale of services to the public; (C) by a nonprofit organization; or (D) solely for the purposes of subsection (a) of section 8-268, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted;

(6) "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support;

(7) "Mortgage" means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of this state, together with the credit instruments, if any, secured thereby.

Sec. 8-267a. Compliance with federal Uniform Relocation Assistance and Real Property Acquisition Policies Act. All state agencies, as defined in section 8-267, are authorized to comply with the applicable provisions of 42 USC Sections 4601- 4655 and any subsequent amendments, for the purpose of participating in a federal or federally assisted project or program.

Sec. 8-268. Payment for displacement expenses and losses. Moving expenses and dislocation allowances. Fixed payments. Landlord's responsibility in certain cases.

(a) Whenever a program or project undertaken by a state agency or under the supervision of a state agency will result in the displacement of any person on or after July 6, 1971, the head of such state agency shall make payment to any displaced person, upon proper application as approved by such agency head, for (1) actual reasonable expenses in moving himself, his family, business, farm operation or other personal property; (2) actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the state agency, and (3) actual reasonable expenses in searching for a replacement business or farm, provided, whenever any tenant in any dwelling unit is displaced as the result of the enforcement of any code to which this section is applicable by any town, city or borough or agency thereof, the landlord of such dwelling unit shall be liable for any payments made by such town, city or borough pursuant to this section or by the state pursuant to subsection (b) of section 8-280, and the town, city or borough or the state may place a lien on any real property owned by such landlord to secure repayment to the town, city or borough or the state of such payments, which lien shall have the same priority as and shall be filed, enforced and discharged in the same manner as a lien for municipal taxes under chapter 205.

(b) Any displaced person eligible for payments under subsection (a) of this section who is displaced from a dwelling and who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (a) of this section may receive a moving expense allowance, determined according to a schedule established by the state agency, not to exceed three hundred dollars and a dislocation allowance of two hundred dollars.

(c) Any displaced person eligible for payments under subsection (a) of this section who is displaced from his place of business or from his farm operation and who elects to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section, may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall not be less than two thousand five hundred dollars nor more than ten thousand dollars. In the case of a business no payment shall be made under this subsection unless the state agency is satisfied that the business (1) cannot be relocated without a substantial loss of its existing patronage, and (2) is not a part of a commercial enterprise having at least one other establishment not being acquired by the state, which is engaged in the same or similar business. For purposes of this subsection, the term "average annual net earnings" means one half of any net earnings of the business or farm operation, before federal, state and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, or during such other period as such agency determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse or his dependents during such period.

Sec. 8-269. Additional payment to owner displaced from dwelling.

(a) In addition to payments otherwise authorized by this chapter, the state agency shall make an additional payment not in excess of fifteen thousand dollars to any displaced person who is displaced from a dwelling actually owned and occupied by such displaced person for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of the property. Such additional payment shall include the following elements: (1) The amount, if any, which when added to the acquisition cost of the dwelling acquired, equals the reasonable cost of a comparable replacement dwelling which is a decent, safe and sanitary dwelling adequate to accommodate such displaced person, reasonably accessible to public services and places of employment and available on the private market. All determinations required to carry out this subparagraph shall be made by the applicable regulations issued pursuant to section 8-273; (2) the amount, if any, which will compensate such displaced person for any increased interest cost which such person is required to pay for financing the acquisition of any such comparable replacement dwelling. Such amount shall be paid only if the dwelling acquired was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of such dwelling. Such amount shall be equal to the excess in the aggregate interest and other debt service costs of that

amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the mortgage on the acquired dwelling, over the remainder term of the mortgage on the acquired dwelling, reduced to discounted present value. The discount rate shall be the prevailing interest rate on savings deposits by commercial banks in the general area in which the replacement dwelling is located; (3) reasonable expenses incurred by such displaced person for evidence of title, recording fees and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

