



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

**Hamden Government Center**  
**2750 Dixwell Avenue**  
**Hamden, CT 06518**  
**Tel: (203) 287-7070**  
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October 19, 2009

**AGENDA: THE PLANNING & ZONING COMMISSION**, Town of Hamden, held a Public Hearing and Regular Meeting on Tuesday, October 13, 2009, at 7:00 p.m. in the Thornton Wilder Hall, Miller Memorial Library Complex, 2901 Dixwell Avenue, Hamden and the following was reviewed:

Commissioners in attendance:

Joe McDonagh, Chairman  
 Ann Altman  
 Ed Grant  
 Ralph Riccio  
 Lesley DeNardis  
 Peter Reynolds  
 Bob Roscow arrived at 7:13 p.m.  
 Jerry Dimenstein  
 Don Moses arrived at 7:26 p.m.  
 Ralph Marottoli, alternate sitting for Don Moses

Staff in attendance:

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

Mr. McDonagh called the meeting to order at 7:07 p.m. The clerk read the Public Hearing items into the record. Mr. McDonagh introduced the panel and reviewed the Public Hearing Procedures.

**A. Public Hearing:**

**1. Special Permit & Site Plan 09-1156/WS**

380 Mather Street, CDD-1 Zone  
 Multi-family housing  
 Summit Residential, LLC

Mr. McDonagh stated that the application had been withdrawn at the request of the applicant.

**2. Major Amendment to Special Permit & Site Plan 89-0530**

2840 Whitney Avenue, R-4 zone  
 Addition  
 Steve Ciardello, Attorney

Mr. Steve Ciardello, applicant, addressed the Commission and reviewed the location of his building on the property. He explained that he has owned the free-standing building since 1992. The prior owner was People's Bank and had received a prior approval for a Special Permit to add an addition. The addition will be two stories and rectangular in shape, and the short end will face Whitney Avenue and go back towards the parking area. He reviewed pictures of the front and rear of the building, and one showing what the building will look like with the new addition. There will be a partial basement which will help to control the runoff of water. Mr. Ciardello stated that the addition would be used as general office space. The existing basement is crumbling and is currently being used for storage. His surveyor is Mr. Mello who has provided runoff calculations and has included catch basins. Mr. Mello has met with the Town

Engineer and the Planning Department. Mr. Ciardello feels there will be no issues with the conditions of approval that Mr. Kops recommends.

Ms. Altman asked if there were any historical aspect that should be addressed because the building was built in the 1800's. Mr. Dan Kops, Assistant Town Planner stated that the Planning Office was not aware of any historical aspects. Mr. Ciardello said that there was a small plaque on the building. It was placed on the building by the Historical Society to recognize that it was built in the 1800's. Ms. Altman asked if Mr. Ciardello had spoken with the Historical Society. He stated that he had not. Mr. Grant asked if there had been any additions built prior to Mr. Ciardello purchasing the building. Mr. Ciardello explained that there were two additions built prior to his purchasing it and because of the historic impact they would have been documented on the records. He did a search and was unable to locate any recordings. Ms. Altman feels that they should try to preserve a building that is old. Mr. Roscow stated that all the buildings in the condominium are separated and the Department of the Interior guidelines state that additions to an historical building can be torn down if the original building remains. He does not see this project as a problem because the features of the original building would remain. Mr. Ciardello explained that the original facade would not be changed.

Mr. Dan Kops, Assistant Town Planner, read his comments and recommended approval based on the following plans:

“Site Plan Dependent-Resurvey, Proposed Addition to Professional Office at 2840 Whitney Avenue, Hamden, CT” Prepared by Anthony Mello, Drawing 3005-30, dated August 14, 2009; Additions & “Alterations, Ciardeiello Office Building, Robert Melinosky, Building Designer, undated .

