



**Town of Hamden**  
**Planning and Zoning Department**

**Hamden Government  
Center  
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**August 18, 2009**

**MINUTES: THE PLANNING SECTION, PLANNING & ZONING COMMISSION**, Town of Hamden, held a Special Meeting on Tuesday, August 11, 2009 at 7:00 p.m. in the Thornton Wilder Hall, Miller Memorial Library Complex, 2901 Dixwell Avenue, Hamden, CT and the following was reviewed:

*Commissioners in attendance:*

Joe McDonagh, Planning and Zoning Chair  
Ann Altman, Planning Section Chair  
Ralph Riccio  
Lesley DeNardis

*Staff in attendance:*

Leslie Creane, Town Planner  
Dan Kops, Assistant Town Planner  
Tim Lee, Assistant Town Attorney  
Stacy Shellard, Clerk

Ms. Altman called the meeting to order at 7:00 p.m. She introduced the panel and reviewed the procedures.

**A. Special Meeting:**

- 1) **Subdivision 04-1333**  
484 Shepard Avenue  
13-Lot subdivision  
Request to call the bond  
Mark Engengro, Applicant

Mr. Dan Kops, Assistant Town Planner, read his comments and recommendations.

Ms. Altman asked if the developer has been notified this meeting was taking place. Mr. Kops advised that certified letters were sent to all the parties involved. The letter sent to Maplecrest LLC was returned by the post office. Mr. Tim Lee, Assistant Town Attorney advised that the bonding company had notified the contractor who was on the bond. This contractor is not the one who performed the work. Mr. Lee advised the Commission that he endorses Mr. Kops's recommendation. He reviewed the notification procedure used for the request to call a bond.

Ms. DeNardis asked Mr. Lee if the developer could complete the work in a timely fashion. Mr. Lee stated that his feeling is that the developer has no intention to complete the work at this site. Under the sub-division regulations and State Statutes the developer has five years to complete the work. The five years expired in May of 2009. Ms. DeNardis asked if the developer has shown any good faith effort. Mr. Lee advised that they were not showing any good faith effort. Ms. Creane advised Ms. Altman, Planning Section Chair, that the attorney for the bond holder is present.

Ms. Marcie Silverman, Attorney representing Coppola Construction Company, addressed the Commission and stated that Coppola Construction Company posted the bond. They are not the owner or the developer of the property. Coppola Construction Company posted the bond for Maplecrest Development, and was never engaged to perform the work. She advised the Commission that Mr. Engengro had obtained the approval from the Planning

and Zoning Commission and had assured her client that the work would be completed. She explained that her office has attempted to contact the developer and has been unable to do so. Her client understands that the work must be completed. Ms. Silverman ask that her client be given a time table that would allow the work to be done before calling the bond.

Mr. Lee advised the Commission that it is at their discretion to extend the time to complete the work or call the bond. The developer should supply the Commission with a schedule necessary to complete the work. Ms. Altman stated that five years should have been enough time for the developer to complete the road. Mr. Kops stated that if the bond is called by the Commission, then the responsibility to complete the work becomes the Town's. He explained the process the Town would need to use to complete the work. Ms. Altman asked if they should table this item until next month, to allow time for the developer to submit a time frame to complete the work. Ms. Silverman advised the Commission that they would like a month's time. This would allow them to speak with the Town Planner and Attorney to determine the time table that would be needed. Mr. McDonagh stated that the premium for the bond has not been paid in over a year. He asked if Coppola Construction would pay the premium.

Ms. Creane advised the commissioners that there were residents in attendance that would like to speak. She said that the Town has been doing some work on the property for more than two years. The Planning Office has met with the residents who had been advised that the Town could not call the bond until the 5 years for the zoning permit had expired. Ms. Creane advised the commissioners that the decision to call the bond is theirs. She also explained to the members that despite previous notification, this was the first time that the Planning Office had spoken with Coppola Construction.

Ms. Altman advised the Commissioners that she would like to take comments from the residents:

Mr. Steve Baranski, 12 Maplecrest Lane, addressed the Commission on behalf of the residents. He stated that when they were purchasing their homes the builder had said the work would be completed. Many of the residents have gone to court and have put liens on the uncompleted homes, in an effort to get some of the work completed on their homes. The value of the homes has decreased because of the vast amount of issues that still exist. The developer has not responded to any of their telephone calls or legal proceedings. The developer has been taken to small claims court. Mr. Baranski advised the Commission that they have been patient and the five years was up in May, 2009. The residents feel that they have been patient and gracious while they continue to wait. The street light had gone off because the electric bill had not been paid. All the residents mail boxes are located at the end of the street, because the street is incomplete. Their mail, including credit cards have been stolen. The unfinished homes have had problems with rodents. There have also been issues with the storm drains on the street. Ms. Altman asked if the road were paved would this resolve many of the problems. Mr. Baranski stated that it was a step in the right direction. Ms. Altman advised Mr. Baranski that if the commission calls the bond, the developer would no longer be responsible for the work. Mr. Baranski advised the members that the developer has done nothing to correct the issues.

