



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

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

**Fax: (203) 287-7075**

November 17, 2009, revised 11-24-09

**MINUTES: THE PLANNING & ZONING COMMISSION**, Town of Hamden, held a Public Hearing and Regular Meeting on Tuesday, November 10, 2009, at 7:00 p.m. in the Thornton Wilder Hall, Miller Memorial Library Complex, 2901 Dixwell Avenue, Hamden and the following items were reviewed:

Commissioners in attendance:

Joe McDonagh, Chairman  
 Ann Altman  
 Don Moses  
 Ralph Riccio  
 Lesley DeNardis  
 Peter Reynolds  
 Bob Roscow  
 Jerry Dimenstein  
 Ralph Marottoli, alternate sitting for Ed Grant

Staff in attendance:

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

Mr. McDonagh called the meeting to order at 7:00 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. Major Amendment to Special Permit & Site Plan 04-1020/WS**

380 Mather Street, CDD-1 zone  
 Multi-family housing  
 Summit Residential, LLC  
*Deadline to open Public Hearing 12-17-09*

Mr. Carl Porto, Attorney, addressed the Commission and reviewed the application and location of the property. The original applicant's permit will expire in January of 2010 and they are requesting a five year extension. The original application was for 30 buildings, a community center, and a pool. The current proposal is to build seven apartment buildings with 270 units and five town houses with 24 units. They will all be rental units. He explained that IWC approval has been granted. A letter from RWA was received and they had no comments. The Farmington Canal Trail is located on a portion of the property and an access to the trail is to be provided. A 100,000 cubic yards of fill has been put down and is being graded. The project is located on sixteen acres.

Mr. Ted Hart, Professional Engineer, addressed the Commission and explained that the previous proposal was for 181 condominium units. The location of the property is unique because it functions like a bowl because it had previously been mined for sand and gravel. He explained that sixty one percent of the units will be one bedroom and thirty nine percent will be 2 bedroom units. Many of the conditions of approval for the previous application have been completed. Mr. Hart reviewed the location of the Farmington Canal Trail and explained that the portion to access the trail has been completed. Concrete pipes, concrete slabs, and scrap metal has been removed from the property. Over

100,000 cubic yards of compacted fill has been brought in for the previous project. A prep house has been placed on the property. The club house and a pool will be placed at the entrance located to the front of the property. There is an extensive sidewalk system throughout the property. There will be formal green spaces with courtyards located between buildings one, two and three. Natural open space areas will be located between buildings four, five, six and seven. The sidewalks connect to the Farmington Canal Trail. The plans include a public access sidewalk from the entrance road to the trail as suggested Planning Office, because there is a grade break where the trail goes over Mather Street. On Haig Street an entrance was also provided. Mr. Hart stated that the plans have been reviewed with the Town Engineer and the GNHWPCA. The original storm water drainage called for a central stormwater basin and did not have an outlet. The proposed plan will create a larger basin between buildings four, five, six and seven. There will be numerous dry wells, rain gardens and an underground infiltration system. There will be infiltration of the stormwater back into the soil which is sandy. An upper level emergency flow will be provided from the stormwater system for larger than a 100 year storm. A fifteen inch overflow pipe will be used if there is greater than a 100 year storm. It will flow south to Treadwell Street and down to Lake Whitney. Mr. Hart has reviewed the proposed sanitary sewer system with the GNHWPCA. The system is designed to be collected by gravity at the southeast corner of the property and will be pumped up to Dixwell Avenue. Mr. Hart reviewed with the Commission the Traffic Study that was completed and there will be no impact on the level of service. There will be a total of 510 spaces. Located under building two will be 30 spaces. There will be carports located to the outside of the property with seven spaces, and the remainder will be surface parking spaces. The applicant has received approval from the IWC for the revised plans.

Mr. Kevin Fusilier, Landscape Architect, addressed the Commission and reviewed the layout elements. The roadway system is a perimeter system which allows for minimal crossing of roadways. The external and internal sidewalks will allow for minimal roadway crossing for the pedestrians. Mr. Fusilier reviewed the entrance locations to the Farmington Canal. He reviewed the two courtyards that will contain usable space for the residents, and two courtyards left as natural habitats for bird watching. There will be a pool, club house, 2 tot lots, and numerous benches on the site. A walkway system will be placed over the detention basin with a unique planting scheme. Mr. Fusilier reviewed with the Commission the landscape elements, planting plan design, proposed rain gardens, and the recommended schedule for maintenance which is once a year.

Ms. Altman asked what the percentage of impervious surface would be. Mr. Hart stated that there would be 18 percent of building coverage and 54 percent of impervious surface. The previous project proposed 55.5 percent of impervious surface.

Mr. John Fifield, Architect addressed the Commission and reviewed the site and placement of the buildings. All the units will have private outdoor space. He reviewed the design for the court yards and stated that a green belt planning concept will be used. All the units will have direct access to the major pedestrian green spaces and the extensive walkway that goes through the site. The buildings are designed to be accessible from the parking lots and into the courtyards. He submitted and reviewed with the Commission the architectural plans and the materials that will be used. They will be using green design structures which will be environmental energy star buildings. They are exploring ground source geothermal heat pumps, pv rays, and rain gardens. The goal is to achieve a 30 percent energy savings.

Mr. Roscow asked what materials were going to be used for the base of the apartment buildings. Mr. Fifield reviewed the materials that will be used. Ms. Altman asked about the use of geothermal heating and cooling. Mr. Hart explained that geothermal allows for both heating and cooling by using the natural temperature of the earth. Mr. Pendry explained that geothermal and sulfur is used in an active adult community in Middletown. It is showing an energy consumption cost of \$1,500.00 per year for a 2,500 square foot single family home. They are the only developer in Connecticut with Build America Team Challenge sponsored with the federal government.