With the following conditions:

1. Prior to the Issuance of a Zoning Permit the applicant must:
  - A. Provide revised plans containing the following, for approval by the Town Engineer and Town Planner containing:
    - i. A separate Existing Conditions Plan containing the topographic and boundary survey information as well as a separate Site Plan at 1'=10', with existing conditions screened to clarify what is being proposed.
    - ii. The connection between the roof drain located at the northwesterly corner of the existing building and the drainage system.
    - iii. All proposed surface treatments.
    - iv. The finished floor elevation of the proposed building.
    - v. The proposed grading of the area between the building and the parking area.
    - vi. A retaining wall in the slope west of the proposed building to accommodate the site improvements if the grade along the rear slope meets or exceeds 2:1.
    - vii. Grading east of the drywell mounded and/or the drywell depressed below grade to prevent surface flow by-pass.
    - viii. Repositioning of the catch basin shown in the the brickwork to a safer location.
    - ix. Sedimentation and erosion controls.
    - x. Relocation of the underground electric line to avoid conflict with the storm pipe.
    - xi. Proposed surface treatments.
    - xii. Consistency between the site plan and the building plan.
    - xiii. The building coverage figure for the entire condominium complex.
    - xiv. Any proposed changes to the site lighting.
    - xv. Building drawings for the second floor.
    - xvi. A note indicating if there is a basement, and plans if appropriate.
  - B. Submit a performance bond in an amount approved by the Town Engineer and Town Planner.
2. All erosion controls should be installed prior to the commencement of construction activities.
3. During construction:

- a. Silt sack inserts should be used to prevent soil deposits from entering the collection structures, in any catch basins that may be affected by the project.
  - b. Erosion controls should be inspected regularly and immediately after each rainfall, as well as maintained and modified as necessary.
  - c. All fuel, oil, paint and other hazardous materials stored on-site should be placed in a secondary contained and kept in a locked indoor area with an impervious floor when not being used.
  - d. Any on-site fueling and repairs should be conducted over a portable spill containment system.
  - e. A supply of absorbent spill response material should be kept on-site to clean up any spills of hazardous materials.
4. All work must be completed by October 13, 2014.
  5. The stormwater management plan must be strictly followed.
  6. RWA inspectors must be allowed access for annual inspections.

Mr. McDonagh explained that Mr. Moses had arrived but Mr. Marotolli who is the alternate sitting for him would sit for this item.

Mr. McDonagh stated that the design plan shows the building was built in 1820. He asked if two handicapped spaces would be required. Mr. Kops said that only one is required and is marked on the plan as parking space number thirteen. Mr. Ciardello explained that he moved the location of the handicapped spaces because his elderly clients park on the grass. Mr. McDonagh questioned if there are lights on the front of the building. Mr. Ciardello stated that he is not proposing any changes to the lighting, but may place accent lights on the building. The north east corner of the building abuts with the driveway for Alliance bank and there are lights on the bank. Mr. McDonagh said there is a visitor parking sign that points to Mr. Ciardello's lot. Mr. Ciardello advised the Commission that the entire Condominium Complex shares all the parking and there are no exclusive rights. The condominium documents state that the spaces located near his building are available for all visitors to the complex, but are used primarily for his visitors. When Our Lady of Mt Carmel church has services, they use the lot for parking.

Mr. Riccio would like a letter from the Historical Society stating their approval for the addition. Mr. McDonagh asked if a historical building can have additions built. Mr. Tim Lee, Assistant Town Attorney explained that an addition can be added to a historical building, but it must comply with the regulations set by the Secretary of the Interior. The addition must be distinguished from the existing building. Mr. McDonagh asked if the building has been designated as a historical site. Mr. Ciardello said he will contact the Historical Society as long as he is not giving up the right of approval. Ms. Altman said that the goal is to keep the streetscape as original as possible, and this project seems to be doing this. Mr. Roscow explained that a historic plaque does not mean the building is registered as a historic building.

Mr. Ciardello advised that the WPCA would like a viewing of the access sewer and wants a camera visual. He says this will be done pending approval.

Mr. McDonagh asked for comments in favor or against the application. There were none.

Ms. Sarah Clark, 4032 Whitney Avenue addressed the Commission and said she lives in a historical house. The Plans of Conservation and Development helps to maintain the historical houses. She feels that Mr. Riccio's request to receive comments from the Historical Society would help protect the historic buildings in the Town.

Mr. Ciardello advised the Commission that he accepts the recommendations of Mr. Kops and can comply with the conditions.

Mr. McDonagh closed the public hearing.

3. **Special Permit and Site Plan 09-1157/WS**  
310 West Shepard Avenue, R-1 zone  
Deposit of 20,000 cubic yards of fill on  
driving range

Town of Hamden, Applicant

Mr. McDonagh stated that Mr. Moses will be sitting for this item.

