

# Middletown Planning and Zoning Commission



Chair	Thom Pattavina ('23)	
Vice-Chair	Marcus Fazzino ('23)	
Secretary	Shanay Fulton ('25)	
Members	Richard Pelletier ('23)	Vacant ('25)
	Catherine Johnson ('23)	Sebastian Giuliano ('25)
Alternates	Kellin Atherton ('23)	Kelly Sweeney ('23)
	Tyler Eckstrom ('25)	
Ex- Officio	Mayor Ben Florsheim	
	Christopher Holden, Director of Public Works	
Staff	Marek Kozikowski, AICP, Director of Land Use	

## REGULAR MEETING MINUTES

**WEDNESDAY, FEBRUARY 8, 2023**  
**Council Chambers, City Hall & Virtual on WebEx**  
**7:00 P.M.**

The meeting was held both virtually and in-person. Members of the public had access via <https://webex.com>, the WebEx application, and via telephone.

Start: 7:05 PM  
End: 9:43 PM

### 1. Pledge of Allegiance

The Pledge of Allegiance was made.

### 2. Roll Call

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

Absent: Commissioner Marcus Fazzino  
Commissioner Tyler Eckstrom  
Commissioner Kelly Sweeney

Staff: Marek Kozikowski, Director of Land Use

Public: 21 members of the public attended.

### 3. Items removed from the Agenda

Item 6.3 was postponed and extended by the applicant until March 8, 2023.

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

None.

## **5. Confirmation that all hearing signs have been properly posted**

All public hearing signs have been properly posted.

## **6. Public Hearings**

### **6.1. Request for a special exception to construct a two-family home on Woodward Avenue, Map-Lot: 22-0356 in the RPZ zone. Applicant/Agent: Matthew Pegolo/PegArch Architecture. SE2022-15.**

Motion to combine items 6.1, 8.1, and 8.2 on the agenda.

Moved by Commissioner Johnson, seconded by Commissioner Giuliano.

Passed unanimously: 6-0.

Matthew Pegolo, PegArch Architecture, 236 Main Street, Portland presented the applications. Mr. Pegolo began by explaining that they are looking for a special exception to build a two-family home on the corner lot. The property next to that on Woodward Avenue has an existing two-family home and the property next is a proposed single-family dwelling. They are proposing easements across the three properties for parking. For the proposed two-family, they are combining a small parcel to the existing parcel to create a lot size that meets the requirements. For the middle property, they are proposing modifying the special exception that was approved in 2006. The previous owner never improved the parking areas they were supposed to. They worked closely with the Water & Sewer Department and the developers will endure the cost of installing a new water main down Woodward Avenue.

Commissioner Johnson asked why they're providing twelve parking spaces when they don't need that many.

Mr. Pegolo answered that the current regulations require three parking spaces per dwelling unit.

Commissioner Johnson commented that they're not providing backyards, only asphalt for parking. She asked if they considered a shared driveway with street parking.

Mr. Pegolo answered they have two shared driveways.

Commissioner Johnson commented that adding the asphalt instead of backyards is adding heat. She then stated that she believes that the driveway between the proposed single-family home and the existing two-family will destroy the Maple's roots.

Commissioner Giuliano asked if there will be changes to the middle lot.

Mr. Pegolo answered there will be no changes to the house just to the rear of the lot.

Commissioner Giuliano agrees with Commissioner Johnson in her observation of there being more parking than required.

Joseph Catalano, 144 Grand Street, expressed his concern about the parking and how the cars will be entering and exiting the property. He also expressed concerns that the proposed two-family home won't be in line with other houses on Grand Street.

Mr. Pegolo answered the cars will be entering and exiting the property from Woodward Avenue. As for the setback of the two-family house, there will be a line of trees along Grand Street that will keep the look of the neighborhood.

Motion to close the public hearing.

Moved by Commissioner Atherton, seconded by Commissioner Giuliano

Passed unanimously: 6-0.

Commissioner Atherton asked a procedural question, for the person making the motion how would it be read off because it was consolidated.

Director Kozikowski answered they would have to take three different motions to approve the three different applications.

Commissioner Fulton read into the record items 8.1 and 8.2.

Motion to approve item 6.1.

Moved by Commissioner Atherton, seconded by Commissioner Giuliano.

Passed unanimously: 6-0.

Motion to approve item 8.1

Commissioner Giuliano commented that he doesn't want to require the applicant to create parking spaces on that piece of property if he doesn't have to.