Mr. Moses stated that 100 percent of completion is needed for a certificate of occupancy and asked what percentage of the project has been completed. Mr. Porto stated that most of the concrete and foundations that was located on the site has been removed. A 100,000 cubic yards of fill has been brought in to level the site. The access to the Farmington Canal has been completed. There has been a lot of money already spent on the site. Mr. Porto said that Mr. Jim Pendry has invested approximately 4 million dollars of his own money and does have debt owed to a bank. Mr. Pendry addressed the Commission and advised them that approximately ten to fifteen percent of the project is completed. The construction of the buildings has not started. Mr. Moses stated that a five year extension of the permit is being requested and asked if all the hurdles have been cleared for development, so that they will not need to

come back in five years for another extension. Mr. Porto explained that they are only allowed one extension of five years. There is a need to complete the project and make it viable to rent the apartments because of the money that has been invested. Mr. Moses said that the reason for his question is because of the market place that was to be built on the corner of Dixwell and Mather Street was not completed. He asked if there was a high probability of this project being completed. Mr. Porto said that because of what has been invested the project needs to go forward. Mr. Moses asked what portion of the apartments would not be deemed affordable housing. Mr. Porto explained that 20 percent of the additional units need to be affordable.

Mr. Riccio asked if there were a construction sequence and who would maintain the property when it is completed noted on the plans. Mr. Porto said that the owner of the property will be responsible for maintaining it. Mr. Porto stated that the construction sequence and maintenance of the property will be noted on the plans. Mr. Riccio what would be used in the units for the conservation of water. Mr. Pendry advised that they had looked at using tankless hot water heaters and will not use. They are committed to the economics of using geothermal and solar heating and cooling. Mr. Riccio asked if the plans have a tracking pad. Mr. Pendry advised there will be a tracking pad used.

Ms. Altman asked how many units will be sold as condominiums. Mr. Pendry said that there will be no units sold. There will be 294 units rented with 20 percent as affordable housing. Ms. Altman stated that plans show 270 rental properties and 24 condominium town houses. Mr. Porto stated that the plans incorrectly state condominiums and it should say townhouses. Ms. Altman asked if there will be no distinction between the people who rent the townhouses vs. apartments would be the amount of rent only. Mr. Porto advised Ms. Altman that there would be no distinction other than the rental cost. Mr. McDonagh stated that other developers have said it is difficult to rent one bedroom units. The proposed plan is approximately 2/3 of the units are one bedroom apartments. Mr. Pendry stated that the apartments are not going to be used for marketing to students. The FHA is the finance lender and their market study tells Mr. Pendry how many one and two bedroom units they want. Mr. McDonagh asked how many bedrooms in the townhouse units. Mr. Pendry advised that the townhouses will be two bedrooms. Mr. Pendry reviewed with the Commission the building sizes and amount of units in each building. Mr. McDonagh asked if the buildings would be walk ups. Mr. Pendry advised they would be walk ups. The rental prices would be between \$1,300.00 and \$1,400.00 range. Mr. McDonagh stated that there is a requirement for affordable housing that there should be a mix of one and two bedrooms. Mr. Pendry advised he will integrate 20 percent of the one and two bedroom units for affordable housing.

Mr. Marottoli stated that the previous owner had the club house staging located to the back of the property and it may not have been built if all the units were not sold. He asked if the apartment units would be built at the same time as the club house. Mr. Pendry said that they are selling a lifestyle with this project and the clubhouse will be located to the front of the property. A part of the club house will be used as a leasing office. The phasing of the finance will dictate the phasing of the construction. Mr. Pendry reviewed with the Commission the building sequence that will be used.

Mr. Roscow asked if the drainage for the detention pond located in the back lower level of the property would be built out one hundred percent. Mr. Pendry said that the detention basin and the pumping station would need to be completed first as a requirement for a certificate of occupancy. Mr. Roscow had done a site visit and asked if there will be sidewalks in the courtyards of the first buildings completed. Mr. Pendry reviewed the detention basin and stated they could commit to a boardwalk and an entry area. An extensive pass system would have to be temporary and would be costly. Mr. Pendry reviewed the detention basin and planting plan.

Mr. Moses asked if the FHA financing and HUD had signed off on the project. Mr. Pendry advised that FHA and HUD cannot complete the financing without municipal approval.

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

“Whitneyville Residential Development, 380 Mather Street, Hamden, Connecticut”, prepared by Milone & MacBroom, dated July 24, 2009 and revised to October 14, 2009, Sheet Numbers 1 through PH-1,

with the following conditions:

1. Prior to the Issuance of a Zoning Permit the applicant must provide for approval by the Town Engineer and Town Planner:

