



Town of Hamden
Planning and Zoning Department

**Hamden Government
Center
2750 Dixwell Avenue
Hamden, CT 06518
Tel: (203) 287-7070
Fax: (203) 287-7075**

August 4, 2020

MINUTES: THE PLANNING & ZONING COMMISSION, Town of Hamden, held a Public Hearing and Regular Meeting via Zoom teleconferencing technology on Tuesday, July 28, 2020 at 7:00 p.m. with the following results:

Commissioners in attendance:

Brack Poitier, Chairman
Joe McDonagh, Vice-Chair
Robert Roscow
Paul Begemann
Robert Cocchiaro
Joseph Banks
Michele Mastropetre

Staff in attendance:

Dan Kops, Town Planner
Matt Davis, Assistant Town Planner
Tim Lee, Assistant Town Attorney
Genevieve Bertolini, Stenographer
Natalie Barletta, Clerk

Mr. Poitier opened the meeting at 7:03 p.m. The clerk read the Public Hearing items into the record. The Commission and staff introduced themselves. Mr. Poitier reviewed the meeting procedures. The clerk reviewed the four methods to access the meeting using the Zoom software.

A. Public Hearing

- 1. Special Permit and Site Plan #20-1510
 - 1636 Dixwell Avenue, T-4 Zone
 - Mixed-Use Retail/Residential
 - 1635 Dixwell Package, LLC, Applicant

Chris DeAngelis, engineer from Cabezas-DeAngelis, addressed the Commission. Mr. DeAngelis said that the applicant, legally known as 1635 Dixwell Package, LLC, has an existing location on 1651 Dixwell Avenue, but wants to move to this property. Mr. DeAngelis said that the three reasons why the applicant wishes to move to the new location include: the new store having a basement for storage, which the old location did not, the ability to own the property versus renting and the addition of the second floor to have the ability to have apartments on the second floor that are available for rent. Mr. DeAngelis added that this is well within the town ordinance, as it is within 200 feet.

Mr. DeAngelis shared the screen and showed the plans. The property currently has two and a half stories. Mr. DeAngelis explained that the current site plan is oriented similarly to the existing building, but there will be a parking lot consisting of 17 spaces with one handicap space. Mr. DeAngelis added that the existing garage will be taken down. Mr. DeAngelis then stated that the drainage will flow into Dixwell Avenue.

Mr. DeAngelis added that there were no comments from the Connecticut Department of Transportation. Mr. DeAngelis added that Engineering Department had some comments about the drainage prior to the plans being revised, and then those plans were followed up with comments asking to extend the sidewalk into Homestead Avenue, which Mr. DeAngelis has no objection to. Mr. DeAngelis then bought up the comments from the Planning and Zoning Department Staff. Mr. DeAngelis said that the architect did comply with the Zoning Regulations. Mr. DeAngelis then added that there will be no rooftop air conditioning units and there will be conventional small units next to the north side of the building. Mr. DeAngelis then concluded that he does not agree with 1e, which is about the awning, because he wants to make sure the sign is visible.

Mr. DeAngelis explained that the second floor will have three units that can be accessed by an exterior staircase, and an open-air balcony. Mr. DeAngelis added that there will be 930-1070 square feet in each unit and 2 bedrooms. Mr. DeAngelis then briefly mentioned the Carneys, who own the property behind them, who sent in a letter to say that they were against the application; and indicated that he had addressed their concerns as well.

Chairman Poitier asked if any commissioners have questions. Mr. Roscow asked if the basement is going to be used for liquor storage as he wasn't able to see them on the plans. Mr. DeAngelis showed the basement, which has access on both sides as well as a conveyor belt. Mr. DeAngelis added that there are no plans for a cooler.

Mr. Begemann asked if the existing wooden fence would get replaced with vinyl. Mr. DeAngelis showed that there will be a five-foot PVC fence on the property line on the north side, and the air conditioner units will be screened and run along the property line. Mr. DeAngelis added that he wasn't in contact with the Carneys, who own the property on the west side, but added that he is willing to extend the fence as long as they understand that they are going to lose some shrubs.