Director Kozikowski explained that when the original special exception was approved, part of the plan was to add six parking spaces by removing the garage. That wasn't done. They have been out of compliance. However the Commission can modify the parking requirements if they so choose.

Commissioner Giuliano asked once you take down the garage, how many parking spaces would that create.

Director Kozikowski answered there's no net gain by getting rid of the garage.

Commissioner Johnson commented that it's a historic two-family house and is in favor of making the parking optional.

Commissioner Johnson offered an amendment to require no parking at 88 Woodward Avenue.

Commissioner Giuliano seconded the amendment.

(In favor: Pattavina, Johnson, Giuliano) (Against: Atherton, Fulton, Pelletier)

Fails to carry: 3-3

Motion to approve item 8.1

Moved by Commissioner Atherton, seconded by Commissioner Giuliano

Passed unanimously: 6-0

Motion to approve item 8.2

Moved by Commissioner Atherton, seconded by Commissioner Giuliano

Passed unanimously: 6-0

**6.2. Request for a subdivision creating three lots from a 4.73 ac property located at 295 Country Club Road in the R-15 zone. Applicant/Agent: Michael Aronne Jr./Aronne Building and Remodeling. S2023-1.**

Kate Gillespie Atkinson, Attorney of 93 Broad Street, presented the application. She stated that there is currently a large barn and silo existing on lot C. The previous owner of the property used it as a farm. The current owner wants to preserve the agricultural nature of the property as much as possible. The current owner plans to restore the existing barn and keep the silo on lot C. Two of the properties will be serviced by septic and all three lots will be serviced by public water. All test pits and perks have been done. As the plan is proposed there is sufficient open space on the properties.

Donna Panasewich, 412 Higby Road, expressed concerns about water issues on the property. She asked if the State granted approval because of the water.

Ms. Gillespie Atkinson responded stating that no wetlands will be impacted by the development.

William Jackson of Jackson Environmental, a soil scientist explained that the topography does slope in a northerly and north easterly direction. They did not find poorly drained soils on the property.

Jacklyn Obeng, 436 Higby Road, expressed concerns about flooding issues on the property. She also asked Ms. Gillespie Atkinson how they plan to preserve the agricultural nature of the property by subdividing the land.

Donna Panasewich, 412 Higby Road, agrees with what Ms. Obeng has just said.

Ms. Gillespie Atkinson answered that the lots they're creating are large lots.

Mr. Jackson explained the topography of the area in further detail stating for the residents of Higby Road that are concerned about drainage, the land slopes downward in a north direction towards the pond area owned by the City of Middletown, towards Country Club Road.

Richard Doski, 418 Higby Road asked about the location of the driveways of the proposed lots.

Ms. Gillespie Atkinson answered there will be three different driveways. Lots A and B will have driveways coming off of Higby Road and lot C will have a driveway coming off of Country Club Road.

Francine McCernin, 1617 Country Club Road asked if the barn will be included in one of the lots.

Ms. Gillespie Atkinson answered yes. It will be included on lot C.

Commissioner Giuliano commented that any improvement of a piece of property cannot divert more water onto a neighboring property. That's against the law. This Commission can approve the use not the specifics.

Donna Panasewich, 412 Higby Road reiterated her concerns about the diverting of water onto of her property.

Commissioner Giuliano responded that the developer cannot ignore any water issues.

Director Kozikowski brought up his concerns about when the lots are developed, this issue of water being diverted into neighboring properties will come up again. Is there a way to mitigate this issue?

Ms. Gillespie Atkinson commented that they don't have plans of that level.

Motion to close the public hearing.

Moved by Commissioner Giuliano, seconded by Commissioner Fulton.

Passed unanimously: 6-0.

Commissioner Atherton intends to approve this application as presented. He hopes that the applicant really does intend to preserve the barn and silo.

Commissioner Pelletier agrees with Commissioner Atherton.

Commissioner Johnson intends to support the subdivision.

Commissioner Giuliano agrees with the other Commissioners. He wants applicant to consider on the lot that has the barn and silo to make it a deed restriction that the barn remains.

Motion to approve the subdivision.

Moved by Commissioner Giuliano, seconded by Commissioner Fulton.

Passed unanimously: 6-0

## **7. Old Business**

None.