- a. Revised plans containing:
    - i. A current survey of existing conditions
    - ii. The maintenance of the overflow storm sewer through land now or formerly owned by David D'Atri and along Treadwell Street on the Title Sheet Post-Construction Operation and Maintenance Plan.
    - iii. On Sheet LA-1 a demonstration that the proposed location of any sign identifying the development at the intersection of the site driveway with Mather Street does not interfere with sight lines or vehicle turning paths.
    - iv. On Sheet UT-1, revised specifications for Underground Detention 101 that indicate the 4' x 4' gallery dimensions refer to the height and width and that each gallery length dimension is 8'.
    - v. The existing topography through the D'Atri property and along Treadwell Street updated by field survey and certified by a Licensed Land Surveyor. The survey should include the street line on Treadwell Street and the metes and bounds of the proposed drainage easement.
    - vi. Correction of the hatching shown for Erosion Control Blanket in the legend on Sheet SE-1.
    - vii. The addition of "Temporary Sediment Trap" before "Outlet Riser Detail", on Sheet SD-4 to avoid confusion with the permanent outlet structure.
    - viii. Supplementation of the drainage calculations with a map showing the locations of the test pits and an explanation of how the design soil infiltration rate of 15 inches per hour was derived from the permeability test data.
    - ix. A revised photometric study, indicating that the lighting achieves 0 foot-candles at the boundary of the property.
    - x. Profiles of all sanitary sewers, as required by the GNHWPCA.
    - xi. All Conditions of Approval.
  - b. A public sidewalk easement conveyed to the town for the sidewalk between Mather Street and the Farmington Canal Greenway, in a form approved by the Town Attorney and the Legislative Council.
  - c. A Stormwater and Dewatering Wastewaters from Construction Activities Permit from DEP.
  - d. A General Permit from DEP for the discharge of swimming pool waste waters.
  - e. A Shared Sewer Agreement between the applicant and the GNHWPCA.
  - f. A Sewer Connection Permit from the GNHWPCA.
  - g. Documentation approved by the Town Attorney, confirming that 23 units are affordable and in full compliance with Section 718.B of the Zoning Regulations.
  - h. Approval by the State Traffic Commission of a new or amended Traffic Generator Permit.
  - i. An easement permitting a stormwater sewer pipe to cross that property, approved by the Town Attorney, granted by the owner of the property at 325 Treadwell Street and filed on the land record.
  - j. Approval of the connection to the Farmington Canal Greenway by the Legislative Council per Section 8-24 of the Connecticut General Statutes.
  - k. Approval by the Town Attorney of the Condominium declarations formed and by-laws.
  - l. A new performance bond in an amount determined by the Town Planner and Town Engineer.
  - m. A \$10,000 maintenance bond for the protection of the detention basin and related stormwater management system infrastructure.
2. Prior to the start of construction erosion and sedimentation controls shall be installed..
  3. During the construction phase:
    - a. Hours of operation are limited to between 7:00 am and 5:00 pm, Monday through Friday.
    - b. The applicant must patch the trench from the AT&T fiber optic line construction within the cul-de-sac area.
    - c. The applicant will resurface at a minimum an area approximately 50 feet in length along the northerly portion of Haig Street east of the "rails to trails" path.
    - d. The applicant must carry out any necessary street repairs or reconstruction resulting from sanitary sewer construction required by the GNHWPCA.

- e. The applicant must provide a video representation showing the current condition of Haig and Mather Street. Reconstruction of either or both of these streets will be required if there are accelerated damages resulting from the project.
  - f. Public roads traveled by project trucks and equipment shall be inspected regularly and cleaned whenever necessary.
  - g. All erosion and sedimentation controls shall be inspected weekly and after each rainfall.
  - h. Additional controls shall be stored on-site for any necessary repairs.
  - i. All stockpiles of excavated material remaining on-site for more than a month shall be temporarily seeded or covered.
  - j. All oil, paint, and other hazardous materials shall be stored in a secondary container and placed in a locked indoor area.
  - k. If fuel for construction equipment is stored on-site it shall be placed in a secondary containment system in a secured area.
  - l. Any on-site fueling and repairs shall be conducted over a portable spill containment system.
  - m. A supply of absorbent spill response material shall be kept on-site to clean up any spills of hazardous materials.
  - n. The RWA shall be notified of any spills of hazardous materials.
4. At the completion of construction, prior to the issuance of a Certificate of Zoning Compliance, an as-built plan showing all improvements, including storm drainage and utilities, should be filed with the town at the completion of construction.
  5. All demolition, including the crushing of pipe and block on site shall be completed prior to the issuance of any certificate of zoning compliance.
  6. Prior to the issuance of a certificate of zoning compliance for any building, the entire site shall be graded, seeded and stabilized and the community center built.
  7. All work must be completed by November 10, 2014.
  8. Upon completion of the project:
    - a. The applicant must adhere to the stormwater management plan listed in the plans.
    - b. RWA inspectors shall be granted access to the site to conduct routine inspections.

Ms. Altman referred to the traffic study and is concerned with the safety of the entrance and egress from the project on to Mather Street.

Mr. David Sullivan, Professional Engineer addressed the Commission and reviewed the existing driveway location and the site lines. He explained that the new site line would be 90 feet better than the previous proposal. They have increased the site line 295 feet by moving the driveway and made the grading higher for the driver vision. He reviewed with the Commission the traffic study and the changes that they have made for improving the safety of the drivers both entering and exiting the site, and the traffic on Mather Street. Mr. Kops said he spoke with the Town Engineer and they are satisfied with the plan.

Mr. McDonagh asked what the plan is for trash pickup. Mr. Hart reviewed with the Commission where three dumpsters will be located. Mr. McDonagh asked if three dumpsters would be adequate and that the locations would be a far walk for people in buildings three and four. Mr. Hart stated more dumpsters can be added if it deemed necessary. Mr. McDonagh asked how often the dumpsters would be picked up. Mr. Hart stated that the dumpsters are large and they would be picked up a couple times a week. Mr. McDonagh stated that the dumpster located in southwest corner is not identified on the plans and he questioned the distance that the residents must walk to empty their trash. Mr. Hart stated more dumpsters could be added so that residents would not have to walk more than 200 feet. Mr. McDonagh said that residents may not want to walk more than 200 feet in bad weather. Mr. Pendry said he will review the dumpster ratio.

Mr. Roscow stated that he would like the entry to the property as far away as possible from the bridge on Mather Street. He reviewed pedestrian fatalities and would like the sidewalk to continue up to the northwest corner of the property. If the project on the corner of Dixwell Avenue and Mather Street that was intended for eateries is completed, he would like there to be walkability. He would also like to see some lighting placed in the area for pedestrians walking at night. Mr. Porto stated that the request is acceptable and can be done.

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

Ms. Altman reviewed the location of the dumpsters and removal of the trash. She is concerned with the residents who will rent the units access the dumpsters and the distance they would have to walk. She would have expected a garbage shoot located in each building or a location every half building to place the trash.