Mr. Begemann asked if Mr. DeAngelis has had any discussions with the Carneys. Mr. DeAngelis answered that he did not, as he felt the proper way to do it was through the Zoning Department staff. Mr. DeAngelis then brought up the landscaping plan as well and demonstrated that the plan consisted of big shrubs and short trees. Mr. DeAngelis then discussed lighting, as the parking lot will have a single lamp. This was reduced from two fixtures in the initial plan for the neighbor's benefit. Mr. DeAngelis then bought up the tree that was on the neighbor's property, and said that if the tree did happen to fall, it can cause property damage. Mr. DeAngelis added that he will be more than happy to replace the trees.

Ms. Mastropetre said that regarding the fence on the west side that faces the Carney Property, she thinks that it will be nice to have a panel fence on the property line. Ms. Mastropetre suggested that the fence should be six feet tall, which will help prevent glare from the headlights. Ms. Mastropetre then added that she doesn't see the need to extend the awning, but wanted the Town Planner's input. Ms. Mastropetre then asked about a green space for children to play with

Mr. DeAngelis answered that the plans do not include a green space, as he doesn't think that these units will be large enough for families with children. Mr. DeAngelis did add that he can create a wheel stop on each parking space and doesn't have any objection to that.

Mr. McDonagh said that he agreed with Ms. Mastropetre and thinks that it would be appropriate to continue the fence onto the west side. Mr. McDonagh added that a two-bedroom apartment isn't an apartment that is appropriate for children, and added that he thought it was a better use of the property than the current use. Mr. McDonagh then said that he agreed that the wheel stops might be a good protection.

Mr. Banks said that he likes the idea of this site plan as being a replacement of what currently is on the property, as this is a good example of mixed use properties. Mr. Banks then said that he was concerned about the accessibility of the store, as he did not see a handicap entrance. Mr. DeAngelis answered that it was designed so that the pavement was flushed, without the need of a ramp, and will be compatible with ADA standards. Mr. Banks then said that while he noticed that the main entrance of the store is on Dixwell Avenue, he can see the logic of having an entrance on the parking lot as well. Mr. DeAngelis said that it's more of a faux entrance, but they expect that most people are going to use the front.

Mr. Banks asked if there are five split system condensers. Mr. DeAngelis said that there were, as there are one for each apartment, and nothing is expected to create a lot of noise. Mr. Banks that he was concerned about having those condenser units so close to the property line. Mr. Banks then asked if they checked the sound power data. Mr. DeAngelis said that he knows that there are noise reduced units available, and knows that the modern units are more efficient and ultimately have less noise. Mr. DeAngelis added that they are not large units. Mr. Banks added that another possibility is putting something that would dampen the sound, but would encourage the Applicant to check how much noise it generates.

Mr. Roscow asked what the hours of operation were since this is going to be a mixed-use area. Mr. McDonagh said that they will close at 10 p.m. Monday through Saturday. Mr. Roscow wondered if 10 p.m. would be a little late for the residents who live behind the property, and it seems like 9 p.m. would be better. Mr. Roscow added to consider that this property will be abutting a single-family home. Mr. McDonagh pointed out that there is a gas station across from Homestead as well.

Mr. Cocchiaro said that he would like to go back to Ms. Mastropetre regarding the trees, and recommended that the existing tree be looked at by an arborist as it may be a risk to the powerlines. Mr. Cocchiaro said that he would also recommend planting red oaks. Mr. Kops suggested dogwood trees, as they don't cover much area. Mr. Cocchiaro then replied that dogwood trees could get ruined with snow, and while he would recommend there being a different variety of trees, he would like to leave it up to the applicant. Mr. DeAngelis said that he understands their point, and he can bring these suggestions to the landscaper. Mr. DeAngelis added that the plan was in compliance with the regulations, and had a lot of thought going into it.

Chairman Poitier said that he has questions that have a lot to do with the neighborhood, and then asked Mr. DeAngelis if he would like to continue the application to September. Ms. Mastropetre said that she would like to pass this tonight, as she doesn't want to hold up the progress. Ms. Mastropetre then added that the Commission can put in conditions in regarding the fence. Ms. Mastropetre stated that while she is happy to see this site plan to improve the site, she does want to make sure that it is done correctly.