## **8. New Business**

### **8.1. Request for a modified site plan of Special Exception SE2007-5 to modify driveways and parking at two-family dwelling approved for 88 Woodward Avenue in the RPZ zone. Applicant/Agent: Matthew Pegolo/PegArch Architecture. SPR2022-269**

See item 6.1

### **8.2. Request to construct a single-family home on Woodward Avenue, Map-Lot: 22-0353 in the**

**RPZ. Applicant/Agent: Matthew Pegolo/PegArch Architecture. SPR2022-270**

See item 6.1

**8.3. Request for a site plan modification for an approved multi-family housing development under Special Exception SE2016-13 to allow for modifications to the layout of buildings, driveways and parking at 534 Newfield Street in the M zone. Applicant/Agent: Bob Dale/Newfield Residential, LLC. SPR2022-264**

Robin Pearson, Attorney with Alter & Pearson of Glastonbury, presented the application. They already have a special exception to use this property as a multi-family that they received back in 2004 and 2005. Over the years the plans were slightly modified. In 2016 the site plan modifications were approved for 378 units. In 2018 another site plan modification was approved bringing the total number of units up to 414. The current application is seeking to make improvements to the site plan. There will still be 414 units and one less building to what was previously approved. There will be an additional community building. The application requests an increase in parking. There is a request in change to the height of the buildings. Five of the buildings are being proposed as four-story buildings. With the re-grading they're proposing, the activity will take them further away from the wetlands. These changes are well within the parameters of the wetlands permits they received in 2017 and 2018. Environmental Planner, James Sipperly wrote a letter stating this and approved the transfer of those permits to the new owners of this property, Newfield Residential, LLC. This application conforms to all of the City of Middletown's zoning requirements.

Bob Dale began by saying demographics have changed and the market have changed. There is a big influx of demand by Baby Boomers for multi-family housing and singles. There is a diversity of architectural types. He described the differences in the current plan and the proposed improvements. There will be different types of buildings, town-house style buildings, three-story buildings and four-story buildings. When you enter the complex from Newfield Street, the current plan was designed so that you're met with parking lots on either side. The proposed improvements are to put the buildings along the entryway and have the parking behind the buildings. There will be a roundabout with the community buildings nearby. The first community building will have the managing office, co-working (work from home) space, package room and social space – fire pit. The other building will have a yoga room, spin room, fitness center and pool complex. The four story buildings are set further back from Newfield Street. There are 107 detached garages on the development.

Commissioner Johnson asked about two parcels of land on the site plan. She asked if they are the owners of those two pieces of land and what is the intention for them.

Mr. Dale answered that one of the parcels is part of phase I and the other parcel was not part of the existing or proposed approvals.

Commissioner Johnson asked if they had plans to build on those parcels in the future.

Mr. Dale answered yes but they would have to apply for a special exception for those parcels.

Commissioner Johnson asked about the special exception requirement for four hundred feet of open space per bedroom. How do you meet the 249,000 FT of open space required?

Ron Bomengen, Engineer with Fuss & O'Neill, answered that they don't have a calculation for the open space. He pointed to the open space around the community buildings as well as the transmission line easement where they can't develop.

Commissioner Johnson asked if they expect children to play under the high transmission wires.

Mr. Dale doesn't think that is the definition of open space. He thinks it's undeveloped land.

Commissioner Johnson explained that open space is defined as a usable land. It can't be residual land.

Mr. Bomengen proposed creating walking trails to add to that open space definition.

Commissioner Giuliano asked the plan that has already been approved, you can apply for building permits tomorrow, correct?

Mr. Dale answered yes.

Commissioner Giuliano asked if there was 270,000 SF of open space in that plan.

Mr. Dale responded that he doesn't have a calculation however with this new plan they've reduced the coverage.

Commissioner Giuliano stated that what they're proposing isn't that much different than the approved plan.

Mr. Dale responded that they're adding active areas to the open space.

Commissioner Giuliano commented that open space to him is land that is passive recreation.

Director Kozikowski read the definition of open space from the Middletown Zoning Code, both the definition and the special exception definition which stated what Commissioner Johnson was speaking to.

Mr. Dale stated that every one of their units will have private outdoor space – a balcony or a patio. He believes that they have increased the open space from the approved proposal.

Commissioner Atherton asked Mr. Dale if he defined his properties as affordable.

Mr. Dale answered no. There will be a wide range of rental rates. This isn't targeted to any income bracket.

Commissioner Atherton asked if he can estimate what the rent would be for a one-bedroom apartment and what will the HOA fees be.