Mr. Marottoli asked if the Commission is approving an extension of the permit or the whole plan. He reviewed the conditions of approval and item 7 states that all work must be completed by November 10, 2014. Mr. Kops stated that condition 7 should be removed and a separate motion should be made for the extension of the permit.

Mr. McDonagh asked for additional comments and there were none.

Mr. McDonagh closed the public hearing.

## **2. Major Amendment to Special Permit & Site Plan 67-0013**

125 Putnam Avenue, R-5 Zone

Residential expanded parking and storage shed

Davenport Residences, Inc., Applicant

*Deadline to open Public Hearing 12-17-09*

Mr. Carl Porto, Attorney, addressed the Commission and reviewed the application and the location of the site. The Davenport building was completed in 1970 and the Dunbar complex in 1980. They are located on a 10 acre site. The request is to add 102 parking spaces and a 24x24 storage shed. The footprint of the building will not change. There are 260 residents in the Davenport building and 127 at Dunbar. The parking is a problem for the elderly residents, because of mobility. There is an issue of off street parking for family and services the residents receive. The additional parking is a concern in response to a letter received regarding the lights and the interference they would cause on Clifford Street properties. The plans were changed to take out 10 parking spaces along Clifford Street and a berm has been added. Mr. Porto stated that they have received a letter from the RWA and they had no concerns. A letter from the Whitneyville Civic Center stating they are supportive of the additional parking spaces.

Mr. Chris Gagnon, Civil Engineer, addressed the Commission and stated the additional parking is intended to accommodate the already existing uses on the site. The site consists of buildings, parking lots and a wood area. He reviewed existing storm drainage system and the proposal for the new lot. The infiltration system will be located onsite and is being designed to handle all the stormwater. There were minor revisions made to the plans to address the comments received from the RWA. There will be no additional curb cuts. The parking is to be used for the residents, and people who provide services to the residents. The parking is not intended for future development. The comments received from the residents of neighboring properties with concerns for the impact of headlights have been addressed. The elimination of parking spaces and a landscape berm has been added to the plan. The photometric study shows that no lighting will escape the property. The stormwater management system infiltration system has been designed to handle any storm events.

Ms. Altman stated that she has not seen the communication received from the Whitneyville Civic Association. Mr. Porto advised the Commission that it was an email sent to him. He reviewed the email and submitted it to the Commission.

Mr. Riccio asked if the additional parking and shed had been in the original footprint plans. Mr. Porto explained that there will be no additions made to the existing building and the footprint will remain the same. Mr. Riccio asked if a perc test has been done and how deep did they go. Mr. Gagnon said that he did test holes and went down approximately 5 feet and did a perc test at elevation at the proposed bottom of the infiltration system. Mr. Gagnon reviewed the perc test results.

Mr. Roscow asked Mr. Gagnon if there would be any standing water in the retention area located on the north side of parking lot. Mr. Gagnon stated that the major stormwater management system component is the infiltration trench located in the parking lot. It is a stone trench with sand in the bottom. It has been designed to control the water quality volume and infiltrate within 48-72 hours. Mr. Gagnon reviewed the proposed overflow pipe that will be used. Mr. Roscow asked if there were a planting plan. Mr. Gagnon reviewed the proposed planting plan.

Ms. Lucille Holmes, Liaison Officer between the residents and the executive board at Dunbar/Davenport, addressed the Commission and stated she has lived in the development for 23 years. The average age of the residents has increased through the years and is now 84 years and older. The majority of the parking spaces are for the handicapped. There is no parking for the families visiting or the people who provide services for the residents. There are 13 parking spaces located at the Davenport building and the remainder available parking is located at the Dunbar building. This is a long walk, especially for the elderly people. The street parking is a safety concern. When she first moved to the Davenport building it was opened to the community and reviewed the programs that were held. The residents would once again like programs that would be opened to the public. Ms. Holmes submitted to the Commission statements from the residents at Dunbar/Davenport.

Mr. Manfred Peise, resident, addressed the Commission and stated that he has a handicap parking permit and 95 percent of the time all the handicapped parking spaces are taken. People use the fire lanes to illegally park and access for the emergency vehicles is of concern. He read and submitted to the Commission a letter from his doctor stating the need for a parking space closer to his building.

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

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

“Site Development Plan, Davenport Dunbar Residences, Putnam Avenue & Clifford Street, Hamden, CT”  
Sheets 1-6, August 11, 2009, revised October 20, 2009, prepared by Godfrey-Hoffman Associates, LLC

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:
    1. Elevation drawing for the utility building.
    2. A revised photometric plan revised that indicates 0 foot-candles at the property boundary, but adequate lighting on the internal walkways.
    3. Additional interior landscaping in the parking lot.
    4. A cross-section of the proposed sediment forebay referenced on Sheet 2, placed on Sheet 6.
    5. A detail of the proposed raised boardwalk crossing the infiltration trench and vegetated filter strips.
    6. Infiltration calculations for the drainage system for the smaller parking area (CB # 1 and 2). If additional storage volume and/or infiltration area are required, an infiltration trench, chamber, or gallery system between the two catch basins and/or an overflow to the main infiltration trench should be added.
    7. Specification of the depth or bottom elevation of the infiltration trench.
    8. All conditions of approval.
  - 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 November 10, 2014.

Mr. McDonagh closed the public hearing.

