



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

**Hamden Government Center**  
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April 20, 2010

**AGENDA: THE PLANNING & ZONING COMMISSION**, Town of Hamden, held a Public Hearing and Regular Meeting on Tuesday, April 13, 2010, 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  
 Ed Grant  
 Ann Altman  
 Bob Roscow  
 Peter Reynolds  
 Ed Sullivan  
 Brack Poitier  
 Ralph Marottoli, Alternate sitting Jon Cesare

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 7:03 p.m. The clerk read the Public Hearing items into the record. Mr. McDonagh welcomed Mr. Brack Poitier to the Commission. Mr. McDonagh introduced the panel and reviewed the Public Hearing procedures.

**A. Public Hearing:**

**1. Special Permit & Site Plan 09-1159/WS**

3139 Whitney Avenue  
 Multi-family housing  
 Bernard Pellegrino, Attorney  
*Postponed until May 11, 2010*

**2. Special Permit & Site Plan 09-1160/WS**

20 & 36 Todd Street, R-2, B-2 Zone  
 Assisted Living Community-Phase III  
 The Ravenswood Co, LLC, Applicant

Mr. Bernard Pellegrino, Attorney addressed the Commission and reviewed the application. The existing development is located on the corner of Whitney Avenue and Todd Street. He explained that in January of 2004 the commission approved a multi-family managed residential care project. The 28 units in Phase I have been sold and Phase II which includes 28 units and a clubhouse is currently being constructed. This application for Phase III is asking for an 8 unit building located to the rear of the property and would be identical to the existing buildings. It would be a two story building with single floor living space and a garage connected to each unit. Mr. Pellegrino said that most of the completed units have been sold. He explained that this proposal is being supported by the current unit owners. When the original plan was approved, Phase III was removed the IWC had questions regarding the wetlands and the waterflow in the area. Mr. Pellegrino stated that on April 7, 2010 the IWC approved the Phase III project which

included the stormwater design. He stated that there have been improvements to the wetlands and drainage areas and the plans include mitigation and stormwater measures to improve the off-site water issues. Ms. Altman said that the second page of the plan shows a proposed hotel and asked if this was being shown as a reference only. Mr. Pellegrino stated that it is an off-site hotel on West Woods Road that was approved and is being used only as a reference to this site.

Mr. Dan Kroeber, Professional Engineer, addressed the Commission and reviewed the proposed site plan proposal and location for Trailside Village Phase III. He explained that the building 5 shell has been completed and building 6 will be built as the market depicts. The property to the south is approximately 9 acres in size and has a watercourse running through it. Mr. Kroeber reviewed the location and how the stream crosses the property. The application request comes under section 736 and as a managed residential community. Mr. Kroeber said that the infrastructure will be connected to the current infrastructure for Phase II. There will be parking on both sides and there are seven surface parking spaces located on pervious pavers. There is a rain garden that will take all the water runoff from the roof area, and discharge it as sustainable design principles dictate. The infiltration swales along the perimeter of the property which will take the off-site water that comes onto the property and infiltrate it into the ground. The lawn area will also infiltrate into the swales. Mr. Kroeber said that the stormwater management plan is designed to meet the Town requirements for 0 net increase and runoff rates for the pre and post development flows for the 2 year storm up to the 100 year storm event. This achieves the water management quality practices.

Mr. Kroeber reviewed the landscape plan. He explained that the stormwater management plan has another detention basin located to the north of the building. Mr. Kroeber reviewed the S&E Control Plan and stated that it meets the Connecticut S&E Control guideline. He said that all the requirements for Section 736 in the zoning regulations will be met. The parking requirement is one parking space for every two bedrooms unit. Mr. Kroeber explained that this building will be an 8 units with 2 bedrooms each and every unit will have a garage which has been counted as part of the parking requirement. There will be one parking space in front of each garage and there will be seven visitor parking spaces.

Mr. Marottoli asked how many employees there would be for the managed care facility. Mr. Pellegrino said that there would be one part time employee who would coordinate activities and services for the residents. The original application has residential services available and is handled by a concierge who is a part-time employee. There are other services, such as landscaping that are contracted services. Mr. McDonagh asked Mr. Pellegrino if there are plans available for the previous buildings that were completed. Mr. Pellegrino stated that the design for Phase III is the same as Phases I & II and had not been included with the application, but can be submitted as a condition of approval. Mr. Pellegrino reviewed the completed buildings and stated that there is an option for an elevator to be installed so that second story units can be accessed. Mr. Pellegrino reviewed the architecture that has been used and will be identical for Phase III.