Mr. Dan Kops, Assistant Town Planner read his comments and recommended based on the following plans:

“Grading Plan Laurel View Country Club 310 West Shepard Avenue-Hamden, CT “ prepared by the Town of Hamden Engineering Department, dated 10/2/09

With the following conditions:

“Grading Plan Laurel View Country Club 310 West Shepard Avenue-Hamden, CT “ prepared by the Town of Hamden Engineering Department, dated 10/2/09

With the following conditions:

1. The applicant must obtain a Zoning Permit.
2. All erosion controls should be installed prior to any depositing or regrading of fill.
3. Hours of fill depositing and removal are limited to between 9:00 am and 3:00 pm, Monday through Friday
  - A. All work must be completed by October 13, 2011.

Mr. McDonagh asked how many truck trips would be made to transport the fill. Mr. Kops stated each truck would have 15 cubic yards of fill per trip. Mr. McDonagh asked what the time frame would be to complete the project and what would the truck route be. Mr. Kops said there is no time frame to complete the project. The trucks would travel up West Woods Road to Shepard Avenue to West Shepard Avenue. Ms. Altman feels that a lot of dirt will be transported through the neighborhoods and is concerned that there could be damage to the road surface because of the heavy trucks. Mr. Grant explained that there is no cost to the Town for the fill and it will enhance the driving range. Mr. McDonagh said that the amount of fill would take 1,300 loads of fill. Ms. Altman stated that she is not a golfer and has no interest in approving this application and a 20 year lease was granted for the golf course. Mr. Grant advised the Commissioners that improving the driving range would safe guard against golf balls going into the neighboring yards. Ms. Altman asked if the work to bring the fill to the golf course has already begun. Mr. Grant stated that no fill has been transported to the golf course. Mr. Moses asked if there would be a problem with the proposed plan if the truck route were to be changed. Mr. Kops stated that it makes sense for the route to be Sherman Avenue to Shepard Avenue to West Shepard instead of using West Woods Road.

Mr. Pat Aquaro explained that the existing field has been extended back and the level of the hitting surface was dropped. The driving range would be enhanced by bringing the fill in. He stated that the only work that has been done was moving the existing dirt around. He explained the existing condition of the driving range.

Ms. Altman asked if the application is not approved where the fill would go. Mr. Kops said that it would be determined by the DOT. Mr. Riccio asked how the project by the DOT got tied in with Laurel View Country Club and if the town would make any money on the project. Mr. Kops explained that the fill is free and the DOT offered it to the town to save the DOT money. Ms. Creane stated that the golf course generates revenue and approving the application would help to maintain it. Mr. McDonagh reviewed Mr. Kops' comments which said there would be 10,000 cubic yards of fill and the application states 20,000 cubic yards. Mr. Kops said there would be 20,000 cubic yards of fill. Ms. Altman asked if the abutting neighbors have been notified regarding the impact of the trucks and if the fill is not received would it generate less revenue for the golf course. Mr. Kops explained that the abutting neighbors have been notified, but not the residents on the truck route. Mr. Dimenstein asked if the truck route must use town roads. Mr. Kops reviewed the State roads in Hamden. They are Whitney Avenue, State Street and Dixwell Avenue. Ms. Altman would like a condition that the trucks be covered. Mr. Roscow explained that the State requires the trucks be covered. Mr. McDonagh that a condition requires the streets be cleaned and any damage to the roads be repaired. Ms. Altman would like pictures taken before and after the work is completed.

Mr. McDonagh asked for comments in favor and against the application. There were none.

The public hearing closed at 7:55 p.m.

## **B. Regular Meeting:**

### **1. Special Permit & Site Plan 03-992**

Gaylord Mountain Road, R-2 Zone  
Morningview Subdivision  
Request for an extension of the deadline to complete  
Ravenswood Construction, LLC, Applicant

Mr. Dean Fiske, President, Ravenswood Homes, addressed the Commission and reviewed the request for an extension of the deadline to complete the project. He explained that it is a 24 lot development and that phase 1 has 15 lots which are completed. Mr. Fiske reviewed the letter he submitted. He explained that drafts of the as built plans have been submitted and he will be making modifications to them. The final pavement of the street for phase 1 will be done in 2010 and phase 2 will be completed in 2010.

Mr. Kops read his comments and recommendation from the prior meeting September 8, 2009.