### 3. Special Permit and Site Plan 09-1158/WS

3321 Whitney Avenue, R-4 Zone  
 Conversion of 1<sup>st</sup> floor Retail to Residential Apartment  
 Quinnipiac University, Applicant  
*Deadline to open Public Hearing 12-17-09*

Mr. Pellegrino, Attorney, addressed the Commission and reviewed the application. He stated that the building is located on .17 acres in an R4 zone and is located on the east side of Whitney Avenue when you are traveling north. The single multi-story structure was originally built as a multi-family dwelling. The first floor was changed to commercial use. The regulations changed and the first floor became a legal non-confirming use. The property was acquired by Quinnipiac University in the Spring of 2009. The University also purchased 3327 and 3335 Whitney Avenue. When the properties were purchased they were already housing students and it was unclear which properties had Student Housing permits. Subsequent to the University purchasing properties and they worked with the Planning Office to determine which properties had permits and they were renewed. It was determined that the first floor of 3321 Whitney Avenue did not have a permit for residential use and was housing students. Mr. Pellegrino stated that the application is to restore the property for residential use as a two family house. He reviewed section 329 of the zoning regulations. Quinnipiac University inherited the leases when the property was purchased. The university controls the properties and they have been improved. There is a need to expand the size of rear parking spaces to conform to the zoning regulations. It would require an 8 foot addition for the rear parking area and there will need to be a lot line revision. He submitted to the Commission the information with regard to the lot line revision.

Ms. Altman stated that the first floor is being used as a residential apartment and the University purchased it as a non conforming use. The neighbors would see an improvement to the property and if the application is approved it would be a legal use. Mr. Pellegrino stated that they are filing the application to make the use on the first floor permitted. Mr. Pellegrino has read the comments and recommendations from Mr. Kops and the WPCA, and stated they are acceptable.

Mr. Riccio asked if the existing building was ever used as a three family home. Mr. Pellegrino stated it had not been a three family home. Mr. Riccio said that the electrical map dated October 9, 2009 shows three electrical meters and two gas meters. Mr. Pellegrino stated that too his knowledge it was a two family home, but could have been used as a three family home. Mr. Moses said that there could be a meter that is for the common use areas of a multi-family home. Mr. Pellegrino said he is unsure but will do research with regard to the meters.

Mr. McDonagh asked if the building that the University purchased at 3329 Whitney Avenue is being used to house students. Mr. Pellegrino said that it is a residential house that is not being occupied, because it is uninhabitable. Mr. McDonagh stated that the proposed plan shows three bedrooms on the first floor and asked how many are on the second floor. Mr. Pellegrino said that there are three or four bedrooms on the second floor. Mr. McDonagh asked if there are eight students being housed. Mr. Pellegrino stated there were eight students. Mr. McDonagh stated that he is not comfortable with student housing on Whitney Avenue. They are trying to reduce the number of student housing in the neighborhoods. Mr. Pellegrino stated that the hope is with the passage of the new zoning regulations, these properties would be located in the T-4 zone and be redeveloped. Mr. McDonagh questioned why ten parking spaces are needed for a two family home. Mr. Kops reviewed the requirements of a two family dwelling housing students. There must be a parking space for each student. Mr. Kops feels that ten parking spaces is sufficient and would allow parking for visitors.

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

“3321 Whitney Avenue,” Site Plan, A-2, A-5, A-6, A-7 & A-8, prepared by Palmer Management Company, 8/12/09, Site Plan revised 9/22/09; Property of Quinnipiac University, Perimeter Survey, Topographic Survey, dated September 2009, prepared by Land Survey & Technical Services, Inc.

With the following conditions:

1. Prior to the Issuance of a Zoning Permit the applicant must:
  - a. Obtain approval from the GNHWPCA
  - b. Provide revised plans containing the following, for approval by the Town Engineer and Town Planner:
    - i. Any changes required by the GNHWPCA.
    - ii. Existing conditions screened on the Site Plan. Existing structures to be removed should be so noted. Grading and drainage for the proposed expanded parking area behind the building should also be shown.
    - iii. Clarification of which property the retaining wall or graded slope and landscaping plantings behind the expanded parking area will be located on.
    - iv. The dimensions of all driveway and parking lot aisle widths as well as proposed traffic flow directions should be shown.
    - v. All conditions of approval.
  - c. File at the Town Clerk's Office, a lot line revision mylar approved by the Town Planner and the Town Engineer. The map should include any changes proposed for the side yard boundaries, as well as the rear property line.
  - d. 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. Pins or other permanent points should be set at the revised property corners.
4. All work must be completed by November 10, 2014.

Mr. McDonagh asked for comments in favor or against the application.

Ms. Gail Traester, 156 Brooksvale Avenue, addressed the Commission and stated that Quinnipiac University did not notify the West Woods Neighborhood Association of the Special Permit application, and notification is a requirement of the Planning and Zoning Commission.

Ms. Civitello, 61 Berkely Court, addressed the Commission and stated the West Woods Neighborhood Association, will not oppose converting the first floor of this property back to residential property. It is a shame that Quinnipiac had to pay 2.3 million dollars to finally purchase it but the university will definitely be a better landlord than the previous owner. But we are extremely concerned about why Quinnipiac wants to own more residential property.

According to the article Operation Senior Housing that appeared in the October 14<sup>th</sup> edition of the Quinnipiac Chronicle, most upperclassmen prefer the freedom of living off campus than in a dorm. Thus Target 1 for senior housing is University owned homes.

Having read that, I checked the vision appraisal website and found that QU is still purchasing homes (over a dozen) since that later part of 2008 despite the fact the President Lahey assured us at our association meeting in 2006 that the university would no longer be in the housing market(except for New Rd) and had plans to put currently owned homes back in circulation.

So what happens to the almost 2000 beds at York Hill? Increased enrollment? It appears that that might be the plan. The university has already surpassed its enrollment five year master plan figures by several hundred students.

I know there is no way we can stop Quinnipiac from purchasing homes in our area. However, we are suggesting that the university make it a mandatory requirement that all students requiring housing must live on campus for their four years of undergraduate study, thus eliminating the need for university homes in our neighborhood.

