



**REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION  
MIDDLETOWN CONNECTICUT  
OCTOBER 14, 2020**

**The Regular Meeting of the Planning and Zoning Commission of the City of Middletown was held remotely via WebEx.**

**1. Roll Taking**

The Chair called the meeting to order at 7:08 PM

Present: Commissioner Stephen Devoto,  
Commissioner Nicholas Fazzino  
Commissioner Thom Pattavina  
Commissioner Richard Pelletier  
Commissioner James O'Connell  
Commissioner Catherine Johnson  
Commissioner Kellin Atherton  
Commissioner Shanay Fulton (seated for Marcus Fazzino)  
Commissioner Quatina Frazer

Absent: Commissioner Marcus Fazzino

Staff: Marek Kozikowski

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

None

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

None

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

Marek stated that all public hearing signs were properly posted.

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

- 1. Proposed special exception for construction of a two-family dwelling in the TD Zone at 243 Saybrook Road. Applicant/agent Christopher Bull SE2020-6**

Tamba Marino site contractor for the project introduced the application. Mr. Bull has not been able to sign into the meeting as of yet. He demolished house at the site and wants to build a two-family dwelling. There are several two-family houses in the area.

No one from the public spoke. Commissioner Devoto asked if they were comfortable with the comments from the Wetlands Agency. Ms. Marino said that they were going to follow the advice of the Wetlands Agency and add another row of the silt fence.

Commissioner Richard Pelletier moves to close the public hearing. Commissioner Fulton seconds the motion. Commissioner Johnson asked why the garage is being built in the front of the house when there is an existing garage and the trees are fully grown. Ms. Marino said that she would talk to the applicants. Commissioner O'Connell has a problem with Ms. Marino not having a site plan in front of her and the applicants are not present. She stated that the Commissioners do have a copy of the site plan. A discussion continued. Motion to close the public hearing was withdrawn.

Susanne Bull is now online via phone and said that the existing garage is used for storage at the moment and the second garage is for the 2<sup>nd</sup> unit. Commissioner Johnson said that she still has a problem with the garage in the front of the house when there is ample room to put on the side. Ms. Bull said that this was the plan that was submitted and it's a very pretty look. Marek said that much of the proposed house and much of the site development is within the upland review area so they had to take that into consideration. If they put the garage and driveway in the back, it would increase the amount of impervious surface.

Commissioner Richard Pelletier moves to close the public hearing. Commissioner Fazzino seconds the motion. The chair calls for the vote. The chair states the matter passes with 6 affirmative votes and one abstention by Commissioner O'Connell.

Commissioner Richard Pelletier moves for approval for a special exception for construction of a two-family dwelling in the TD Zone at 243 Saybrook Road with the condition that staff suggestions be adhered to. Nicholas Fazzino seconds the motion. The chair states the matter passes with 6 affirmative votes and one abstention by Commissioner O'Connell.

- 2. Continued: Proposed zoning map amendment from MX (Mixed Use) to SMH (Substance Abuse/ Mental Health) Floating zone for property located at 392 Washington Street. Applicant/agent Hartford Dispensary dba Root Center for Advanced Recovery/ Timothy S. Hollister, Esq., Shipman & Goodwin LLP Z2020-7.**
- 3. Continued: Proposed special exception for a change of use from automobile repair garage and site plan review for a new clinic for mental health and/or substance abuse counseling, Diagnosis and Treatment (methadone treatment services) at 392 Washington Street in the proposed SMH zone. Applicant/agent Hartford Dispensary dba Root Center for Advanced Recovery/ Timothy S. Hollister, Esq., Shipman & Goodwin LLP SE2020-5.**

**The Commission will continue to combine 5.2 and 5.3 as one public hearing.**

The Chair asked if the applicant has any new information. Tim Hollister said that they would like to hear any further comments from the public first.

From the public:

- Donna Avalitta of 125 Bridge Street said that she was a heroin addict and found a methadone clinic that changed her life. She said that she sees a need for a clinic in Middletown every single day. To get to a clinic you need to take 2 buses. She sees people who can't even hold their heads up because of the dope. People need help. She is 62 years old and will probably be on the program for the rest of her life.
- William Cheal of 23 Rome Avenue has been on the methadone program for about 15 years and it's saved his life. He does a lot of volunteer work in Middletown and sees an upswing in use of heroin and fentanyl. He said there is also an upswing of overdose deaths and this shouldn't be happening when there is a medical solution to addiction. There is a big need in Middletown for a methadone clinic.
- John DeSena of 57 Olympus Parkway said that he has heard a lot of people talk about being in the program for many years. Is this really the right drug to get these people off of heroin?
- Robin Rosenthal has been on the program for 20 years and it's made her able to function with normal life.

