



**REGULAR MEETING OF THE PLANNING & ZONING COMMISSION
MIDDLETOWN CONNECTICUT
JUNE 26, 2019**

1. Pledge of Allegiance

2. Roll Taking

Present: Commissioner Stephen Devoto
Commissioner Nicholas Fazzino
Commissioner Joyce Rossiter
Commissioner Richard Pelletier
Commissioner Elizabeth Emery
Commissioner Steven Kovach (seated for Commissioner Salafia)
Commissioner Thom Pattavina (seated for Commissioner Brown)
Commissioner Christopher Sugar

Absent: Commissioner Molly Salafia
Commissioner Tyrell Brown

Staff: Mark Devoe, City Planner

3. Items removed from the agenda and why

None

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

None

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

Mark Devoe indicated that the public hearing signs were properly noticed.

6. Public Hearings (when scheduled)

- 1. Request for a Special Exception for a new mixed use development consisting of three 4-story multi-family residential buildings with 144 units, a 2,592 sf community clubhouse and a separate 9,100 sf commercial building**

at 790-850 Newfield Street. Applicant/agent Marco DiMauro SE2019-5 (Date of receipt 6/6/19; Public hearing scheduled for 6/26/19)

Chairman Devoto asked if Mark Devoe could speak before the public hearing opens because this is a different process. Mark explained that in 2018 the Commission adopted a regulation that permits a floating zone within the Special Residential Development Zone (SRD) which can only be located in the NPC Zone (Newfield Planned Commercial Zone). It establishes a different set of criteria which is different from the underlying zone. It permits the Commission wide liberal discretion because it includes a zone change. There is no requirement that the Commission approve this; only to consider this application. The project is on a state road and will be reviewed by the State District of Transportation and the Office of the Transportation Administration. The applicant did include a traffic study which was included in the packets. The Design and Preservation Board has reviewed and approved the application. It has also been approved by the IWWA, Urban Forestry and EDC Commissions. Chairman Devoto suggested hearing the second item on the agenda for zone change before the public hearing.

Doug Anderson from Anderson & Wilcox is part of the development team with Marco DiMauro and John Pappas. He handed out some minor changes to the plans due to the comments from the Fire Department. He began his presentation with the history and description of the properties. This is a five building project which is a mix of 9,100 s.f. commercial building along Newfield Street, a clubhouse and three separate 4-story residential buildings.

Sam Gardner, Architect with an office at 151 East Street, New Haven described the architecture of the project and what materials would be used.

Frank Magnotta, Consulting Engineer discussed engineering, the storm water management, final grading, utilities placing, erosion and sedimentation control plans and the wetlands.

David Spear, Traffic Engineer discussed the engineering report and his methodology for trip generation and LOS rates. DOT may require pass-by capabilities for one or more site drives.

From the Public:

- Carol Zampini, owner of 834 Newfield Street said that traffic is worse than the engineers stated. With the construction she has found that her building and cars are dirty, one of her staff quit because of the noise, a tree fell on one of her customer's car because of the root disruption. It is also very hard to get in and out of her driveway because of the traffic and there are several accidents at the lights in that area per month.
- Sandy Garten of Bartholomew Road said that her mother lives next to the property. She could not get out of the driveway because of the traffic. She wanted to take a left and had to take a right. If there is a problem on Route 9, Newfield Street is much more crowded.
- Shanay Fulton of 25 Green Street has worked at the High School and Keigwin Middle School and said the traffic is a big concern.

- Catherine Johnson of 161 College Street said Newfield Street has lost its character of single family homes with lawns and farms. She has issue with the 3 very large buildings on a sea of asphalt. There are no connections with adjacent parcels. No interior streets for residents and non-residents to walk on. She finds that it is inconsistent with the 2010 Plan of Conservation and Development.
- Joe Cocosta of Boston Road questioned why there isn't any sidewalks planned for this project. Kids from the high school have to walk in the road to get to Ghezzi's Market.

Doug Anderson stated that they did consider putting commercial instead of residential but it would cause more traffic. David Spear responded to the traffic comments brought up tonight. He said that the data he received from the accidents were mostly fender-benders where the drivers were following too closely. He said that it is very low volume for a state road. Being a state road, if the state wants sidewalks, they will put them in. Doug Anderson added that they also made provisions for a bus stop if the state allowed it.

Commissioner Pelletier asked if any of the units are designed for persons with disabilities. Doug Anderson said they are all units have 3 foot doors and handicap adaptable. They are active adult builders so they are familiar with that dynamic. Sam Gardner added that the building code requires them to make a certain percentage of the units that can easily be converted to those who have mobility issues, is in a wheelchair or other disability. The building code essentially requires certain clearances, door widths, bathroom layouts which makes all units accessible. They have paid a lot of attention to the grading of the sidewalks and curb ramps where they're required.

A lengthy discussion ensued.

At 9:00 PM Commissioner Emery made a motion for a 10 minute break so that the tapes could be changed. Commissioner Kovach seconded the motion. The chair called for the vote. The chair stated the matter passed unanimously with 7 affirmative votes. At 9:10 the Chair resumed the public hearing.

Commissioner Kovach motioned to suspend the public hearing until after Item 6.2. Commissioner Emery seconded the motion. The Chair called for the vote. All in favor.