Mr. Dale answered just below \$2,000 a month for rent and there is no HOA fee.

Commissioner Fulton asked are there options to purchase one of these units and these units are one, two and three bedroom.

Mr. Dale answered their initial business plan is to rent the units and yes there are one, two and three bedroom units.

Ron Bomengen, Engineer with Fuss & O'Neill, the stormwater management on the project has changed quite a bit to include more rain infrastructure, rain gardens, vegetative level spreader, and more modern hydro-dynamic separators to keep. Anywhere they can add green infrastructure they will do that. They have met with the Water and Sewer Department and have to address some minor comments prior to construction. Erosion Sediment Controls are consistent to what they have presented in the past. Wherever they have a slope going down to or adjacent to a wetland or regulated area they have a double barrier sill fence and hay barrier. They have provided a stormwater and management system operations and maintenance plan. It shows what the developer and owner will need to do on a yearly basis. As for site lighting they will have 14 foot polls. It's not the typical parking lot lighting. They will be providing 25 EV charging stations throughout the site. Although they are adding parking, they will be maintaining the same amount of coverage they had before based on the smaller building footprints.

Commissioner Atherton asked if they can calculate the existing open space as a condition of approval. He's concerned that patio space isn't considered open space based on the open space definition.

Mr. Bomengen answered yes, absolutely.

Motion to approve the site plan modification.

Moved by Commissioner Giuliano, seconded by Commissioner Atherton

Commissioner Giuliano thinks that this application is improving on the approved application by adding amenities. He doesn't think the Commission can make Commissioner Atherton's request a condition of approval but suggests they calculate the open space on that property.

Commissioner Johnson commented that the original site plan and number of units were approved by default so some of the items that are listed in that special exception requirements are not met. She will not be supporting this application because they do not meet the open space requirement. She is also concerned that there is only one entry and exit to the property. Another concern she has is the massive undertaking to flatten the site will change the hydrology. Our City plan of conservation and development encourages walkable neighborhoods. This plan is completely car-focused.

Commissioner Fulton asked if they should propose that there should be a walking trail in this plan.

Attorney Pearson answered that the developers would have no objections to walking trails. The Planning and Zoning Commission approved the changes to the plan in 2018.

Commissioner Atherton stated that if the Commission is satisfied with the statement made by the applicant then he'll accept it.



Commissioner Pattavina asked Commissioner Giuliano if he'll accept the applicant's statement.

Commissioner Giuliano responded that it's acceptable to him.

In favor: (Pattavina, Atherton, Fulton, Pelletier, Giuliano) Against: (Johnson)

Passed: 5-1

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

None.

## **10. Minutes, Staff Reports and Commission Affairs**

### **10.1. Minutes**

Motion to approve the January 25, 2023 meeting minutes.

Moved by Commissioner Giuliano, seconded by Commissioner Fulton.

Passed: 6-0-1 (Commissioner Pelletier abstained)

### **10.2. RiverCOG Report**

Commissioner Johnson stated that there has been a draft report of the Economic Development Plan that everyone should have received. She would like to schedule a public hearing in March.

Director Kozikowski needs to confirm with RiverCOG that they will still accept comments because the deadline is at the end of February. He clarified that this public hearing will be for the review of the working draft of the economic comprehensive development strategy plan developed by RiverCOG.

Motion to schedule a public hearing for the March 8<sup>th</sup> meeting.

Moved by Commissioner Giuliano, seconded by Commissioner Johnson.

Passed unanimously: 6-0.

### **10.3. Staff Report**

Director Kozikowski handed out a packet to the Commissioners including the working draft proposed by RiverCOG, a public hearing notice for the next meeting which is a re-subdivision application to modify an existing subdivision. He also has a proposed text amendment to address our regulations for electric vehicle stations.

### **10.4. Commission Affairs**

Commissioner Johnson stated that we need some zoning clarification in the RPZ in the north end. The Commission voted in a text that was not properly corrected and needs to be addressed.

Commissioner Giuliano stated that they should adopt standard conditions when approving applications.

Director Kozikowski stated that his staff reports states specific regulation requirements that he adds to a letter and sends to the applicant once an application is approved. He will come up with a list of standard conditions.

## **11. Adjournment**

Motion to adjourn

Moved by Commissioner Fulton, seconded by Commissioner Giuliano.

Passed Unanimously: 6-0

Submitted,

Marek Kozikowski, AICP

Director of Land Use