(b) The additional payment authorized by this section shall be made only to such a displaced person who purchases and occupies a replacement dwelling which is decent, safe and sanitary not later than the end of the one year period beginning on the date on which he receives final payment of all costs of the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

Sec. 8-270. Additional payment for persons displaced from dwelling. Landlord's responsibility in certain cases. In addition to amounts otherwise authorized by this chapter, a state agency shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under section 8-269 which dwelling was actually and lawfully occupied by such displaced person for not less than ninety days prior to the initiation of negotiations for acquisition of such dwelling under the program or project which results in such person being displaced. Such payment shall be either (1) the amount necessary to enable such displaced person to lease or rent for a period not to exceed four years, a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, and reasonably accessible to his place of employment, but not to exceed four thousand dollars, or (2) the amount necessary to enable such person to make a downpayment, including reasonable expenses incurred by such displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, but not to exceed four thousand dollars, except that if such amount exceeds two thousand dollars, such person must equally match any such amount in excess of two thousand dollars in making the downpayment, and provided, whenever any tenant in any dwelling unit is displaced as the result of the enforcement of any code to which this section is applicable by any town, city or borough or agency thereof, the landlord of such dwelling unit shall be liable for any payments made by such town, city or borough pursuant to this section or by the state pursuant to subsection (b) of section 8-280, and the town, city or borough or the state may place a lien on any real property owned by such landlord to secure repayment to the town, city or borough or the state of such payments, which lien shall have the same priority as and shall be filed, enforced and discharged in the same manner as a lien for municipal taxes under chapter 205.

Sec. 8-270a. Actions against landlords by towns, cities and boroughs and the state. If any landlord fails to reimburse any town, city or borough for any payments which the town, city or borough has made to any displaced tenant and for which the landlord is liable pursuant to section 8-268 or 8-270, such town, city or borough or the state pursuant to subsection (b) of section 8-280 may bring a civil action against such landlord in the superior court for the judicial district in which the town, city or borough is located or for the judicial district in which such landlord resides for the recovery of such payments, and for the costs, together with reasonable attorney's fees, of the town, city or borough or the state in bringing such action. In any such action, it shall be an affirmative defense for the landlord that the displacement was not the result of the landlord's violation of section 47a-7.

Sec. 8-271. Relocation assistance advisory program.

(a) Whenever a program or project undertaken by a state agency or under the supervision of a state agency will result in the displacement of any person on or after July 6, 1971, such agency shall provide a relocation assistance advisory program for displaced persons which shall offer the services described herein. If the state agency determines that any person occupying property immediately adjacent to any real property acquired is caused substantial economic injury

because of such acquisition, it may offer such person relocation advisory services under such program.

(b) Each relocation advisory assistance program required by subsection (a) shall include such measures, facilities, or services as may be necessary or appropriate in order (1) to determine the needs, if any, of displaced persons for relocation assistance; (2) to provide current and continuing information on the availability, prices and rentals, of comparable decent, safe and sanitary sales and rental housing, and of comparable commercial properties and locations for displaced businesses; (3) to assure that, within a reasonable period of time, prior to displacement there will be available in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe and sanitary dwellings, as defined by the Commissioner of Transportation for transportation projects and by the Commissioner of Economic and Community Development for all other state agency programs and projects, equal in number to the number of and available to such displaced persons who require such dwellings and reasonably accessible to their places of employment, except that the Commissioner of Transportation for transportation projects and the Commissioner of Economic and Community Development for all other state agency programs and projects may prescribe by regulation situations when such assurances may be waived; (4) to assist a displaced person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location; (5) to supply information concerning federal and state housing programs, disaster loan programs and other federal and state programs offering assistance to displaced persons; (6) to provide other advisory assistance services to displaced persons in order to minimize hardship to such persons in adjusting to relocation.

(c) The heads of state agencies shall coordinate relocation activities with project work, and other planned or proposed governmental actions in the community or nearby areas which may affect the carrying out of the relocation assistance programs.

