



**REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION  
MIDDLETOWN CONNECTICUT  
OCTOBER 23, 2019**

**1. Pledge of Allegiance**

Stephen Devoto called the meeting to order at 7:01 PM with the Pledge of Allegiance.

**2. Roll Taking**

Present: Commissioner Stephen Devoto  
Commissioner Nicholas Fazzino  
Commissioner Joyce Rossitter  
Commissioner Richard Pelletier  
Commissioner Molly Salafia (by remote)  
Commissioner Elizabeth Emery  
Commissioner Tyrell Brown  
Commissioner Steven Kovach (not seated)  
Commissioner Thom Pattavina (not seated)

Absent: Commissioner Christopher Sugar

Staff: Marek Kozikowski, AICP, City Planner

The Chair made a few comments about remote participation. Commissioner Salafia will be seated as a regular member via phone. There is nothing in the by-laws that mention anything about participating remotely. If it is not in the bylaws, the Commission defaults to Roberts Rules of Order which notes that remote participation can be allowed only if the bylaws specifically say it. He would like the Commission to waive the rules and allow Commissioner Salafia to participate by phone. At the end of the meeting under Commission Affairs there will be more discussion on the subject.

A motion was made by Commissioner Rossitter to waive the rules, seconded by Commissioner Fazzino. The chair calls for the vote. The chair states the matter passes unanimously with 7 affirmative votes.

**3. Items removed from the agenda and why**

Item 6.2 was withdrawn by the applicant. Also at the last meeting, there was no vote for the September 25<sup>th</sup> meeting and Marek would like it added to this agenda as 10.1A.

A motion was made by Commissioner Pelletier to add 10.1A, seconded by Commissioner Emery. The chair calls for the vote. The chair states the matter passes unanimously with 7 affirmative votes.

**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)**

Staff indicated none of the items required public hearing signs.

**6. Public Hearings (when scheduled)**

- 1. Proposed Zoning Text Amendment to add Sections 61.01.62 & 61.01.63, Breweries, Distilleries and Alcoholic Beverage Manufacturers. Applicant/agent City of Middletown PCD Dept. Z2019-8 (A copy of the proposed text is on file with the Office of the Town Clerk)**

Staff explained that this is a staff initiated text amendment to the zoning code. There is an opportunity now to expand permitted uses to a very trending, popular type of land use. Right now there is no regulation that would permit these types of uses. What would require calling out these uses as separate as opposed to a manufacturing use or a restaurant use is that there are very strict federal and state regulations and permitting processes that make this something different. Staff drafted the proposal and he would like the Commission's comments and feedback. He would like to continue the public hearing so that he could modify the language. He feels it should be done in 3 parts. 1) Definition; 2) Specify what zones would be appropriate; and 3) Add a parking requirement.

Commissioner Emery asked about the requirement that the comments are provided to the Commission by the Lower CT River Valley and that review should be before the Commission has a final vote. Commissioner Devoto agrees with the language of the proposed text change and also would like to discuss the language for the definition. Commissioner Salafia questioned if there would be a distance requirement between these establishments as there are in package stores. Commissioner Emery would like to see bicycle parking at these establishments. Staff asked the Commission how they feel about outdoor patios. A discussion ensued.

Commissioner Joyce Rossitter moves to continue the public hearing to the next meeting. Commissioner Richard Pelletier seconds the motion. The chair calls for the vote. The chair states the matter passes unanimously with 7 affirmative votes.

- 2. Tabled from the October 9th meeting: Proposed Zoning Text Amendment to amend Section 61.01.45 for (motor vehicle services and body & fender repairer) Applicant/agent JDS Holding Company, LLC/Richard Carella, Esq. Z2019-9 (A copy of the existing and proposed text is on file with the Office of the Town Clerk)**

This item was withdrawn.

**7. Old Business**

None

**8. New Business**

**1. Request for a favorable G.S. 8-24 for Review of lease of multiple vacant lots on Hartford Avenue. Applicant/agent City of Middletown G.S. 8-24 2019-7**

Staff explained that NEAT would like to lease five (5) small lots owned by the City of Middletown on Miller Street and one (1) large parcel on Hartford Avenue. The land was acquired by the City as late as 1990's. It is currently a park area and NEAT would like to expand on their community gardens.

Commissioner Elizabeth Emery moves for a favorable G.S. 8-24 for Review of lease of multiple vacant lots on Hartford Avenue. Commissioner Nicholas Fazzino seconds the motion. The chair calls for the vote. The chair states the matter passes unanimously with 7 affirmative votes.