Ms. DeNardis asked Mr. Kops the procedure to correct the problems if they call the bond. Mr. Kops explained the procedure. He indicated that it could take several months before the work could start. He explained that the work would have to go out to bid, and be legally noticed. This could take several months.

Mr. Riccio stated that the houses had been built when the market was good, so the money should have been there to complete the project. Ms. Silverman stated that she has no connection to the developer. It was her client Coppola Construction that holds the bond. Her client would like the opportunity to complete the work, so they would not have to call the bond. She explained that they would pursue Mr. Engengro to receive payment for the work. Mr. McDonagh asked why they never knew the work was not done. Ms. Silverman stated they had never been notified, but her client would like the opportunity to complete the work.

Mr. Bob McClintock, 8 Maplecrest Lane, addressed the Commission and expressed his concern that the Post Office will not come up the street. The Town has been helpful in getting trash pick up and snow removal on the street.

He is concerned with another winter coming. The town's plows must lift their blades, because of the raised manholes. This leaves mounds of ice and snow and is a safety issue.

Mr. Philip Lunde, and stated he was speaking on behalf of his parents who live at 2 Maplecrest Lane. The letter stated his parents concerns for the condition of the roads, issues with the mailboxes, and the retaining pond has not been completed and is needed for storm drainage. Mr. Lunde submitted the letter to the clerk.

The Commission discussed with Mr. Lee what amount of time could be given to Coppola Construction to complete the work, and how they could enforce it. Mr. Lee advised the members that the Commission has the right to call the bond if the work is not completed. Ms. Silverman stated that her client's intent is to do the work, so that the bond is not called.

Mr. McDonagh said if a decision is postponed until September 8, 2009 at a special meeting, he would like to hear from the residents that progress is being made to complete the work needed, or that they would like the commission to call the bond. Mr. McDonagh said that the town is paying the electric bill for the street lights without any compensation.

Ms. Creane stated that paving companies close when the weather gets cold, and this could delay the completion to pave the road. The Commission discussed a date that Coppola Construction should complete the paving by.

Ms. Holly Masi, Zoning Enforcement Officer, addressed the Commission and suggested that Coppola Construction should contact the Town Engineer to make sure that there are no outstanding drainage issues. She also said that they should keep in contact with the Planning Office for inspections of the work being done.

Mr. Baranski stated that in the past the builder has said that they would complete the work, and then did only half of it. He would like suggestions with regard to the mailboxes. When the residents had signed the contracts to purchase their homes there were issues regarding the perimeters, and should be considered when determining if the bond should be called.

Ms. Creane advised the Commission that the mail boxes are not a Planning Office issue. She has been in contact with the Post Office through the Mayor's office. Mr. Scott Jackson has spoken with Rosa DeLauro's office and has received a letter from her office regarding this issue.

***There was discussion among the commissioners and the following conditions were then incorporated into the motion:***

***Mr. McDonagh made the motion to table this item until September 8, 2009, at which time the bond will be called definitively unless the following conditions are met:***

- 1) Significant progress is made by Coppola Construction with paving of the road and a date of completion is given to the Commission. Coppola Construction must submit a schedule of all the work to be done in accordance with the sub-division plans. Any scheduling plans submitted to the Planning Section of the commission must be approved by the Town Engineer.***
- 2) All outstanding premiums must be paid by September 8, 2009.***

***Mr. Riccio seconded the motion. The motion passes unanimously.***

- 2) **C.G.S. 8-24 09-284**  
345 Westwoods Road  
Stormwater sewer easement  
Town of Hamden, Applicant

Mr. Dan Kops, Assistant Town Planner, reviewed the application and read his recommendations for a favorable review to the Legislative Council.

Ms. Altman asked for comments from the commission. There were none.

*Mr. McDonagh made the motion to refer the C.G.S 8-24 09-284 for a stormwater sewer easement with a favorable review to the Legislative Council. Ms. DeNardis seconded the motion. The motion passed unanimously.*

## **B. Old Business/New Business**

### 1. Review Minutes of June 16, 2009

Mr. McDonagh made a motion to table this item until the September 8, 2009 meeting. Ms. DeNardis seconded the motion. The motion passed unanimously.

## **C. Adjournment**

Mr. McDonagh made a motion to adjourn the meeting. Ms. DeNardis seconded the motion. The motion passed unanimously.

The meeting adjourned at 7:48 p.m.

**Submitted by:** \_\_\_\_\_  
**Stacy Shellard, Clerk of the Commission**