Mr. Marottoli stated he is unclear why Quinnipiac University would by pay two million dollars for this property that only allows for two rents. He feels that they are trying to create income until the proposed zoning changes are amended. It is against everything that the Commission has been trying to do to avoid cars, furniture and student parties on the front lawns. The new campus and housing was created to alleviate the problems and keep students on the campus. He has heard from the residents and they are upset that there is student housing in their neighborhoods and on Whitney Avenue.

Mr. Moses understands the residents frustrations, but in fairness to Quinnipiac University it has come a long way with student housing issues. The University has become more attentive to the issues of student housing. At the last meeting regarding the enrollment at the University, the discussion did not confirm that the University is in non-compliance. Mr. Moses understands the residents frustrations, but feels the University contributes to the town economically. The University has made a concerted effort to improve the problems that exist.

Ms. Traester stated that Quinnipiac University currently owns 93 houses in the community. Ms. Altman stated that Mr. McDonagh had written a letter to the University with regards to their student enrollment. She suggested that it be forwarded to the West Woods Civic Association. Ms. Traester advised that she has received a copy of the letter. Ms. Altman stated that there are students already occupying the first floor of the house and by approving this application would bring them into compliance at this site.

Mr. Pellegrino that it was an oversight that he failed to notify the West Woods Civic Association. The property was not acquired by the University for the purpose of expanding residential uses at the site. He agrees that housing students on Whitney Avenue is not the best use and will not be the long term use for these locations. The three properties are isolated. If the permit is not granted, the students would have to live in residential neighborhoods. The two thousand beds at the new dormitories will not be completed next year. This property is already being used as student housing and the University has control of the properties and better protects the impact on the neighborhoods.

Mr. Roscow stated that he does not want Quinnipiac University becoming hostile because all students must live on campus. There are many universities that do not have on campus housing. He proposes that there be qualifications made by the University that allows students to live off campus, such as maintaining a higher GPA. The proposed zoning regulations should address the student housing issues. He does not feel that the Commission has the right to tell Quinnipiac how to manage their students. He stated that 90 percent of a college students education is how they participate in the campus and the community.

Mr. McDonagh asked for further comments. There were none.

Mr. McDonagh closed the public hearing.

The public hearings closed at 9:30 p.m.

Mr. Dimenstein excused himself from the meeting at 9:30 p.m.

## **B. Regular Meeting:**

### **1. Major Amendment to Special Permit & Site Plan 04-1020/WS**

380 Mather Street, CDD-1 zone

Multi-family housing

Summit Residential, LLC

Mr. McDonagh stated that there should be additional dumpsters located on the side. The sidewalk should be extended on the entire frontage of the property going west to the end of the property. Mr. Roscow said that the bridge on Mather Street is narrow and in the future will have to be made pedestrian friendly for safety. Mr. McDonagh stated that condition 1.a.xi should become condition 1.a.xii. Condition 1.a.xi should read: The plans should be revised for the locations of additional dumpsters. All dumpsters should be located on a bermed impervious surface and should be screened. Item 1.a.xii should read: The extension of the sidewalk on Mather Street west to the end of the property. Mr. McDonagh stated that conditions of approval of 1.k and condition 7 should be removed.

Ms. Altman would like the condition for the dumpsters to be more specific. When doing the calculation for the amount of dumpsters necessary, and no one should have to walk the width of 1t parking spaces. Mr. McDonagh stated he has no ability to determine the amount of dumpsters needed. Ms. Altman stated that the Planning Office can help with the calculations. Mr. McDonagh stated that the Planning Office will work with the applicant to determine the amount of dumpsters necessary.

***Mr. Roscow made the motion to approve the Major Amendment to Special Permit & Site Plan 04-1020 with the following changes as discussed by Mr. McDonagh: condition 1.a.xi should become condition 1.a.xiii. Condition 1.a.xi should read: The plans should be revised for the locations of additional dumpsters. All dumpsters should be located on a bermed impervious surface and should be screened. Item 1.a.xii should read: The extension of the sidewalk on Mather Street west to the end of the property. Mr. McDonagh stated that conditions of approval of 1.k and condition 7 should be removed, with the following conditions recommended by Mr. Kops, Assistant Town Planner:***

1. Prior to the Issuance of a Zoning Permit the applicant must provide for approval by the Town Engineer and Town Planner:
  - a. Revised plans containing:
    - i. A current survey of existing conditions
    - ii. The maintenance of the overflow storm sewer through land now or formerly owned by David D'Atri and along Treadwell Street on the Title Sheet Post-Construction Operation and Maintenance Plan.
    - iii. On Sheet LA-1 a demonstration that the proposed location of any sign identifying the development at the intersection of the site driveway with Mather Street does not interfere with sight lines or vehicle turning paths.
    - iv. On Sheet UT-1, revised specifications for Underground Detention 101 that indicate the 4' x 4' gallery dimensions refer to the height and width and that each gallery length dimension is 8'.
    - v. The existing topography through the D'Atri property and along Treadwell Street updated by field survey and certified by a Licensed Land Surveyor. The survey should include the street line on Treadwell Street and the metes and bounds of the proposed drainage easement.
    - vi. Correction of the hatching shown for Erosion Control Blanket in the legend on Sheet SE-1.
    - vii. The addition of "Temporary Sediment Trap" before "Outlet Riser Detail", on Sheet SD-4 to avoid confusion with the permanent outlet structure.
    - viii. Supplementation of the drainage calculations with a map showing the locations of the test pits and an explanation of how the design soil infiltration rate of 15 inches per hour was derived from the permeability test data.
    - ix. A revised photometric study, indicating that the lighting achieves 0 foot-candles at the boundary of the property.
    - x. Profiles of all sanitary sewers, as required by the GNHWPCA.
    - xi. The plans should be revised for the locations of additional dumpsters. All dumpsters should be located on a bermed impervious surface and should be screened.**
    - xii. The extension of the sidewalk on Mather Street west to the end of the property.**
    - xiii. All Conditions of Approval.
  - b. A public sidewalk easement conveyed to the town for the sidewalk between Mather Street and the Farmington Canal Greenway, in a form approved by the Town Attorney and the Legislative Council.
  - c. A Stormwater and Dewatering Wastewaters from Construction Activities Permit from DEP.
  - d. A General Permit from DEP for the discharge of swimming pool waste waters.
  - e. A Shared Sewer Agreement between the applicant and the GNHWPCA.
  - f. A Sewer Connection Permit from the GNHWPCA.
  - g. Documentation approved by the Town Attorney, confirming that 23 units are affordable and in full compliance with Section 718.B of the Zoning Regulations.
  - h. Approval by the State Traffic Commission of a new or amended Traffic Generator Permit.
  - i. An easement permitting a stormwater sewer pipe to cross that property, approved by the

