

# 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 22, 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: 7:03 PM  
End: 8:31 PM

### 1. Pledge of Allegiance

The Pledge of Allegiance was made.

### 2. Roll Call

Present: Commissioner Thomas Pattavina  
Commissioner Shanay Fulton  
Commissioner Catherine Johnson  
Commissioner Sebastian Giuliano  
Commissioner Kellin Atherton  
Commissioner Tyler Eckstrom (seated for Commissioner Richard Pelletier)  
Commissioner Kelly Sweeney (seated for Commissioner Marcus Fazzino)

Absent: Commissioner Marcus Fazzino  
Commissioner Richard Pelletier

Staff: Marek Kozikowski, Director of Land Use

Public: 2 members of the public attended.

### 3. Items removed from the Agenda

None.

### 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 re-subdivision to modify lot lines and a conservation area approved in Subdivision S2017-4 at property located at 245 Training Hill Road in the R-30 zone. Applicant/Agent: Anthony Garofalo. S2023-2.**

Anthony Garofalo, 245 Training Hill Road, Middletown, presented the application. He explained that he is looking for a lot line revision for the rear of his property to construct a 16 foot by 20 foot shed. Mr. Garofalo showed on the subdivision map where the line between his property and Lot 4 will be revised. A portion of the east side of Mr. Garofalo's property will go to Lot 4 to offset the land at the rear of his property he proposes to acquire.

Commissioner Johnson asked if the land swap is the same square footage.

Mr. Garofalo answered that he believes that the square footage is the same but is not sure.

Commissioner Johnson asked if Mr. Garofalo is being held to a square footage.

Mr. Garofalo answered he wasn't the original developer. He purchased Lot 3. When he went to place his shed in his backyard, he got confused by all of the pins and placed the shed in Lot 4 instead of on his property. He worked with the owner of Lot 4 and came up with the lot line solution.

Commissioner Giuliano clarified that the lots that were created for the original subdivision conforms to the zone. What is being proposed for the revisions for Lots 3 and 4 still conforms to the zone and this plan fixes it.

Mr. Garofalo answered, correct. He stated that the owner of Lot 4 wrote a letter of approval for this plan.

Commissioner Giuliano asked if Mr. Garofalo is aware of all the conditions the Land Use staff has proposed and if he agrees with them.

Mr. Garofalo answered that is he aware of them and he agrees with them.

Motion to close the public hearing.

Moved by Commissioner Giuliano, seconded by Commissioner Fulton.

Passed: 7-0.

Motion to approve to re-subdivision.

Moved by Commissioner Giuliano, seconded by Commissioner Johnson.

Passed unanimously: 7-0

**6.2. Petition for a zoning text amendment to modify Section 4.19 of the Middletown zoning code related to requirements for electric vehicle charging stations. Applicant/Agent. Middletown Land Use Department. Z2023-1**

Director Kozikowski presented the application. There was state legislation that was recently passed in regards to EV charging stations that created requirements municipalities need to address. PA 22-25 Section 5(c) that has requirements for EV stations for commercial and residential uses. For commercial buildings or multi-unit residential building with thirty or more designated parking spaces, ten per cent of those parking spaces must be designated EV stations. Municipalities can require more than ten per cent. Director Kozikowski proposes to add new definitions for EV charging stations, relocate existing zoning text for EV Parking & Charging to a New Section and modify the existing zoning text.

Commissioner Johnson commented that most of the modified language is good. She asked about provision 4, EV stations being regularly maintained, who will be responsible for that? How do you calculate ten per cent of parking spaces when it isn't a whole number? It would be helpful to have an illustrated guideline. She also suggested that EV parking spaces shouldn't just be for EV's. There are other options to allow for both EV's and regular vehicles to use.

Director Kozikowski agrees that he's not sure who will be checking to make sure the EV stations are regularly maintained. He left the text as it was written. For an illustrated guideline, Director Kozikowski can share some examples with the Commission. To handle the calculation of the ten per cent of parking spaces, he states you should round up. If you round down, you'll be approving something less than the minimum. If that calculation doesn't work, it would have to be codified. Best practices for the location of the EV spaces, one option would be to require one of the EV spaces as handicap. Director Kozikowski then stated that there is a state law that says that EV parking is dedicated to electric vehicles.

Commissioner Johnson stated that she doesn't think provision 5 is necessary, that all EV parking spaces should be well-lit because it's a given for all parking spaces.

Commissioner Giuliano asked if they left the EV regulations the way they are they wouldn't be in compliance with state law.

Director Kozikowski answered correct.

Commissioner Giuliano stated that by adopting the new text they will be in compliance. He then asked if they adopt this text and the state modifies the text again, does it automatically change with us or does it have to go through another approval.

Director Kozikowski answered it depends how the State mandates the provision.

Commissioner Giuliano agrees with Commissioner Johnson in regards to provision 5 however he's concerned that this may be construed as the taking of private property for public use without compensation. He then made an observation about grocery store parking lots, in which there is dedicated

parking for online orders only and they're still used by the regular patrons. When he spoke to management, they indicated that they don't do anything about those who park in spaces like online order pickup and EV parking spaces they're not using the space for its intended purpose.. He then stated that they should eliminate the waivers.

David Winkle, 418 Mile Lane, commented that he agrees with Commissioner Giuliano's comments that people will park in parking spaces they shouldn't. It's not easy to identify EV's. They look the same as regular cars.