Mr. Davis mentioned that the only reason why the awning was brought up in his report was due to the fact that the application wasn't clear on what is being proposed. Mr. Davis then added that the awning couldn't impact the landscaping, and he didn't want to make any assumptions. Chairman Poitier pointed out that there were a lot of big issues, including no room for kids to play.

Mr. Davis read his report, which recommended approval subject to the following conditions:

1. Prior to the issuance of a zoning permit, the applicant shall:
 - (a) Submit revised plans containing:
 - i. PVC solid fence shown along the north boundary of the property extended along the western property boundary to the edge of the sidewalk along Homestead Avenue. The first 25 feet of the fence running north from the sidewalk shall be four feet high. The remainder of the fencing, including along the north side, shall be six feet high.

- ii. The buffer on the west boundary should be increased by 4.8 feet, which is gained by reducing the parking lot by 4.8 feet in width.
 - iii. The dumpster surrounded on three sides by a six inch high asphalt berm.
 - iv. A calculation confirming the frontage glazing complies with the 50% standard.
 - v. Revised architectural plans if applicable showing any proposed roof top units and screening of same.
 - vi. The proposed awning extended across the entire Dixwell façade.
 - vii. One bike rack.
 - viii. Building mounted or any other lighting not shown shall be indicated on revised plans.
 - ix. All utilities located underground.
 - x. Elimination of all references to Bridgeport.
 - xi. All Conditions of Approval.
- (b) The Zoning Permit shall be signed by the WPCA and Fire Marshal.
 - (c) The basement shall be for the exclusive use of the retail use and/or tenants.
 - (d) Loading/delivery and refuse removal hours and operations shall be designed to minimize conflicts with on site and abutting residential uses.
 - (e) Approval of the landscape design is permissible due to the directive from ConnDOT that trees not be installed along the Dixwell frontage.
 - (f) Business signage shall be excluded from this approval and approval of same shall require a separate subsequent zoning permit application.
 - (g) Plantings in the area abutting the R-4 Zone shall be designed where possible to minimize off site glare impacts from site lighting, including both pole mounted lights and the proposed wall pacs.
 - (h) If the NE corner utility relocation impacts the site, any such change must be reviewed and approved by the Town of Hamden Town Planner, prior to implementation.
 - (i) Demo debris shall be removed on a daily basis and the site shall be secured at all times during demolition and construction, to prohibit unauthorized access.
 - (j) No changes shall be made to the approved design without the express prior approval of the Hamden Town Planner.
2. Prior to initiation of any site work, the general contractor, owner and project engineer shall attend a preconstruction meeting with Hamden Planning and Zoning staff to review the approved plans, applicable permit and inspection procedures, contacts and other related information.
 3. All work must be completed by July 28, 2025.

Chairman Poitier pointed out that this report is different than the one that the Commission received. Mr. Kops agreed, because there were revisions to the report that were completed less than 24 hours prior to the meeting, and could not be posted to the website. Mr. Kops said that after speaking with Attorney Lee, we made these changes and agreed to present it to the Commission instead. Mr. Kops then continued by saying that the substance remained the same, despite the order of the items changing. Mr. Kops then added that the only two significant changes include the fencing, which was brought up by Commissioners, and the parking lot width.

Mr. DeAngelis said he would like to respond to Mr. Kops' comment about repaving the parking lot. Mr. DeAngelis said that it's not as if they want to repave the parking lot 4.8 feet wider than what is required, the reason is there is a divided entrance/exit with an island in the middle, due to the fact that there is an utility pole on the gas station across the street. Mr. DeAngelis added that to relocate the pole would be significantly difficult, as there are four lines connected to that pole.

Chairman Poitier said that he understood Mr. DeAngelis' points. Chairman Poitier then asked Attorney Lee what to do in this situation, seeing as there was an opposition from the neighbor and that the Commission has received a different report than the one that they were given. Attorney Lee said that under the Governor's Executive materials need to be submitted 24 hours before the meeting, but since there were minor changes to the report, this is what they decided to do. Mr. McDonagh said that it doesn't sound significant but wanted Mr. Kops' opinion on that.

Ms. Mastropetre said that in regards the revised memo, those were changes that she was going to suggest making anyways. Chairman Poitier asked if the Commission can legally vote on an item with a report that was different than received. Attorney Lee said that he thinks since the Commission can modify and vote on the conditions, so he doesn't see it being any different. Chairman Poitier expressed his concerns, and suggested continuing the public hearing until the September meeting. Mr. McDonagh said that he thinks that the items changed were small items.