Sec. 8-272. Necessity of provision of housing.

(a) If a project or program cannot proceed to actual construction because comparable replacement sale or rental housing is not available, and the Commissioner of Transportation for transportation projects or the Commissioner of Economic and Community Development for any other state agency program or project determines that such housing cannot otherwise be made available after consultation with the chief executive officer of the municipality within which such project or program occurs, he may take such action as is necessary or appropriate to provide such housing by use of funds authorized for such project or program, the provisions of any other state statute to the contrary notwithstanding.

(b) No person shall be required to move from his dwelling on or after July 6, 1971, on account of any state agency project or program unless the Commissioner of Transportation for transportation projects or the Commissioner of Economic and Community Development for any other state agency program or project is satisfied that replacement housing, in accordance with subdivision (3) of subsection (b) of section 8-271 is available to such person.

Sec. 8-273. Establishment of regulations and procedures.

(a) In order to promote uniform and effective administration of relocation assistance and land acquisition of state agencies, the Commissioner of Transportation and Commissioner of Economic and Community Development shall consult together on the establishment of regulations and procedures for the implementation of such projects and programs.

(b) The Commissioner of Transportation is authorized to establish for transportation projects and the Commissioner of Economic and Community Development for all other state agency programs and projects such regulations and procedures as each may determine to be necessary to assure (1) that the payments and assistance authorized by this chapter shall be administered in a manner which is fair and reasonable, and as uniform as practicable; (2) that a displaced person who makes proper application for a payment authorized for such person by this chapter shall be paid promptly after a move or, in hardship cases, be paid in advance; and (3) that any person aggrieved by a determination as to eligibility for a payment authorized by this chapter, or the amount of a payment, may have his application reviewed by the Commissioner of

Transportation for transportation projects and by the Commissioner of Economic and Community Development for any other state agency program or project.

(c) The Commissioner of Transportation is authorized to establish for transportation projects and the Commissioner of Economic and Community Development for all other state agency programs and projects such other regulations and procedures, consistent with the provisions of this chapter, as each deems necessary or appropriate to carry out this chapter.

Sec. 8-273a. Relocation assistance by the Department of Transportation. Notwithstanding any other provisions of the general statutes to the contrary, whenever the Commissioner of Transportation undertakes the acquisition of real property on a state or federally-funded project which results in any person being displaced from his home, business, or farm, the Commissioner of Transportation is hereby authorized to provide relocation assistance and to make relocation payments to such displaced persons and to do such other acts and follow procedures and practices as may be necessary to comply with or to provide the same relocation assistance and relocation payments as provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 USC 4601 et seq. and any subsequent amendments thereto and regulations promulgated thereunder.

Sec. 8-274. Contracts and agreements for services. In order to prevent unnecessary expenses and duplications of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons authorized under this chapter, the Commissioner of Transportation may, for transportation projects, and the Commissioner of Economic and Community Development may, for all other state agency programs or projects, enter into contracts or agreements with any individual, firm, association, or corporation for services in connection with such projects or programs, or may carry out its functions under this chapter through any federal, state or local governmental agency or instrumentality having an established organization for conducting relocation assistance programs. A state agency shall, in carrying out the relocation assistance activities described in section 8-272, whenever practicable, utilize the services of state or local housing agencies, or other agencies having experience in the administration or conduct of similar housing assistance activities.

Sec. 8-275. Availability of funds. Funds appropriated or otherwise available to any state agency for a particular program or project, or for the acquisition of real property or any interest therein for a particular program or project, shall be available also for obligation and expenditure to carry out the provisions of this chapter as applied to that program or project.

Sec. 8-276. Cost of payments and services included in project costs. If a state agency acquires real property, and state financial assistance is available to pay the cost, in whole or part, of the acquisition of such real property, or of the improvement for which such property is acquired, the cost to the state agency of providing the payments and services prescribed by this chapter shall be included as part of the costs of the project for which state financial assistance is available to such municipality and shall be eligible for state financial assistance in the same manner and to the same extent as other project costs.