Mr. Riccio asked Mr. Fiske what the date of completion will be. Mr. Fiske stated that the remaining work for the 15 lots in phase one will be done by November 30, 2009, so that the road can be accepted. The permit which was issued for five years expired in July of 2009. Mr. Riccio asked if an extension should have been asked for. Mr. McDonagh explained that there is a request for a five year extension. Mr. Riccio said time was lost with the drainage problems and asked how they would receive asphalt by November 30, 2009. Mr. Fiske explained that the intent is to receive the asphalt sooner if the Town Engineer gives the approval of the work. Mr. Riccio explained that the road must go through one winter before the Town will accept the road. Mr. Fiske stated that he was not aware of that condition to accept the road into the town. Ms Altman asked Mr. Fiske if there was a hazard at the retention pond because there is no fence. Mr. Fiske does not feel there is a hazard but can place a chain link fence around it.

Mr. McDonagh advised the Commission that there were residents who would like to speak.

Ms. Christine Shadle, 12 Morningview Court addressed the Commission and stated that she closed on her home in July of 2005. She is not sure what trees, monuments or street lights have been installed. There have been street lights installed but have not been turned on. Recently a stop sign was installed at the end of Morningview Court that helps with the traffic coming from Talmadge Road and there are no street signs. The pavement is breaking up and asked if a top coat would be sufficient. The upper part of Talmadge road is in worse shape. There is a need to repair the curbing that has been damaged. The Town of Hamden does not plow the roads and there is a concern with emergency vehicles being able to have access during storms. Mr. Kops explained when a subdivision plan is approved there are cement monuments that are placed in the corners of the subdivision to be used as a reference for surveyors. The street trees required are one tree every 30 feet within the right away.

Ms. Mavina Bask, 89 Talmadge Road, addressed the Commission and stated that there are no street lights at the top of the hill and is a safety concern. There are a lot of cars that come up in the dark and park in the back at the top of the hill. The paving on Talmadge has many pot holes. Ravenswood snowplows can only plow one side of the road because of the potholes. When the snowplows hit a pot hole her house shakes. She is also concerned that emergency vehicles will not be able to have access to her home. She does not feel that the residents should have to live with the conditions of the roads until the last two lots are sold as Mr. Fiske had stated. There is an area that has tree stumps that should be cleaned up.

Mr. Roscow asked Ms. Bask if the road leading up to the television tower has been paved. Ms. Bask explained where there is pavement. Mr. Roscow asked if the owners of the tower could be asked to place a fence in the area. Ms. Bask reviewed the area and where there are gates and fences. Mr. Grant asked Ms. Bask if she calls the police when vehicles are up there at night. Ms. Bask said that she does, but because there are no lights the residents cannot explain what is happening. Ms. Altman stated she sympathizes with the residents and asked what the Planning & Zoning Commission's authority is if conditions are placed on the application. Mr. Kops explained that the subdivision is not completed and the Town does not have the authority to force the completion of the public improvements component. The Town has some clout when the applicant asked for an extension there can be some conditions, but they would be

limited. If the extension is denied it would make the conditions at the subdivision worse. A five year extension without conditions would make it worse for the residents because there is little compulsion to complete the work in a timely fashion. The Commission can grant a shorter extension with conditions that the work be completed and if more time is needed the applicant would have to come back. Ms. Altman asked if a six month extension is granted with the condition that the work be completed. If the applicant does not complete the work, the commission does not have the authority to force them to complete the work. Mr. Kops said that the Commission can send a clear message that they anticipate the work to be completed in a timely fashion in compliance with what Mr. Fiske indicated he would do. Mr. Grant stated that the residents may need to hire a lawyer if Mr. Fiske does not complete the work. Mr. McDonagh asked Mr. Fiske when he anticipates the two lots on Talmadge will be developed. Mr. Fiske stated that he cannot put up two houses without buyers for them. Mr. Grant asked Mr. Fiske if he could pave Talmadge Road. Mr. Fiske advised the Commission that if he has the road paved, it could be damaged by the trucks that would travel to the houses being built. Mr. Fiske said that the potholes on Talmadge Road will be patched when they are paving Morningview Court. Mr. McDonagh asked Mr. Kops what his recommendation would be regarding the extension. Mr. Kops recommends that this request for an extension be tabled until the December 8, 2009 meeting. This would allow Mr. Fiske to complete the work he said would be done by November 30, 2009. Mr. Roscow reviewed with Mr. Fiske the location of the open space and Talmadge Road. Mr. Moses asked when the application for the sub division came before the Commission. Mr. Kops stated that it was approved in 2003. Mr. Moses asked if the street lighting was included in the application for the subdivision. Mr. Kops explained that the street lighting is always put in at the end of the project when the road is accepted. Mr. Fiske said that the lighting can be placed on Talmadge Road. Mr. Moses is concerned with the safety of the residents. Mr. Fiske will work with United Illuminating for lights on Talmadge Road.