Mr. Roscow brought up the tree that was on the street and added that since there are powerlines, it may be a benefit to lose the tree. Mr. Roscow added he is concerned by continuing the application to September since it would hold up the construction workers. Mr. Roscow then said that the conditions he can see is to make sure that the liquor store closes as 9 p.m., make sure that there is enough space in the rental units, and making sure that there is enough distance in the air conditioner units.

Mr. Cocchiaro said that he thinks that the existing trees should be inspected by an arborist. Mr. Roscow replied that he thought that a fence would be more appropriate. Mr. Roscow added that there are definitely trees that aren't suitable in this type of areas.

Mr. Kops said that in regards to the condensers, the distance between the house and the north are 8 to 10 feet, and if the condensers are moved to Dixwell Avenue side of the building, it will be 20 feet away from the neighboring house. Mr. Banks referenced the noise ordinance, as something that is referenced in the Conditions of Approval that gets met.

Ms. Mastropetre responded by saying that it doesn't apply to a business zone. Mr. Banks said that it depends, as it is 62 decibels in business zones. Ms. Mastropetre asked if there is a way to move them to the front and shield them to the fence. Ms. Mastropetre said that she thinks there are a number of different ways this can be done. Ms. Mastropetre then stated that she believes a fence can resolve the concern of the Carneys. Ms. Mastropetre then clarified that she doesn't think that there is a need for a playground, but there is a need for green space and wheel stops.

Mr. Kops then read a letter in opposition from Patricia and Richard Carney. Mr. McDonagh asked if they were notified. Mr. Kops answered that they received an abutter's notice, and he corresponded with them via email as well.

Mr. Roscow asked about the parking for the rental units and the business. Mr. Kops said that he personally reviewed the figures and they comply with the regulations without including any parking on Dixwell or on Homestead Avenue.

Chairman Poitier asked if anyone would like to speak in favor of the application. There were none.

Chairman Poitier asked if anyone would like to speak against the application.

Sue Jannitto, daughter of Mr. and Mrs. Carney, talked in her parents' behalf. Ms. Jannitto said that she is concerned about cars, lights, and the hours of the package store. Ms. Jannitto added that she is concerned about her parent's safety, and is worried. Ms. Jannitto then said that she was concerned that the lights are going to shine through into her parents' home. Ms. Jannitto concluded by saying that while her parents are okay with the tree coming down, but she thinks more needs to be addressed regarding security concerns.

There were no further comments against the application.

Mr. DeAngelis commented that the Carneys have shown that they are very much against the application. Mr. DeAngelis then said studies have shown that mixed use properties are safer than single use properties. Mr. DeAngelis then added that if there are people hanging out the owners would hear about it from the renters. Mr. DeAngelis said this application will be a better use of the property than the current one.

Mr. DeAngelis continued by saying that this application is exactly what the town is looking for. Mr. DeAngelis added that since the Carneys have grown accustomed to a vacant site, with no traffic and lights. Mr. DeAngelis added that this is what the town needs, and is willing to work with the Carneys, and the Planning and Zoning staff.

Mr. DeAngelis said that they will have to comply with the Town ordinances, and the only thing that he is opposed to is narrowing the driveway, as it will be harder for cars to go in and out of. Mr. DeAngelis added that they have to comply with the town ordinances, and only thing he is objecting to is width of the parking lot. Mr. DeAngelis said that he is opposed to it because it would be harder for cars to go in and out. Mr. DeAngelis continued by saying that he asks that the Commission give a favorable review of the application.

Mr. McDonagh asked about the security lighting. Mr. DeAngelis said that they reduced it, and thought that two streetlamps would be overkill. Mr. DeAngelis added that he thought that it would be better to put the light towards the building.

Ms. Mastropetre asked about the abutter, and Mr. Kops said that the notices were sent out when the agendas were. Mr. Kops added that signs were not posted on the property, because of the Governor's executive order for COVID-19.

The public hearing was then closed.