Sec. 8-277. Payments to displaced persons not considered income or resources. No payment received by a displaced person under this chapter shall be considered as income or resources for the purpose of determining the eligibility or extent of eligibility of any person for assistance under any state law or for the purposes of the state's personal income tax law, corporation tax, or other tax laws. Such payments shall not be considered as income or resources of any recipient of public assistance and such payments shall not be deducted from the amount of aid to which the recipient would otherwise be entitled.

Sec. 8-278. Appeals to commissioners. Any person or business concern aggrieved by any agency action, concerning their eligibility for relocation payments authorized by this chapter may appeal such determination to the Commissioner of Transportation in the case of relocation made necessary by a transportation project or to the Commissioner of Economic and Community Development in the case of relocation made necessary by any other state agency program or

project. The Commissioner of Transportation and the Commissioner of Economic and Community Development shall have the power to certify official documents and to issue subpoenas to compel the attendance of witnesses or the production of books, papers, correspondence, memoranda or other records deemed necessary as evidence in connection with an appeal pursuant to this section. If any person to whom such subpoena is issued fails to appear, or having appeared refuses to give testimony or fails to produce the evidence required, the Superior Court, upon application of the Attorney General representing the appropriate commissioner, shall have jurisdiction to order such person to appear or to give testimony or produce the evidence required, as the case may be. The Commissioner of Transportation, or a hearing officer duly appointed by said commissioner, or the Commissioner of Economic and Community Development, or a hearing officer duly appointed by said commissioner, shall have the power to administer oaths and affirmations in connection with an appeal pursuant to this section.

Sec. 8-279. Application of chapter.

(a) Nothing in this chapter shall be construed as creating in any condemnation proceedings, brought under the power of eminent domain, any element of value or of damage not in existence immediately prior to July 6, 1971.

(b) No payment provided for any item or items under the provisions of this chapter shall be made by the state agency if reimbursement for such item or items has been made in a condemnation proceeding.

(c) Nothing in this chapter, shall be construed to limit, restrict or derogate from any power, right or authority of a state agency or any commissioner thereof, contained in any other statute, to proceed with any programs, projects or activities within such state agency's or commissioner's power to accomplish under such statutes.

(d) If Congress enacts legislation permitting, or giving the states the option, to make payments for relocation assistance of a lesser amount than is provided for in this chapter, or in Public Law 91-646, or as amended at a later date, the state agency shall make the payments in such lesser amount, notwithstanding the provisions of this chapter.

(e) All state agencies charged with preparing relocation plans or carrying out such plans pursuant to the provisions of this chapter shall file such plans with the Commissioner of Economic and Community Development who shall maintain a file of such plans which may be inspected at reasonable times by any person, owner or lessee of any affected business or farm, or governmental agency.

(f) This chapter shall apply to any displacement of a person occurring within the state of Connecticut as a result of a state agency program or project, notwithstanding the source of funding for such program or project.

Sec. 8-280. State grants-in-aid. Conditions.

(a) The state, acting by and in the discretion of the Commissioner of Economic and Community Development, may enter into a contract or agreement with a state agency to provide state financial assistance to such state agency in the form of a grant-in-aid equal to two-thirds of the net cost of carrying out a program of relocation assistance pursuant to a relocation plan as provided under section 8-281 and approved by the commissioner. Such grant-in-aid shall: (1) Provide actual administration costs not to exceed one hundred dollars for each dwelling unit and two hundred fifty dollars for each farm or business relocated in accordance with the provisions of this chapter; (2) provide advance grants for relocation assistance paid pursuant to the provisions of said section to persons, families, businesses and farm operations and nonprofit organizations not otherwise entitled to relocation assistance from any program of any other state agency or any program of the federal government and who have not been reimbursed for moving costs in a condemnation proceeding; (3) include the cost of the preparation of the relocation plan.