**2. Request for a favorable G.S. 8-24 Review for sale of 30 Portland Street. Applicant/agent City of Middletown G.S. 8-24 2019-8**

Staff explained that the City owns a small piece of land on Portland Street. It's approximately 871 sq. ft. The property owner, Robert Pinard who lives adjacent to 30 Portland Street has been maintaining it since 2012 and would like to purchase the property.

A motion to suspend the rules to let the attorney speak was moved by Commissioner Pelletier and seconded by Commissioner Emery. The chair calls for the vote. The chair states the matter passes unanimously with 7 affirmative votes.

Attorney Ralph Wilson of 137 South Main Street representing Robert Pinard spoke to the Commission referring to his letter and photos of May 29, 2019. He explained that Mr. Pinard has been taking care of the property for years and made sure it was not trashed.

Commissioner Devoto asked if it would be used for parking. Mr. Pinard explained that he would like it to be used as another access to his property. Staff explained that since this lot is non-conforming, as soon as it's acquired by Mr. Pinard, it would be effectively merged. It would improve the non-conforming lot coverage.

Commissioner Richard Pelletier moves for a favorable G.S. 8-24 Review for sale of 30 Portland Street. Commissioner Joyce Rossitter seconds the motion. The chair calls for the vote. The chair states the matter passes unanimously with 7 affirmative votes.

**3. Proposed two (2) lot resubdivision of the property of Anthony Knapp located at 90 Sand Hill Road. Applicant/agent Anthony Knapp S2019-4 (Date of Receipt 10/23/19; To be scheduled for a public hearing)**

Commissioner Molly Salafia moves to schedule a public hearing for November 13, 2019. Commissioner Elizabeth Pelletier seconds the motion. The chair calls for the vote. The chair states the matter passes unanimously with 7 affirmative votes.

**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**

10.1A Minutes of September 25, 2019 Meeting

A motion to approve the minutes of 9/25/19 as modified was moved by Commissioner Fazzino and seconded by Commissioner Pelletier. The chair calls for the vote. The chair states the matter passes with 6 affirmative votes and one abstention by Commissioner Rossitter.

10.1 Minutes of October 9, 2019 Meeting

A motion to approve the minutes of 9/25/19 as modified was moved by Commissioner Rossitter and seconded by Commissioner Pelletier. The chair calls for the vote. The chair states the matter passes with 5 affirmative votes and 2 abstentions by Commissioners Rossitter and Salafia.

10.2 Other Commission Affairs

a. River-Cog Report

No report as there was no meeting.

10.3 POCD Discussion

A motion to amend the agenda to add scheduling a public hearing on the next two Chapters of the POCD was moved by Commissioner Pelletier and seconded by Commissioner Fazzino. The chair calls for the vote. The chair states the matter passes unanimously with 7 affirmative votes.

A motion to schedule a public hearing for November 13 for the draft of the first 2 Chapters was moved by Commissioner Pelletier and seconded by Commissioner Emery. The chair calls for the vote. The chair states the matter passes unanimously with 7 affirmative votes.

Commissioner Emery would like to make sure that all the public suggestions and thoughts would be available for the public to see. Staff said that he would certainly add any information from the Advisory Committee or public comments to the file for anyone to review.

10.4 Zoning Regulations / Text Changes

Marek Kozikowski said that he reviewed some of the previous planner's work on the new regulations and noticed that it is a completely different format than the current regulations. He asked the Commission if that was his idea or did the Commission request him to do so. Commissioner Devoto said that the current regs are very hard to read and hard to find information. There was positive feedback from the Commission on the new format. Marek said that he can

continue with the new format or from his experience, he can take a methodical approach to making regulations work better. He has taken this approach in the past and it has been successful.

### **Remote participation**

Commissioner Devoto asked Marek if he had any comments on remote participation. Marek said he spoke to the IT Dept. and they said that although there are no problems with the equipment tonight, it is not necessarily equipped for tele-participation. There will have to be some modifications that have to be made. Another issue is that all seated members must be available to view any displays or boards and be purview to all testimony made by the applicant. Commissioner Emery said that the Commission strongly look at what others have done, but would be concerned about the number of times a member can participate remotely. She thinks there should be a cap on that. Commissioner Fazzino said that it worked perfectly fine tonight and under extreme circumstances, he thinks it's great. Commissioner Salafia thanks the Commission for allowing to participate remotely. Commissioner Devoto suggested that they wait to discuss this topic when the new Commission is seated.

Commissioner Devoto said the Commission gives their heartfelt thanks to Commissioners Rossitter and Kovach who will be leaving the Commission. They will be missed.

### **11. Adjournment**

Commissioner Joyce Rossitter moves for adjournment. Commissioner Tyrell Brown seconds the motion. The chair calls for the vote. The chair states the matter passes unanimously with 7 affirmative votes.

Respectfully submitted,

Marek Kozikowski, AICP  
City Planner