B. Regular meeting

1. Special Permit and Site Plan #20-1510
 - 1636 Dixwell Avenue, T-4 Zone
 - Mixed-Use Retail/Residential
 - 1635 Dixwell Package, LLC

Mr. Roscow said that the going to 62 decimals wouldn't make it a difference. Mr. Kops suggested having it in the front of the building. Mr. Roscow said it needs to go to the front where it will be a non-issue.

Mr. McDonagh made a motion to approve the application with the revised conditions from Mr. Davis' report, accepting Ms. Mastropetre's additions the removal of the condition of narrowing of the driveway, a revised landscape plan of the west side of the property that meets the approval of the planning office, the wheel stops on the west sides for all parking spaces, and conformance of the Hamden Sound Ordinance. It was seconded by Ms. Mastropetre, and unanimous in favor.

The application was approved with the following conditions:

1. Prior to the issuance of a zoning permit, the applicant shall:
 - (a) Submit revised plans containing:
 - i. PVC solid fence shown along the north boundary of the property extended along the western property boundary to the edge of the sidewalk along Homestead Avenue. The first 25 feet of the fence running north from the sidewalk shall be four feet high. The remainder of the fencing, including along the north side, shall be six feet high.
 - ii. The dumpster surrounded on three sides by a six inch high asphalt berm.
 - iii. A calculation confirming the frontage glazing complies with the 50% standard.
 - iv. Revised architectural plans if applicable showing any proposed roof top units and screening of same.
 - v. The proposed awning extended across the entire Dixwell façade.
 - vi. One bike rack.
 - vii. Building mounted or any other lighting not shown shall be indicated on revised plans.
 - viii. All utilities located underground.
 - ix. Elimination of all references to Bridgeport.
 - x. **Submitting a revised landscape plan of the west sides of the property that meets the approval of the Planning and Zoning office.**
 - xi. **Wheel stops on the west side of the property for all parking spaces.**
 - xii. **Conformance of the Hamden Sound Ordinance.**
 - xiii. All Conditions of Approval.
 - (b) The Zoning Permit shall be signed by the WPCA and Fire Marshal.
 - (c) The basement shall be for the exclusive use of the retail use and/or tenants.
 - (d) Loading/delivery and refuse removal hours and operations shall be designed to minimize conflicts with on site and abutting residential uses.
 - (e) Approval of the landscape design is permissible due to the directive from ConnDOT that trees not be installed along the Dixwell frontage.
 - (f) Business signage shall be excluded from this approval and approval of same shall require a separate subsequent zoning permit application.
 - (g) Plantings in the area abutting the R-4 Zone shall be designed where possible to minimize off site glare impacts from site lighting, including both pole mounted lights and the proposed wall pacs.
 - (h) If the NE corner utility relocation impacts the site, any such change must be reviewed and approved by the Town of Hamden Town Planner, prior to implementation.
 - (i) Demo debris shall be removed on a daily basis and the site shall be secured at all times during demolition and construction, to prohibit unauthorized access.
 - (j) No changes shall be made to the approved design without the express prior approval of the Hamden Town Planner.
2. Prior to initiation of any site work, the general contractor, owner and project engineer shall attend a preconstruction meeting with Hamden Planning and Zoning staff to review the approved plans, applicable permit and inspection procedures, contacts and other related information.
3. All work must be completed by July 28, 2025.

Mr. McDonagh made a motion, which was a discussion of using the Athletic Fields on Skiff Street for temporary classroom space to the agenda, Ms. Mastropetre seconded, and all were in favor.

Joe Porto, Attorney of Parrett, Porto, Parese & Colwell and representative of Hamden Hall School, addressed the commission. Attorney Porto said that Hamden Hall went before the Commission to file an application for a Minor Amendment for 20 Davis Street to create additional classroom space. Attorney Porto said that at the conclusion of the July 14, 2020 hearing, the Head of School asked Mr. Porto if it would apply to the Skiff Street campus, as the Town has granted temporary permits. Attorney Porto stated that Hamden Hall School will provide a safe environment for students and staff to learn, and Hamden Hall has devised a plan to move the middle school to the Skiff Street campus. Attorney Porto said the site plan will have seven rooms, a gravel pad, and two portable classrooms. Attorney Porto added that they will not be taking any parking spaces, and there will be 12 students per classroom. Attorney Porto said that he is asking for either the Town Planner or the Assistant Town Planner to be able to approve a minor amendment to the existing site plan for no longer than one academic year.