(b) The Commissioner of Economic and Community Development shall not provide a grant-in-aid pursuant to subsection (a) of this section to any town, city or borough for the cost of carrying out a program of relocation assistance for persons displaced as the direct result of code enforcement activities undertaken by a town, city or borough, unless such town, city or borough (1) places, pursuant to section 8-270, a lien on all real property in such town, city or borough, which is owned by the landlord of the persons who are displaced by such code enforcement activities, and (2) assigns to the state the claim of the town, city or borough against such landlord

for the costs of carrying out such program of relocation assistance. The Attorney General shall be responsible for collecting such claim and may carry out such responsibility by (A) enforcing any such lien assigned to the state by the town, city or borough, (B) placing and enforcing a lien on any other real property owned by the landlord in the state or (C) instituting civil proceedings in the Superior Court against such landlord. Two-thirds of all funds collected by the Attorney General from a landlord pursuant to this subsection shall be deposited in the General Fund and the remaining one-third of such funds shall be remitted to the town, city or borough which brought code enforcement activities against such landlord.

Sec. 8-281. Approval of relocation plan required for receipt of state grant-in-aid. To be eligible to receive financial assistance under section 8-280, a state agency shall cause to be prepared and file with the Department of Economic and Community Development for the approval of the commissioner a relocation plan based upon a plan or program of governmental action within the area of operation of the state agency which will cause the displacement of persons, families, businesses, farm operations and nonprofit organizations. Such relocation plan shall conform to the provisions of this chapter and shall include but not be limited to the following: (a) The number of persons, families, businesses and farms to be displaced by the proposed governmental action; (b) a statement concerning availability of sufficient, suitable accommodations as shall meet the requirements for occupancy of those persons, families, businesses and farms displaced and the dates when such accommodations will be available; (c) a plan for carrying out the relocation of such displaced persons, families, businesses and farms; (d) a description and identification of the area to be affected.

Sec. 8-282. Reimbursement for fees, penalty costs, taxes. In addition to amounts otherwise authorized by sections 8-266 to 8-281, inclusive, the state agency, as defined in section 8-267, shall reimburse the owner of real property acquired for a project for reasonable and necessary expenses incurred for (1) recording fees, transfer taxes and similar expenses incidental to conveying such real property; (2) penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering such property; and (3) the pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the state, or the effective date of possession of such real property by the state agency, whichever is earlier.

F. MIDDLETOWN DESIGN GUIDELINES

Saybrook Road / Rt. 154 Corridor

East Main Street, Main Street Extension, the intersection where they converge, and the Route 154 Corridor that follows, form the last design review area.

Architectural evidence of a time when Main Street and the downtown core were still expanding, the development along East Main Street and Main Street Extension is a cross between downtown overflow and that of a historical mixed use neighborhood. Further south, Route 154 development consists of predominantly professional offices, with periodic interruptions of retail or residential uses. City plans call for further such development in this corridor, especially of medical offices, to tie in with medical facilities currently located there. Design goals include a cleaner, more uniform look for the corridor, with improved streets and more consistent lot orientation.

G. DESIGN STANDARDS AND GUIDELINES FOR LARGE RETAIL ESTABLISHMENTS

INTRODUCTION

These standards and guidelines are a response to dissatisfaction with corporate chain marketing strategy dictating design that is indifferent to local identity and interests. The main goal is to encourage development that contributes to Middletown as a unique place by reflecting its physical character and adding to it in appropriate ways.

Large retail developments depend on high visibility from major public streets. In turn, their design determines much of the character and attractiveness of major streetscapes in the city. The marketing interests of many corporations, even strong image-making design by professional designers, can be potentially detrimental to community aspirations and sense of place when they result in massive individual developments that do not contribute to or integrate with the city in a positive way.

Middletown already has a development review system that promotes solutions to these general issues. The purpose of these standards and guidelines is to augment those existing criteria with more specific interpretations that apply to the design of large retail store developments.