***Ms. Altman made the motion to table this item until the December 8, 2009 meeting. Mr. Grant seconded the motion. Mr. Moses asked about the lighting. Mr. McDonagh explained that when a motion is made to be tabled. There cannot be a discussion. The motion passed unanimously.***

Mr. McDonagh advised Mr. Moses that his question could now be answered. Mr. Fiske explained he will try to get lighting on Talmadge Road as part of the timetable.

Mr. Tom Buono, 14 Morningview Court addressed the Commission and asked if the residents would be notified when the paving begins. There has not been a lot of communication with Ravenswood. Mr. McDonagh advised that Mr. Fiske said the paving would be done before November 30, 2009. Mr. Buono said there is a mound of dirt at the street sign on Morningview and Talmadge Road that creates a problem with visibility.

## **2. Special Permit & Site Plan 09-1156/WS**

380 Mather Street, CDD-1 zone  
Multi-family housing  
Summit Residential, LLC

**Withdrawn at the request of the applicant.**

## **3. Major Amendment to Special Permit & Site Plan 89-0530**

2840 Whitney Avenue, R-4 zone  
Addition  
Steve Ciardello, Attorney

***Ms. Altman made the motion to approve the major amendment to Special Permit and Site Plan 89-0530 with the conditions recommended by Mr. Kops, Assistant Town Planner and a condition added that states low key lighting be defined in conference with Mr. Kops recommendation. Mr. Kops stated that the motion requires the lighting to have full cutoff and be verified by a full photometric study. Ms. Altman amended her motion to include 1.a.17: requires the lighting to have full cutoff and be verified by a full photometric study and the following conditions as recommended by Mr. Kops:***

With the following conditions:

1. Prior to the Issuance of a Zoning Permit the applicant must:
  - A. Provide revised plans containing the following, for approval by the Town Engineer and Town Planner containing:
    - i. A separate Existing Conditions Plan containing the topographic and boundary survey information as well as a separate Site Plan at 1"=10', with existing conditions screened to clarify what is being proposed.
    - ii. The connection between the roof drain located at the northwesterly corner of the existing building and the drainage system.
    - iii. All proposed surface treatments.
    - iv. The finished floor elevation of the proposed building.
    - v. The proposed grading of the area between the building and the parking area.
    - vi. A retaining wall in the slope west of the proposed building to accommodate the site improvements if the grade along the rear slope meets or exceeds 2:1.
    - vii. Grading east of the drywell mounded and/or the drywell depressed below grade to prevent surface flow by-pass.
    - viii. Repositioning of the catch basin shown in the the brickwork to a safer location.
    - ix. Sedimentation and erosion controls.
    - x. Relocation of the underground electric line to avoid conflict with the storm pipe.
    - xi. Proposed surface treatments.
    - xii. Consistency between the site plan and the building plan.
    - xiii. The building coverage figure for the entire condominium complex.
    - xiv. Any proposed changes to the site lighting.
    - xv. Building drawings for the second floor.
    - xvi. A note indicating if there is a basement, and plans if appropriate.
    - xvii. **The lighting having full cutoff and verified by a full photometric study**
  - B. Submit a performance bond in an amount approved by the Town Engineer and Town Planner.
2. All erosion controls should be installed prior to the commencement of construction activities.
3. During construction:
  - a. Silt sack inserts should be used to prevent soil deposits from entering the collection structures, in any catch basins that may be affected by the project.
  - b. Erosion controls should be inspected regularly and immediately after each rainfall, as well as maintained and modified as necessary.
  - c. All fuel, oil, paint and other hazardous materials stored on-site should be placed in a secondary contained and kept in a locked indoor area with an impervious floor when not being used.
  - d. Any on-site fueling and repairs should be conducted over a portable spill containment system.
  - e. A supply of absorbent spill response material should be kept on-site to clean up any spills of hazardous materials.
4. All work must be completed by October 13, 2014.
5. The stormwater management plan must be strictly followed.
6. RWA inspectors must be allowed access for annual inspections.