Ms. Mastropetre said that we are in unprecedented times, which means the Commission needs to relinquish control to let either Mr. Kops or Mr. Davis approve this, as if the Commission waits until September, it would delay construction beyond the start of school. Ms. Mastropetre added that things change daily, and this is an instance that the Commission needs to allow the Planning and Zoning Staff to administratively approve.

Mr. Roscow said that he agreed with Ms. Mastropetre. Ms. Mastropetre asked if the permit goes to the Building Department, the Fire Marshal and the Police Department. Attorney Porto said they reviewed the plans, and they are good with them.

Mr. Kops reminded the Commission that the Town Planner does have the authority to approve minor amendments, but thought that it was appropriate to go to the Commission for this, since they approved the classrooms.

Chairman Poitier expressed that he wants to keep everything transparent. Mr. McDonagh said that he thinks that this is a minor amendment. Chairman Poitier said that he doesn't see that as a minor amendment.

Ms. Mastropetre asked Attorney Lee about it. Attorney Lee reminded the Commission that Mr. Kops has the authority to pass the minor amendment, and either Mr. Kops or Mr. Davis can approve minor amendments.

Mr. McDonagh moved a motion that put the responsibility of the request of Hamden Hall School to put it under the responsibility of the Planning Department. It was seconded by Ms. Mastropetre, and the vote unanimous in favor.

Ms. Mastropetre then asked Mr. Kops if staff thinks that anything similar would be coming from the Town. Mr. Kops said that he hasn't heard anything about it.

C. Old Business/ New Business

1. Review minutes of the July 13, 2020 Meeting

Ms. Mastropetre pointed out a correction on page three on the fourth paragraph of the minutes. Ms. Mastropetre added that it would need to say "Ms. Mastropetre suggested that Mr. Izzo gives each student a map of the route on both campuses as well as a handout to be given to both students and parents so that everyone is clear on route to be taken" versus "Ms. Mastropetre suggested that Mr. Izzo give each student a map as well as a handout to be given to both students and parents."

Mr. McDonagh made a motion to approve the minutes for the July 14, 2020 with the correction. Ms. Mastropetre seconded the motion. The vote was unanimous in favor.

2. Update of reconsideration of appropriate zoning classifications for tattoo parlors, rap studios, modeling studios and related Adult Oriented Businesses and Adult Personal Services

Mr. Kops said that he sent the Commission a draft version of the changes he recommended, and the only feedback that he received was from Mr. McDonagh and Mr. Roscow. Mr. Kops proposed under Adult Oriented Establishments to remove tattoo parlor, rap studio and juice bars. Mr. Kops added that under Adult Personal Service Business removing modeling studios and tattoo parlors, as well as removing male or female impersonators under Adult Cabaret. Mr. Kops then said that he wanted to make it clear that tattoo parlors are in fact a personal service by adding to the definition of Personal Services in Article VIII.

Commissioner McDonagh suggested removing sensitivity studio, individual performances, body painting studio, wrestling studio, but leaving encounter studio in the regulations. Mr. Kops said that he doesn't have any objection to it.

Mr. Roscow said that he sent Mr. Kops a definition from another town. Mr. Roscow wondered how this would be enforced. Mr. McDonagh replied that if someone were to engage in this, it would be up to the Police Department to enforce it. Ms. Mastropetre asked about defining how much clothing someone would be wearing.

Mr. McDonagh made a motion that the office works on making the recommended changes in the regulations. It was seconded by Mr. Begemann. The vote was unanimous in favor.

3. Update on general rewrite of the Zoning Regulations

Mr. Kops said that the general rewrite of the Zoning Regulations was going slowly due to limited resources, but is doing the best that he can. Mr. Kops said that he is looking to consolidate sections so that items are cohesive and if someone is looking for a specific item, they would know where to look.

D. Adjournment

Mr. McDonagh made a motion to adjourn. It was seconded by Mr. Roscow and unanimous in favor. The meeting was adjourned at 9:32 p.m. The next meeting is scheduled for September 8, 2020.

Submitted by: _____
Natalie Barletta, Clerk of the Commission