Marek asked how many patients would arrive to a facility at a peak hour. Mr. Zuckerman said it would be about 100 – 150 a day in a peak hour. Many of them do not come in every day. Marek asked if this facility would be exempt in paying any property taxes. Mr. Zuckerman said that they are a non-profit but they still pay taxes in a majority of towns. Mark Virtuucci gave a brief statement on the traffic.

Atty. Hollister summarized a list of regulatory compliances that have been met: *the site dimensions, building dimensions, site layout & design, rear entrance, parking, loading, traffic circulation, storm water management, landscaping, lighting, utilities, erosion management controls, signage and wetlands. They have met with all the parameters with the City of Middletown. The proposed is centrally located within the City. It is walkable, there is street lighting, it is on a public bus line, it is abutted by commercial and retail businesses, it is a site of an existing business with a driveway and it is not accessible from the rear lot.* It's important to the Commission to keep in mind what the proposed land use is. It is a treatment center and a response to a public health crisis. The Root Center is a cure to the problem. This clinic will provide an accessible, state of the art facility where individuals will go to be treated. Attorney Hollister continued to give his presentation on the positive effects for a clinic in this location.

Marek said that it was not up to the City to find a better location for a methadone clinic. He notes that from the response from the Traffic Engineer today, at many if not all of the traffic generators that were provided as an example, enter Washington Street at a signalized intersection. The proposed facility does not. He also spoke about the floating zone and the petition to rezone the property and should take in account changes that have taken place in the city and patterns of development land use. He read excerpts of Section 71 of the Zoning Code into the record.

A discussion ensued on some of Marek's remarks between the Commission and the applicants.

Motion was made and seconded by Commissioners O'Connell and Johnson to close the public hearing. The chair calls for the vote. It is unanimous to close public hearing with 7 aye votes. The chair states the matter passes unanimously with 7 affirmative votes.

Commissioner Devoto asked Marek to speak about the procedure since this is two applications in one. Marek said that although the public hearing was for both applications, the individual applications should be voted on separately. The floating zone should go first. It can either be voted for or against and that may determine the vote for the special exception.

Commissioner Atherton moved to approve a zoning map amendment from MX (Mixed Use) to SMH (Substance Abuse/ Mental Health) Floating zone for property located at 392 Washington Street. Motion was seconded by Commissioner Pelletier.

Commissioner Devoto said that he was satisfied that it meets all the requirements with the Plan of Conservation and Development. Commissioner Johnson said that this was an example of testing the regulation. At the beginning of the public hearing she thought that it was a good fit. After hearing public testimony and testimony from the applicants, she thinks the location might not be best suited. Commissioner Fazzino said they put on a good presentation but is still not convinced that the property values would not be decreased and the traffic problems would be resolved nor is it properly set to be in that neighborhood. He does not feel that the applicant addressed the negatives and will not be supporting this. Commissioner Pelletier said that he thinks it's a very good location. He does not think the traffic on Washington Street negates the usefulness of this proposed project and firmly recommends this application on this particular site.

Commissioner O'Connell said that the American Addiction Center with an updated study in 2019 addressed the schedule to narcotic that we are discussing tonight as a methadone clinic. Within that they talked about a study from the Center of Disease Control that identified 5,000 deaths from methadone overdoses and growing six (6) times that in 1999 to 2009. The following are some of the side effects: drowsiness, dry mouth, light-headedness urinary retention and others with no bearing if somebody could walk. Some serious side effects are: fainting tremors, seizures (inaudible). Short-term side effects include insomnia, hallucinations and depression. We have heard of one side of methadone and the treatment of people but there are other studies that are not out there because of the favor of the position of the applicant. He looked at the statistics that were used in this public hearing which included violent crimes and not the nuisance crimes in the neighborhoods around these clinics. Commissioner O'Connell also said that he was confused on how many visits at a time during the peak hour. There were a lot of numbers thrown around. He agrees that there is a need. He's not sure if methadone is appropriate. If it is destined to have a methadone clinic in Middletown to serve one quarter of the clients that will attend it, the proper location would be the medical court and not on a busy street. He will be voting against for a floating zone.