***Mr. Grant seconded the motion. The motion passed unanimously.***

4. **Special Permit & Site Plan 99-887**  
 2895 State Street  
 Request to release \$25,000.00 bond  
 Nextel Communications, Applicant

Mr. McDonagh reviewed the recommendation made by Ms. Holly Massi, Zoning Enforcement Officer to release the bond. He advised the Commissioners that the correct amount of the bond is \$36,200.00.

***Ms. Altman made the motion to release the bond in the amount of \$36,200.00 as recommended by Ms. Holly Masi, Zoning Enforcement Officer. Mr. Riccio seconded the motion. The motion passed unanimously.***

## **5. 2009 Parking Plan-Quinnipiac University**

Mr. Bernard Pellegrino, Attorney, addressed the Commission and stated that the parking plan is similar as seen the last 6-7 years. The new parking garage on the York Hill campus is opened and is shown on the plan. The parking lot will house all the cars for the build out of the new dormitory constructed. Mr. Pellegrino explained that 520 dormitory beds have opened this year. The parking garage has approximately 1,985 spaces. This is anticipating the beds on the campus will be approximately 1,985. When looking at the calculations there is more than ample parking and the University does not anticipate any problems with the parking. This will also solve problems with the parking at the sport complex on game nights. Mr. McDonagh asked when the rest of the beds will be available. Mr. Pellegrino stated that the remainder of the beds should be ready in the fall of 2010.

Mr. Joe Rubertone, Quinnipiac University, addressed the Commission and stated that there will be 776 beds available in August of 2010 which will be the remainder of the crescent resident hall, and five of the village buildings which will bring the total to 1,196. It is anticipated that there will be 204 additional beds available in 2011 and this would bring the total to 1,500. The University will see what direction they will need to go in the next twelve to fourteen months to make plans for the additional 548 beds that they have received the approval to build.

Ms. Altman feels that the enrollment of undergraduates has increased to 5,737 students in fall 2009 compared to May 2009 which was 5,400. She thought there was not to be an increase in undergraduate enrollment until the University could accommodate them all. Mr. Pellegrino said that the current undergraduate is 5,737 and we unsure of the previous number. Ms. Altman said that the May 2009 number of students was 5,400. The numbers 3,475 and 1,925 are students in the dormitories and off campus. Mr. Pellegrino said that they were the spring figures from last year. He stated that the spring semester is always slightly lower than the fall semester because there is an attrition rate in the spring. Ms. Altman asked Mr. Pellegrino if he was talking about acceptances of people that actually show up and the number he would like the Commission to consider. Mr. Pellegrino said that the figure of actual students is 5,737. He did not have the spring 2009 figures with him. Ms. Altman said that the May 2008 figures were lower by 337 students. Mr. Pellegrino said his recollection that the fall of 2008 was slightly less than 5,737 by approximately 80 students. There has been an increase from September of 2008 to September of 2009. Mr. McDonagh said that once the dormitories are completed the undergraduate student enrollment is not supposed to exceed the amount of beds available. Mr. Kops is disappointed that the beds increased by 500 and the off housing students only decreased by 200. Mr. Pellegrino said there are two issues that account for this. One is the timeline for the completion of the dormitories which was only the day before they were to move in. The seniors that were last year's juniors were uncertain when the dormitories would come on line and they had committed to off-campus housing. The juniors who were off campus last year had two year leases. The main issue was the University could not ensure all 520 beds could be filled by the then existing juniors. The University has put together a marketing piece they has been sent to seniors showing the housing will be available and the pricing options. This is being done to get a one to one relationship with the students. Ms. Altman said that it is important that the University has motivation to increase the enrollment. The Commission could become less forgiving for future projects if the University continues to increase the enrollment. Mr. Pellegrino stated that the University has looked at the projections and are still within the perimeters that were projected in 2006. He feels they are still within the parameters and making a good faith effort. He feels there would have been a better ratio of the 520 beds filled this year had the schedule for the completion of the dormitory not been so close to the opening. The new dining hall did not open in the spring and this could have also been an issue. Mr. McDonagh stated that there is a condition of approval that says undergraduate enrollment is limited to the amount of beds. Mr. Pellegrino agreed and stated that the condition is attached to the entire approval and the university is still growing into it. Mr. Kops stated that once a condition is attached to the project, it does remain after the project is completed. The 5,400 undergraduate students was projected for several years and the University is 300 over. He understands there is variability from year to year except that 300 students is a lot. There is an increase in enrollment and there are more students living in the neighborhoods than anticipated. The Commission had worked in good faith working with the neighborhoods and the university trying to allow the expansion and have protections for the neighborhood. Mr. McDonagh feels that the Commission has been let down.