Commissioner Johnson commented that it'll be easier to handle with off-street parking. EV stations that become available on street it's unexpected to have a reserved space on the street that isn't handicapped.

Motion to close the public hearing.

Moved by Commissioner Giuliano, seconded by Commissioner Johnson.

Passed unanimously: 7-0

Director Kozikowski asked the Commission if they want to approve the text as is or remove provision 5.

Commissioner Giuliano stated that he will vote to approve it without section 5.

Commissioner Johnson stated that she would like to clarify the definition of numbers – round up in case of a fraction. The minimum number of spaces will be three.

Commissioner Pattavina stated that he agrees with both Commissioner Giuliano and Commissioner Johnson's suggestions.

Commissioner Giuliano commented that this provision will be more applicable to large developments.

Director Kozikowski agrees with Commissioner Giuliano's comment.

Commissioner Johnson suggested that the language of this modified text needs to be cleaned up.

Motion to continue the vote to the next meeting.

Moved by Commissioner Johnson, seconded by Commissioner Giuliano

Passed unanimously: 7-0.

## **7. Old Business**

None.

## **8. New Business**

### **8.1. Request for an affirmative GS 8-24 report for the lease of 19 acres to Fair Weather Growers, LLC at East Street (Map-Lot: 07-0334) and 124 South Plumb Road (Map-Lot: 07-0516). Applicant/Agent: City of Middletown/Land Use Department. GS 8-24 2023-1**

Director Kozikowski presented the application. This piece of property was purchased with open space money and put the land back into cultivation. The City put an RFP out for a five-year lease to a farmer.

The City chose to move forward with Fair Weather Growers, a commercial farmer.

Commissioner Johnson asked how this is tied into something that came to us three years ago.

Director Kozikowski answered that there is twenty acres of open space, a wooded area, directly to the west that abuts Smith Park. There was contemplation of extending the trail network in Smith Park to provide more connectivity to that area. He stated that the best place for that trail is possibly through South Plumb Road.

Commissioner Giuliano commented that the trail would go somewhere in the twenty acres owned by the City of Middletown.

Director Kozikowski stated that he doesn't see the need to cut a trail through the farmland.

Motion to affirm the GS 8-24.

Moved by Commissioner Eckstrom, seconded by Commissioner Johnson.

Passed unanimously: 7-0.

## **8.2. Request for support on a DEEP Recreational Trails Grant application to expand connectivity to the Mattabesset Trail and cart path improvements at the former Pistol Creek Golf Course located on Atkins Street.**

Director Kozikowski explained that he's requesting from the Commission a letter of support for a grant application for the CT recreational trails program. He received support from the CCA and the Mayor. There are three parts to the application. First, improving the existing cart path at the former Pistol Creek Golf Course. Second, provide connectivity to Mattabesset Trail through Berlin that extends into Meriden. To accomplish this, is to create a new trail. We're seeking funding from the state to help with the costs of creating these trails.

Commissioner Pattavina commented that this is a great opportunity to improve the trails that are there.

Commissioner Johnson said this is a great idea.

Motion for a positive request for support.

Moved by Commissioner Giuliano, seconded by Commissioner Fulton.

Passed unanimously: 7-0.

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

David Winkle, 418 Mile Lane, spoke his concerns about the traffic and wetlands area on Mile Lane and Kaplan Drive. He spoke to the Plan of Development from 1999 stating that a lot of the traffic from the high school, Kegwin, and Lawrence school spill out onto Mile Lane. The topography of the area has a low permeability rate. The proposed Kaplan Drive apartment complex, he believes, doesn't have the required fifty foot buffer from the wetland area. He stated that the majority of the drainage from this site goes directly into the wetlands and into the brook. He brought up that this is in the 100-year floodplain. He doesn't feel that they've planned for this. He brought up the greater increase in traffic in the area for the proposed Kaplan Drive complex as well as two other sites on Newfield Street. He doesn't believe that Mile Lane and Newfield Street are the place for new apartment complexes. Mr. Winkle submitted a letter he referenced to the Commission.

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

### **10.1. Minutes**

Motion to approve the February 8, 2023 meeting minutes.  
Moved by Commissioner Giuliano, seconded by Commissioner Fulton.  
Passed: 6-0-1 (Commissioner Sweeney abstained)

### **10.2. RiverCOG Report**

Commissioner Johnson stated that there is no RiverCOG report.

### **10.3. Staff Report**

Director Kozikowski informed the Commission that he was able to put on the public hearing notice for March 8<sup>th</sup> the Review of the Regional Comprehensive Economic Development Strategy Draft Plan.

### **10.4. Commission Affairs**

Commissioner Johnson stated that the RiverCOG agenda and the transportation plan (draft will be written up in March) She emphasized the importance of this Commission to have a discussion on transportation. She'd like to schedule the discussion for the March 22<sup>nd</sup> meeting. Also, Kaplan Drive project, she would like to have the application materials for this project early enough to be able to respond to the concerns of Mr. Winkle and others in the City.

Commissioner Fulton noted that Commissioner Atherton left the meeting early.

## **11. Adjournment**

Motion to adjourn  
Moved by Commissioner Johnson, seconded by Commissioner Fulton.  
Passed Unanimously: 7-0.

Submitted,

Marek Kozikowski, AICP  
Director of Land Use