These standards and guidelines require a basic level of architectural variety, compatible scale, pedestrian and bicycle access, and mitigation of negative impacts. The standards are by no means intended to limit creativity; it is the City's hope that they will serve as a useful tool for design professionals engaged in site-specific design in context. They are placed within the framework of the city's Ordinances, Zoning Code, and the City of Middletown's Design Guidelines, all which provide for variance from the requirements if the proposal is equal to or better than the City requirements.

PROCEDURE

The following standards and guidelines are intended to be used as design aid by developers proposing large retail developments in community regional shopping centers or as use-by-right; and as an evaluation tool by the City staff, the Design Review and Preservation Board, and the Planning and Zoning Commission in their review processes. These standards and guidelines apply to all projects, which are proposed in the business zones and to all projects for retail establishments of more than 25,000 square feet as use-by-right. "Standards" are mandatory; "Guidelines" are not mandatory, but are provided in order to educate planners, design consultants, developers and City staff about the design objectives.

The Planning and Zoning Commission is empowered to overlook the mandatory (+) standards under the following circumstances:

1. The strict application of the standard would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of the affected property; or
2. The alternative site planning and building design approach meets the design objectives as stated in the standard, equally well or better than would compliance with the standard; and
3. In either of the foregoing circumstances, the variance may be granted without substantial detriment to the public good.

PART I. AESTHETIC CHARACTER

1. Facades and Exterior Walls:

GUIDELINE: Facades should be articulated to reduce the massive scale and the uniform, impersonal appearances of large retail buildings and provide visual interest that will be consistent with the community's identity character, and scale. The intent is to encourage a more human scale that Middletown residents will be able to identify with their community.

STANDARD: (mandatory)

- a. Facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3% of the length of the façade and extending at

least 20% of the length of the façade. No uninterrupted length of any façade shall exceed 100 horizontal feet.

b. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60% of their horizontal length.

2. Smaller Retail Stores

GUIDELINE: The presence of smaller retail stores gives a center a “friendlier” appearance by creating variety, breaking up large expanses, and expanding the range of the site’s activities. Windows and window displays of such stores should be used to contribute to the visual interest of exterior facades. The standards presented in this section are directed toward those situations where additional, smaller stores, with separate, exterior customer entrances are located in the principal buildings.

STANDARD: (mandatory)

Where principal buildings contain additional, separately owned stores, which occupy less than twenty five thousand (25,000) square feet of gross floor area, with separate, exterior customer entrances:

a. The street level façade of such stores shall be transparent between the height of three feet and eight feet above the walkway grade for no less than 60% of the horizontal length of the building façade of such additional stores.

b. Windows shall be recessed and should include visually prominent sills, shutters, or other such forms of framing.

3. Detail features

GUIDELINE: Buildings should have architectural features and patterns that provide visual interests, at the scale of the pedestrian, reduce massive aesthetic effects, and recognize local character. The elements in the following standard should be integral parts of the building fabric, and not superficially applied trim or graphics, or paint.

STANDARD: (mandatory)

Building facades must include a repeating pattern that shall include no less than three of the elements listed below. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.

- Color change
- Texture change
- Material module change
- Expression of architectural or structural bay through a change in plan no less than 12 inches in width, such as an offset, reveal, or projecting rib

4. Roofs:

GUIDELINE: Variations in rooflines should be used to add interest to, and reduce the massive scale of large buildings. Roof features should compliment the character of adjoining neighborhoods.

STANDARD: (mandatory)

Roofs shall have no less than two of the following features:

- a. Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view. The average height of such parapets shall not exceed 15% of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall. Such parapets shall feature three dimensional cornice treatment.
- b. Overhanging eaves, extending no less than 3 feet past the supporting walls.
- c. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to 1 foot of vertical rise for every 1 foot of horizontal run, and less than or equal to 1 foot of vertical rise for every 1 foot of horizontal run.
- d. Three or more roof slope planes.