Mr. Roscow asked if the freshman and sophomores are required to live on the campus and the freshman are not allowed a vehicle. Mr. Rubertone advised that the freshman are required to live on the campus and not allowed a vehicle. Mr. Roscow asked if the policy would be that students live on campus and if the houses in the neighbors would continue to be rented by the students. Mr. Pellegrino stated that the anticipation will be to fill the dormitories when they are completed. The University houses will remain as student housing and policed by the University. The University has no plans for further expansion into the neighborhoods. Mr. Roscow said that there is a problem with the New Road homes and the Student Housing Regulations is that parking on lawns is not allowed. If the regulations are observed and parking is controlled he is not against the off campus housing. Most universities offer alternatives for housing and Quinnipiac should be penalized if they do not comply with the regulations of no on street parking which should be policed by the University. Mr. Pellegrino said that there are permits for the off campus houses owned by Quinnipiac and there is enforcement. Ms. Altman would like a consensus from the Commission that Mr. Kops compose a letter in conjunction with Mr. McDonagh regarding what has been said at this meeting and sent to Quinnipiac so that this conservation is on the record and communicated to Quinnipiac. The enrollment was a condition of approval and should be communicated to Quinnipiac.

Mr. McDonagh would like as part of the letter a list of properties Quinnipiac owns included. He would like a list from Quinnipiac of the houses that they anticipate will continue to be used as student housing or what they would be used for in the future.

Mr. Pellegrino stated that the 5,400 number given in the 2006 was a projection based on the information that was available. He feels that the commitment was to house the students that they enroll. He did not feel they committed to no increase in students. He stated there has been an increase in students. Mr. Kops stated that a resident had asked why the Echols parking lot is not shown on the parking plan. Mr. Pellegrino stated that it is shown as number 15 on the plan. Mr. Roscow would like the future plans to show north on the top of the plans. He referred to Yale which will be building two new colleges and asked what Quinnipiac is projecting, to avoid the Commission being put in an adversarial position.

Mr. McDonagh stated that a motion is not needed for the letter and asked what the consensus of the Commission was. The consensus of the Commission is to have a letter sent to Quinnipiac University. Mr. McDonagh advised that the letter will be sent to the commissioners prior to being sent to Quinnipiac.

#### **6. Special Permit and Site Plan 09-1157/WS**

310 West Shepard Avenue, R-1 zone  
 Deposit of 20,000 cubic yards of fill on  
 driving range  
 Town of Hamden, Applicant

Mr. McDonagh suggested that a condition 4) The truck route will be Whitney Avenue to Sherman Avenue to Shepard Avenue to West Shepard Avenue. 5) The roads must be kept clean 6) At the end of the process the roads must be restored to the original condition. Condition condition 3.A. will be changed to condition number 7.

**Mr. Grant made the motion to approve the Special Permit and Site Plan 09-1157/WS with the conditions suggested by Mr. McDonagh and the conditions recommended by Mr. Kops and the following conditions:**

1. The applicant must obtain a Zoning Permit.
7. All erosion controls should be installed prior to any depositing or regrading of fill.
3. Hours of fill depositing and removal are limited to between 9:00 am and 3:00 pm, Monday through Friday.
4. **The truck route will be Whitney Avenue to Sherman Avenue to Shepard Avenue to West Shepard Avenue.**
5. **The roads must be kept clean.**
6. **At the end of the process the roads must be restored to the original condition.**
7. **All work must be completed by October 13, 2011.**

**Mr. Moses seconded the motion.** Mr. Roscow asked that the motion be amended to include with condition 6) that the town roads be video taped prior to the work starting. Mr. McDonagh stated that a motion was made and seconded and should be voted on before amended. Mr. Roscow feels that the video tape should be made because he is concerned with the amount of trucks traveling the roads. The residents should not have to be responsible for damage to the roads that may have been caused by the project. Mr. McDonagh stated that one third of the truck route is a state road.