Commissioner Atherton said that he will be voting in favor of the zoning change. He read every word of the public comments and feels that the feedback lacks compassion and understanding the disease addiction and at worst, the feedback has been outright prejudiced. We have multiple sources of evidence that show crime will not increase, a traffic study that will show no measurable impact, letters of support from massive stake-holders. In weighing on these objectives he will be supporting this application. He would like to also share some personal issues with the Commission. As a son of addicts and church folk, he has grown up in the recovery community. He does not fear addiction or addicts. They are not criminals. They are suffering from the disease of the addiction. They require treatment and sometimes, medicine.

Commissioner Pelletier shared his thoughts on being prejudiced against as he has cerebral palsy and at four years old he had many operations and needed to wear very large and noticeable braces. He would like the Commission and public to filter any prejudices they may have.

Commissioner Fazzino said that he does not think anyone on this Commission is prejudice. We all want to see everybody get help and get better. His concern is that somebody will get hurt coming out of that building. We have plenty of spaces around town that would be better.

A discussion continued among the Commissioners.

The Chair calls for the vote for Item 5.2. The vote was 4 in the affirmative by Commissioners Devoto, Pattavina, Pelletier and Atherton and 3 nay votes by Fazzino, Johnson and O'Connell. Motion failed to carry with a 4 to 3 vote. The application is therefore denied. Chairman Devoto said that 5 votes were needed to pass so the motion to apply the floating zone to Washington Street has failed.

Even though the use is not allowed in the MX zone, Marek recommended that they go ahead and vote on the Special Exception application.

Commissioner Pelletier moves for approval of Item 5.3 for a special exception for a change of use from automobile repair garage and site plan review to a new clinic for mental health and/or substance abuse counseling, Diagnosis and Treatment (methadone treatment services) at 392 Washington Street in the proposed SMH zone. Commissioner Pattavina seconds the motion. The chair calls for the vote. The vote fails to carry with a 0-7 vote. The application was unanimously denied. The chair states the matter fails unanimously with 7 nay votes.

## **6. Old Business**

None

## **7. New Business**

- 1. Request for a favorable G.S. 8-24 for land acquisition from the Middlesex Pool & Tennis Club, at 432 Laurel Grove Road for a public park. Applicant/agent City of Middletown. G.S. 8-24 2020-11**

Marek Kozikowski explained the application. The property contains open fields, an in-ground pool, fencing, shed and parking area. The pool house was severely damaged by fire and was razed. The property was created for open space and recreational use and approved in the 1990's. This proposal is just to approve if the City should purchase the property and not the use.

Commissioner O'Connell moves for approval for a favorable G.S. 8-24 for land acquisition from the Middlesex Pool & Tennis Club, at 432 Laurel Grove Road for a public park. Commissioner Nicholas Fazzino 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.

- 2. Schedule public hearing for review and adoption of the 2020 Middletown Plan of Conservation and Development.**

Commissioner Johnson said that even if they vote on one chapter right now, they would meet the 10 year requirement. She suggested that they either have a sub-committee meeting or a workshop. She would also like to put the Conservation Chapter ahead of everything else. It has

already been reviewed by the Conservation Commission. Marek said that they are working under an expired POCD.

Commissioner Richard Pelletier moves to schedule a public hearing for review and adoption of the 2020 Middletown Plan of Conservation and Development.

Commissioner O'Connell would like to have a special meeting among the Commissioners for a workshop. Commissioner Devoto asked who is in favor of having a separate meeting between the Commissioners before it goes to the public hearing at the November meeting. Vote was in favor at 7-0.

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

None

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

**1. Minutes of the September 9 & 23, 2020 meeting**

Commissioner Nicholas Fazzino moves for approval of the minutes of the September 9, 2020 meeting. Commissioner Richard Pelletier 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 moves for approval of the minutes of the September 23, 2020 meeting. Commissioner Catherine Johnson 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.

**2. River-Cog Report**

None

**3. Staff Reports**

None

**4. Commission Affairs**

None

**10. Adjournment**

Commissioner Nicholas Fazzino moves for adjournment. Commissioner Thom Pattavina 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,

Marek Kozikowski  
City Planner