Town Attorney, granted by the owner of the property at 325 Treadwell Street and filed on the land record.

- j. Approval of the connection to the Farmington Canal Greenway by the Legislative Council per Section 8-24 of the Connecticut General Statutes.
  - k. A new performance bond in an amount determined by the Town Planner and Town Engineer.
  - l. A \$10,000 maintenance bond for the protection of the detention basin and related stormwater management system infrastructure.
2. Prior to the start of construction erosion and sedimentation controls shall be installed..
  3. During the construction phase:
    - a. Hours of operation are limited to between 7:00 am and 5:00 pm, Monday through Friday.
    - b. The applicant must patch the trench from the AT&T fiber optic line construction within the cul-de-sac area.
    - c. The applicant will resurface at a minimum an area approximately 50 feet in length along the northerly portion of Haig Street east of the “rails to trails” path.
    - d. The applicant must carry out any necessary street repairs or reconstruction resulting from sanitary sewer construction required by the GNHWPCA.
    - e. The applicant must provide a video representation showing the current condition of Haig and Mather Street. Reconstruction of either or both of these streets will be required if there are accelerated damages resulting from the project.
    - f. Public roads traveled by project trucks and equipment shall be inspected regularly and cleaned whenever necessary.
    - g. All erosion and sedimentation controls shall be inspected weekly and after each rainfall.
    - h. Additional controls shall be stored on-site for any necessary repairs.
    - i. All stockpiles of excavated material remaining on-site for more than a month shall be temporarily seeded or covered.
    - j. All oil, paint, and other hazardous materials shall be stored in a secondary container and placed in a locked indoor area.
    - k. If fuel for construction equipment is stored on-site it shall be placed in a secondary containment system in a secured area.
    - l. Any on-site fueling and repairs shall be conducted over a portable spill containment system.
    - m. A supply of absorbent spill response material shall be kept on-site to clean up any spills of hazardous materials.
    - n. The RWA shall be notified of any spills of hazardous materials.
  4. At the completion of construction, prior to the issuance of a Certificate of Zoning Compliance, an as-built plan showing all improvements, including storm drainage and utilities, should be filed with the town at the completion of construction.
  5. All demolition, including the crushing of pipe and block on site shall be completed prior to the issuance of any certificate of zoning compliance.
  6. Prior to the issuance of a certificate of zoning compliance for any building, the entire site shall be graded, seeded and stabilized and the community center built.
  7. Upon completion of the project:
    - a. The applicant must adhere to the stormwater management plan listed in the plans.
    - b. RWA inspectors shall be granted access to the site to conduct routine inspections.

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

***Mr. Moses made the motion to approve a five year extension of the completion date for Special Permit & Site Plan 04-1020 until January 11, 2015. Ms. Altman seconded the motion. The motion passed unanimously.***

**2. Major Amendment to Special Permit & Site Plan 67-0013**

125 Putnam Avenue, R-5 Zone  
Residential expanded parking and storage shed  
Davenport Residences, Inc., Applicant

Mr. McDonagh asked Mr. Kops about the landscaping and trees. Mr. Kops stated that the question is if there should be more interior landscaping for the interior of the parking lot or the design, The Commission discussed the location of trees needed and there location in the parking area. Mr. Kops reviewed the planting plan and what is needed for ample screening for the neighbors. Mr. McDonagh asked Mr. Kops how the motion should read. Mr. Kops stated that 1.a.iii should read: Additional landscaping for the perimeter of the parking lot and preservation of as much of the existing vegetation as possible.

***Ms. Altman made the motion to approve the Major Amendment to Special Permit & Site Plan 67-0013 with a condition 1.A.3 that reads: Additional landscaping for the perimeter of the parking lot and preservation of as much of the existing vegetation as possible, as discussed with Mr. Kops with the following conditions as recommended by Mr. Kops:***

- 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:
    1. Elevation drawing for the utility building.
    2. A revised photometric plan revised that indicates 0 foot-candles at the property boundary, but adequate lighting on the internal walkways.
    3. **Additional landscaping for the perimeter of the parking lot and preservation of as much of the existing vegetation as possible.**
    4. A cross-section of the proposed sediment forebay referenced on Sheet 2, placed on Sheet 6.
    5. A detail of the proposed raised boardwalk crossing the infiltration trench and vegetated filter strips.
    6. Infiltration calculations for the drainage system for the smaller parking area (CB # 1 and 2). If additional storage volume and/or infiltration area are required, an infiltration trench, chamber, or gallery system between the two catch basins and/or an overflow to the main infiltration trench should be added.
    7. Specification of the depth or bottom elevation of the infiltration trench.
    8. All conditions of approval.
  - 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 November 10, 2014

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

3. **Special Permit and Site Plan 09-1158/WS**  
 3321 Whitney Avenue  
 Conversion of 1<sup>st</sup> floor Retail to Residential Apartment  
 Quinnipiac University, Applicant