**Mr. Roscow made the motion to amend the original motion and add a condition that before the trucks begin the town roads be videotaped. Ms. DeNardis seconded the motion. Mr. McDonagh advised the Town roads that will be included in the motion should be Sherman Avenue, Shepard Avenue, and West Shepard Avenue. Mr. Moses asked if this would include the condition of cleaning of the roads. Mr. McDonagh explained that the amended motion is for the concern of damage to the road. This is a town project. Mr. Kops explained that this is a town project and the Town will have to restore the roads to the original condition. Videotaping the roads would be an additional expense. The Commission discussed the cost of video taping the roads.**

**Mr. McDonagh asked for a vote to amend the original condition. Mr. Roscow, Ms. DeNardis and Mr. Moses voted in favor of the amendment. Mr. Grant, Ms. Altman, Mr. Riccio, Mr. Reynolds and Mr. Dimenstein voted against the amendment. The motion failed 3-5-0.**

Ms. Altman feels that the only people to benefit from the golf course receiving the fill is the golfers and imposes a burden on the residents who live on the truck route. She feels there is no reason to vote in favor of the application. Mr. Roscow stated he likes to golf and adds a better caliber to the course and would mean people would not be driving the net. This would simulate what is out on the golf course. It ups the quality of the golf course with a better practice range.

**Mr. McDonagh asked for vote of the original condition. Mr. Grant, Mr. Riccio, Ms. DeNardis, Mr. Reynolds, Mr. Roscow, Mr. Dimenstein and Mr. Moses voted in favor of the motion. Ms. Altman voted against the motion. The motion passed 7-1-0**

**Mr. Roscow made the motion to add a bond release request to the agenda. Ms. Altman seconded the motion. The motion passed unanimously.**

#### **7. Special Permit & Site Plan 04-1023/WS**

1817 & 1869 Dixwell Avenue  
Request to release \$1,032,931.00 bond  
Home Depot, Applicant  
**Bond released with conditions**

Mr. McDonagh reviewed the request to release the bond in the amount of \$1,032,931.00 as recommended by Ms. Holly Masi, Zoning Enforcement Officer. He would like the condition recommended by Ms. Masi to state that a separate bond for \$50,000 be posted before the original bond is released.

**Ms. Altman made the motion to release the bond in the amount of \$1,032,931.00 with the condition that a separate bond for \$50,000.00 be posted before the original bond is released, as recommended by Ms. Holly Masi, Zoning Enforcement Officer. Ms. DeNardis seconded the motion. Ms. Altman, Mr. Dimenstein, Mr. Riccio, Ms. DeNardis, Mr. Reynolds, Mr. Grant and Mr. Moses voted in favor of the motion. Mr. Roscow voted against the motion. The motion passed 7-1-0.**

#### **C. Old Business/ New Business**

1. Review of September 1, 2009

Mr. McDonagh asked that a motion be made to table the September 1, 2009 minutes until the October 13, 2009 meeting. Mr. Roscow made the motion to table the minutes until the October 13, 2009 meeting. Mr. Moses seconded the motion. The motion passed unanimously.

**8. Review of September 8, 2009**

Mr. McDonagh asked that a motion be made to table the September 8, 2009 minutes until the October 13, 2009 meeting. Mr. Roscow made the motion to table the minutes until the October 13, 2009 meeting. Mr. Moses seconded the motion. The motion passed unanimously.

- 3. Minor Amendment to Special Permit 87-399**  
 1245 Dixwell Avenue, CDD-1 Zone  
 Architectural and signage improvements  
 Mr. Joseph Penney, Stop & Shop Supermarket Company, LLC, Applicant

Ms. Leslie Creane reviewed the application and advised the Commission that she has signed it.

- 4. Minor Amendment to Special Permit 08-1123**  
 225 Skiff Street, CDD-2 Zone  
 Planting modification  
 Hamden Hall Country Day School, Applicant

Ms. Leslie Creane reviewed the application and advised the Commission that she has signed it.

- 5. Minor Amendment to Special Permit 09-1149**  
 2372 Whitney Avenue, CDD4-B Zone  
 Revised Photometric Plan  
 Town of Hamden, Applicant

Ms. Leslie Creane reviewed the application and advised the Commission that she has signed it.

**D. Adjournment**

Ms. Altman made a motion to adjourn. Mr. Moses seconded the motion. The motion passed unanimously.

The meeting closed at 9:23 p.m.

**Submitted by:** \_\_\_\_\_  
**Stacy Shellard, Clerk of Commissions**