5. Materials and Colors:

GUIDELINE: Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors used in adjoining neighborhoods.

STANDARD: (mandatory)

a. Predominant exterior building materials shall be high quality materials. These include, without limitation:

- Brick
- Wood
- Sandstone
- Other native stone
- Tinted, textured, concrete masonry units

b. Façade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited.

c. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.

d. Predominant exterior building materials should not include the following:

- Smooth-faced concrete block
- Tilt-up concrete panels
- Pre-fabricated steel panels

6. Entryways

GUIDELINE: Entryway design elements and variations should give orientation and aesthetically pleasing character to the building. the standards desirable entryway design features.

STANDARD: (mandatory)

Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three of the following:

- a. canopies or porticos
 - b. overhangs
 - c. recesses\projections
 - d. arcades
 - e. raised corniced parapets over the door
 - f. peaked roof forms
 - g. arches
 - h. outdoor patios
 - i. display windows
 - j. architectural details such as tile work and moldings which are integrated into the building structure and design
 - k. integral planters or wing walls that incorporate landscaped areas and\or places for sitting
- Where additional stores will be located in the principal building, each such store shall have at least one exterior customer entrance, which shall conform to the above requirements.

7. Back and Side Facades:

GUIDELINE: All facades of a building which are visible from adjoining properties and\or public streets should contribute to the pleasing scale features of the building and encourage community integration by featuring characteristics similar to the front façade.

STANDARD: (mandatory)

All building facades, which are visible from adjoining properties and\or public streets, shall comply with the requirements of PART I.1. of these Design Standards and Guidelines.

PART II. SITE DESIGN AND RELATIONSHIP TO THE SURROUNDING COMMUNITY

1. Entrances

GUIDELINE: Large retail buildings should feature multiple entrances. Multiple building entrances reduce walking distances from cars, facilitate pedestrian and bicycle access from public sidewalks, and provide convenience where certain entrances offer access to individual stores, or identified departments in a store.

Multiple entrances also mitigate the effect of the unbroken walls and neglected areas that often characterize building facades that face bordering land uses.

STANDARD: (mandatory)

All sides of a principal building that directly face an abutting public street shall feature at least one customer entrance. Where a principal building directly faces more than two abutting public streets, this requirement shall apply only to two sides of the building, including the side of the building facing the primary street, and another side of the building facing a second street.

2. Parking Lot Location

GUIDELINE: Parking areas should provide safe, convenient, and efficient access. They should be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. If buildings are located closer to streets, the scale of the complex is reduced, pedestrian traffic is encouraged, and architectural details take on added importance.

STANDARD: (mandatory)

(b) Parking lot location. No more than fifty (50) percent of the off-street parking area for the lot, tract or area of land devoted to the large retail establishment shall be located between the front façade of the large retail establishment and the abutting streets (the "Front Parking Area."). The Front Parking Area shall be determined by drawing a line from the front corners of the building to the nearest property corners. If any such line, when connected to the plane of the front façade of the building, creates an angle that is greater than one hundred eighty (180) degrees, then the line shall be adjusted to create an angle of one hundred eighty (180) degrees when connected to the plane of the front façade of the building. If any such line, when connected to the plane of the front façade of the building, creates an angle that is less than ninety (90) degrees, then the line shall be adjusted to create an angle of ninety (90) degrees when connected to the plane of the front façade of the building. Parking spaces in the front Parking Area shall be counted to include all parking spaces within the boundaries of the Front Parking Area, including (i) all partial parking spaces if the part inside the Front Parking Area boundary lines constitutes more than one-half (1/2) of said parking space, and (ii) all parking spaces associated with any pad sites located within the Front Parking Area boundaries.

2. Back Sides:

GUIDELINE: The rear or sides of buildings often present an unattractive view of blank walls, loading areas, storage areas, HVAC units, garbage receptacles, and other such features.