2. Request for a Zoning Map Amendment for an SRD Floating Zone within the NPC Zone for 790-850 Newfield Street Applicant/agent Marco DiMauro Z2019-6 (Date of receipt 6/6/19; Public hearing scheduled for 6/26/19)

Since there were no questions from the Commission or the public, Commissioner Nicholas Fazzino moved to close the public hearing. Commissioner Thom Pattavina seconded the motion. The chair called for the vote. The chair stated the matter passed unanimously with 7 affirmative votes.

Mark Devoe said that the Commission should consider the fact that if the Commission is voting to approve the map amendment they will be voting to approve the remaining two applications. If

they were to deny this, it would mean they would be voting to deny the Special Exception and Site Plan Review applications also. They would still have to vote for each item separately. Commissioner Nicholas Fazzino moved for approval for a Zoning Map Amendment for an SRD Floating Zone within the NPC Zone for 790-850 Newfield Street. Commissioner Richard Pelletier seconded the motion. The chair called for the vote. It is unanimous to approve with 7 aye vote. The chair stated the matter passed unanimously with 7 affirmative votes.

Chairman Devoto moved to go back to the public hearing for Item 6.I (Special Exception). Commissioner Fazzino seconded the motion. The Chair called for the vote. The chair stated the matter passed unanimously with 7 affirmative votes

CONTINUED PUBLIC HEARING:

6.1 Request for a Special Exception for a new mixed use development consisting of three 4-story multi-family residential buildings with 144 units, a 2,592 sf community clubhouse and a separate 9,100 sf commercial building at 790-850 Newfield Street. Applicant/agent Marco DiMauro SE2019-5 (Date of receipt 6/6/19; Public hearing scheduled for 6/26/19)

Commissioner Nicholas Fazzino moved to close the public hearing. Commissioner Thom Pattavina seconds the motion. The chair calls for the vote. It is unanimous to approve with 7 aye votes. The chair states the matter passes unanimously with 7 affirmative votes.

Commissioner Nicholas Fazzino moved for approval for a Special Exception for a new mixed use development consisting of three 4-story multi-family residential buildings with 144 units, a 2,592 sf community clubhouse and a separate 9,100 sf commercial building at 790-850 Newfield Street. Commissioner Thom Pattavina seconds the motion.

Mark Devoe adds the following conditions to the approval: 1) Compliance with the Water & Sewer Department comments dated June 18, 2019; 2) Add Note #6 on Plan P100 indicating that all lighting fixtures will be dark sky compliant, full cut-off fixtures; 3) The Special Exception Certificate awarded as a result of this approval shall reference the associated site plan and shall not be recorded until the Map Change becomes effective.

The chair calls for the vote. It is unanimous to approve with 7 aye votes. The chair states the matter passes unanimously with 7 affirmative votes.

Chairman Devoto said that they would have to go back to Item 2 to add an effective date for the map amendment. Staff recommends the effective date of July 25, 2019. Commissioner Joyce Rossiter moves to have an effective date of July 25, 2019. Commissioner Fazzino seconds the motion. The chair calls for the vote. It is unanimous to approve with 7 aye votes. The chair states the effective date of the map change passes unanimously with 7 affirmative votes.

7. Old Business

- 1. Request for a Site Plan Review for a new mixed use development consisting of three 4-story multi-family residential buildings with 144 units, a 2,592 sf community clubhouse and a separate 9,100 sf commercial building at 790-850 Newfield Street. Applicant/agent Marco DiMauro SPR2019-38 (Associated with SE2019-5 above)**

Commissioner Joyce Rossiter moves for approval for a Site Plan Review for a new mixed use development consisting of three 4-story multi-family residential buildings with 144 units, a 2,592 sf community clubhouse and a separate 9,100 sf commercial building at 790-850 Newfield Street. Commissioner Thom Pattavina seconds the motion. There was no discussion. The chair calls for the vote. It is unanimous to approve with 7 aye votes. The chair states the matter passes unanimously with 7 affirmative votes.

8. New Business

None

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

None

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

10.1 Minutes of June 6, 2019 Meeting

Commissioner Joyce Rossiter moves for approval of the minutes of June 6, 2019 meeting. Commissioner Steven Kovach seconds the motion. The chair calls for the vote. It is 5 aye votes and 2 abstentions. The Chair states the matter carried with 5 affirmative votes.

10.2 Other Commission Affairs
a. River-Cog Report

No report.

10.3 POCD Discussion

Mark Devoe said that since he would be leaving the City of Middletown, he tried to bring the process to a point where it can motor itself along on its own. The listening sessions will be July 10, 24 & August 14. The consultant will appear before you to discuss the findings of the Charettes, the 600 survey that was conducted and any other inputs that the City has managed to provide including meeting with the Chamber and Westfield Residents Association. Many of the other Commissions have been invited.

10.4 Zoning Regulations / Text Changes

11. Adjournment

Commissioner Fazzino would like to thank Mark for all his hard work and he will be missed by the Commission.

Commissioner Steven Kovach moves for adjournment. Commissioner Nicholas Fazzino seconds the motion. The chair calls for the vote. It is unanimous to adjourn with 7 aye votes. The chair states the matter passes unanimously with 7 affirmative votes.

Respectfully Submitted,

Mark DeVoe
Middletown City Planner