***Ms. Altman made the motion to approve the application for Special Permit and Site Plan 09-1158 as recommended by Mr. Kops, Assistant Town Planner with the following conditions:***

1. Prior to the Issuance of a Zoning Permit the applicant must:
  - a. Obtain approval from the GNHWPCA
  - b. Provide revised plans containing the following, for approval by the Town Engineer and Town Planner:
    - i. Any changes required by the GNHWPCA.
    - ii. Existing conditions screened on the Site Plan. Existing structures to be removed should be so noted. Grading and drainage for the proposed expanded parking area behind the building should also be shown.
    - iii. Clarification of which property the retaining wall or graded slope and landscaping plantings behind the expanded parking area will be located on.
    - iv. The dimensions of all driveway and parking lot aisle widths as well as proposed traffic flow directions should be shown.
    - v. All conditions of approval.
  - c. File at the Town Clerk's Office, a lot line revision mylar approved by the Town Planner and the Town Engineer. The map should include any changes proposed for the side yard boundaries, as well as the rear property line.
  - d. 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. Pins or other permanent points should be set at the revised property corners.
4. All work must be completed by November 10, 2014.

Mr. McDonagh stated that he cannot vote for student housing on Whitney Avenue, even if it is considered short term. Ms. Altman said that this would be a legalization of something that currently exists. If it is not approved the students would have to leave and the Commission could lose control of the situation. She assumes that Quinnipiac University has a plan for the use of the property in the future.

***Mr. Roscow seconded the motion. Mr. Reynolds, Ms. Altman, Mr. Riccio, Mr., Moses, Mr. Roscow and Ms. DeNardis voted in favor of the motion. Mr. McDonagh and Mr. Marottoli voted against the motion. The motion passed 6-2-0.***

**4. Special Permit and Site Plan 04-1020**

1817 & 1869 Dixwell Avenue  
Request to release \$75,000.00 bond  
Home Depot, Applicant

Mr. McDonagh reviewed the request to release the bond in the amount of \$75,000.00 as recommended by Ms. Holly Masi, Zoning Enforcement Officer.

***Mr. Moses made the motion to release the bond in the amount of \$75,000.00 as recommended by Ms. Holly Masi, Zoning Enforcement Officer. Ms. Altman seconded the motion. The motion passed unanimously.***

**5. Special Permit & Site Plan 07-1121**

1744-1762 Dixwell Avenue  
Request to release \$78,660.00 bond  
William Esposito & Charlie Flanagan, Applicants

Mr. McDonagh reviewed the request to release the bond in the amount of \$78,660.00 as recommended by Ms. Holly Masi, Zoning Enforcement Officer.

***Ms. Altman made the motion to release the bond in the amount of \$78,660.00 as recommended by Ms. Holly Masi, Zoning Enforcement Officer. Ms. DeNardis seconded the motion. The motion passed unanimously.***

**6. Special Permit & Site Plan 08-1124**

2468 & 2470 State Street  
Request to release \$317,032.00 bond  
WB Mason, Applicant

Mr. McDonagh reviewed the request to release the bond in the amount of \$317,032.00 as recommended by Ms. Holly Masi, Zoning Enforcement Officer.

***Mr. Riccio made the motion to release the bond in the amount of \$317,032.00 as recommended by Ms. Holly Masi, Zoning Enforcement Officer. Mr. Reynolds seconded the motion. The motion passed unanimously.***

**C. Old Business/ New Business**

**1. Review of September 1, 2009**

Ms. Altman requested that on page 7, second paragraph, second sentence read: Ms. Altman had pushed hard to make a non-conforming use, because of the residents who live in the neighborhood and who spoke forcefully against the truck garden/farm.

Mr. Roscow asked that the Minutes of September 1, 2009 be tabled until the December 8, 2009 meeting for further review.

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

***Mr. Marottoli made the motion to accept the minutes as written. Ms. DeNardis seconded the motion. Mr. McDonagh, Ms. Altman, Mr. Riccio, Ms. DeNardis, Mr. Reynolds, Mr. Roscow, Mr. Marottoli, Mr. Dimenstein voted in favor of the motion. The motion passed.***

**3. Review of October 13, 2009**

***Mr. Riccio made the motion to accept the minutes as written. Ms. DeNardis seconded the motion. Mr. McDonagh, Ms. Altman, Mr. Riccio, Ms. DeNardis, Mr. Reynolds, Mr. Roscow, Mr. Marottoli, Mr. Dimenstein voted in favor of the motion. The motion passed.***

**4. Planning & Zoning 2010 Meeting Schedules**

Mr. McDonagh reviewed the 2010 meeting schedules.

***Ms. Altman made a motion to approve the 2010 meeting schedules. Mr. Moses seconded the motion. The motion passed unanimously.***

**5. Minor Amendment to Special Permit & Site Plan 07-1116**  
200 Leeder Hill Drive, CDD-1 Zone  
Revised layout & design of proposed maintenance building  
Whitney Center, Applicant

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

Mr. McDonagh advised the Commission that the Public Hearings for the Proposed Zoning Regulations are scheduled for November 23, 2009, December 1 2009, and December 3, 2009. He explained that additional dates may be added if necessary.

Mr. McDonagh acknowledged Ms. Lesley DeNardis for her service on the Planning and Zoning Commission. He explained that she was recently elected to serve on the Hamden Board of Education. He thanked her for her dedication and wished her luck.

Mr. Riccio stated that the trucks transporting fill to 310 West Shepard Avenue are not following the designated route that was a condition of approval. Mr. Kops stated that he has contacted the applicant to advise them that they must be in compliance of the condition of approval.

**D. Adjournment**

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

The meeting closed at 10:01 p.m.

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