Architectural and landscaping features should mitigate these impacts.

STANDARD: (mandatory)

The minimum setback for any building façade shall be thirty-five (35) feet from the nearest property line. Where the façade faces adjacent residential uses, an earthen berm, no less than 6 feet in height, containing at a minimum, evergreen trees planted at intervals of 20 feet on center, or in clusters or clumps shall be provided.

3. Outdoor Storage, Trash Collection, and Loading Areas:

GUIDELINE: Loading areas and outdoor storage areas exert visual and noise impacts on surrounding neighborhoods. These areas, when visible from adjoining properties and/or public streets, should be screened, recessed or enclosed. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem. Appropriate locations for loading and outdoor storage areas include areas between buildings, where more than one building is located on a site and such buildings are not more than 40 feet apart, or on those sides of buildings that do not have customer entrances.

STANDARD: (mandatory)

a. Areas for outdoor storage, truck parking, trash collection or compaction, loading, or other such uses shall not be visible from abutting streets.

b. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within 20 feet of any public street, public sidewalk, or internal pedestrian way.

c. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape.

d. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. Materials, colors, and designs of screening walls and/or fences and the cover shall conform to those used as predominant materials and colors of the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the buildings.

4. Pedestrian Flows:

GUIDELINE: Pedestrian accessibility opens auto-oriented developments to the neighborhood, thereby reducing traffic impacts and enabling the development of project a friendlier, more inviting image. This section sets forth standards for public sidewalks and internal pedestrian circulation systems that can provide user-friendly pedestrian access as well as pedestrian safety, shelter, and convenience within the center grounds.

STANDARD: (mandatory)

a. Sidewalks at least 8 feet in width shall be provided along all sides of the lot that abut a public street.

b. Continuous internal pedestrian walkways, no less than 8 feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than 50% of their length.

c. Sidewalks, no less than 8 feet in width, shall be provided along the full length of the building along any façade featuring a customer entrance, and along any façade abutting public parking areas. Such sidewalks shall be located at least six (6) feet from the façade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the façade.

d. Internal pedestrian walkways provided in conformance with Part (b.) above, shall provide weather protection features such as awnings or arcades within 30 feet of all customer entrances.

e. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

5. Central Features and Community Spaces:

GUIDELINE: Buildings should offer attractive and inviting pedestrian scale features, spaces and amenities. Entrances and parking lots should be configured to be functional and inviting with walkways conveniently tied to logical destinations. Bus stops and drop-off/pick-up points should be considered as integral parts of the configuration. Pedestrian ways should be anchored by special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define circulation ways and outdoor spaces. Examples of outdoor spaces and plazas, patios, courtyards, and window shopping areas. The features and spaces should enhance the building and the center as integral parts of the community fabric.

STANDARD: (mandatory)

Each retail establishment subject to these standards contribute to the establishment or enhancement of community and public spaces by providing at least two of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkways, outdoor play area, kiosk area, water feature, clock tower, or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the Planning and Zoning Board, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

6. Delivery/Loading Operations

GUIDELINE: Delivery and loading operations should not disturb adjoining neighborhoods, or other uses.

STANDARD: (mandatory)

No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 P.M. and 7:00 A.M. unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of 45 db, as measured at the lot line of any adjoining property.

H. INVENTORIED HISTORIC STRUCTURES

Excerpts from Volume One of the Middletown, Connecticut Historical and Architectural Resources Inventory (The Greater Middletown Preservation Trust, 1979).

441 East Main Street-

"Colonial, moved to site, 2.5 stories, double overhang, 5 bay-wide façade, later shingled."

47-49 Saybrook Road-

"Italianate (probable remodeling of earlier house), 2 stories, overhanging eaves, asphalt shingled."

I. RELOCATION FORMS AND LETTERS

J. TAX ASSESSOR'S MAP

K. TAX ASSESSOR'S CARDS