Mr. Dan Kops, Assistant Town Planner, stated that this application was submitted under the zoning regulations that are now obsolete. Mr. Kops read his comments and recommended approval based on the following plans:

Trailside Village Phase III  
Todd Street Hamden, Connecticut, Regulatory Submission,  
dated October 14, 2009, revised April 8, 2010,  
sheets EX-1, LA-1, GR-1, SE-1, SD-1-5, 1 of 1, 2 of 2 and PH-1,  
prepared by Milone & MacBroom, Inc.

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. The missing parking data table, demonstrating compliance with the parking requirements for a managed residential community.
  - ii. The number of bedrooms per unit.
  - iii. Simplified floor plans.
  - iv. Documentation demonstrating that adequate, accessible site areas with slopes of five percent are provided.
  - v. Amenities, such as benches, per section 736.o.
  - vi. A van drop off area at the main entry.
  - vii. Corrected building numbers on the cover sheet.
  - viii. Further clarification of the sedimentation and erosion controls.
  - ix. Sedimentation and erosion controls between the construction site and the diversion berm/swale.
  - x. Design details for the proposed retaining wall, culvert head-walls, wing-walls and guide rail, as well as fencing for these items.
  - xi. Cross sections of drinking water, sanitary sewer, and fire service pipes where they cross the stream, to ensure they are sufficient to prevent breakages and subsequent discharges.
  - xii. All Conditions of Approval.
- b) Approval by the Town Attorney of a Memorandum of Understanding (MOU) with the town, regarding protection of drinking water from stormwater or drainage runoff, and detailing procedures and responsible parties for inspections, maintenance and reporting.
  - c) Approval by the Chair of the Inland Wetlands Commission of a submission of a revised and consolidated Homeowners' Association site & stormwater management plan covering all three phases of Trailside Village.
  - d) Recording on the land records of a conservation easement-deed restriction, including the metes & bounds of the wetlands, watercourse and non-disturbance areas, approved by the Assistant Town Attorney.
  - e) A new performance bond in an amount determined by the Town Planner and Town Engineer.
  - f) A \$10,000 maintenance bond for the protection of the stormwater basin and related stormwater management system infrastructure.
2. Prior to the start of construction:
- a) Erosion and sedimentation controls shall be installed.
  - b) The RWA must be notified at least three days prior to the start of work.
3. During the construction phase:
- a) A sedimentation and erosion control inspection reports prepared by a civil engineer should be submitted to the Planning Office on a monthly basis.
  - b) Hours of operation are limited to between 7:00 am and 5:00 pm, Monday through Friday.
  - c) Public roads traveled by project trucks and equipment shall be inspected regularly and cleaned whenever necessary.
  - d) All erosion and sedimentation controls shall be inspected weekly and after each rainfall.
  - e) Additional controls shall be stored on-site for any necessary repairs.
  - f) All stockpiles of excavated material remaining on-site for more than a month shall be temporarily seeded or covered.
  - g) All oil, paint, and other hazardous materials shall be stored in a secondary container and placed in a locked indoor area.
  - h) If fuel for construction equipment is stored on-site it shall be placed in a secondary containment system in a secured area.
  - i) Any on-site fueling and repairs shall be conducted over a portable spill containment system.
  - j) A supply of absorbent spill response material shall be kept on-site to clean up any spills of hazardous materials.

- k) The RWA shall be notified of any spills of hazardous materials.
- 4. All work must be completed by April 13, 2015.
- 5. 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 asked if condition 1.f. would be a permanent bond or would it be held during construction only. Mr. Kops explained that the bond should be kept for five years.

Mr. McDonagh asked if there were comments in favor of the application and there were none.

Mr. McDonagh asked if there were comments against the application:

Ms. Velma Zilm, 217 Todd Street, addressed the Commission and stated that the proposal is for Trailside Village Phase III to have the parking area located to the rear of the building. Ms. Zilm said that there is a residential neighborhood located to the rear of the property and she asked if the outdoor lights would be on 24 hours a day. Mr. McDonagh said that he lives in the area and Phase I of Trailside Village has the lights on 24 hours a day and that the Commission will address Ms. Zilm's question.

Mr. Curt Zilm, 217 Todd Street, addressed the Commission and stated that when Phase I and II of Trailside Village was approved, Phase III was removed from the IWC application because of the impact it would have on the surrounding properties. The location of Phase III would be located to the rear of a residential neighborhood and the water drainage would be problematic to the neighboring yards. The proposed drainage plans do not indicate, nor do they address the water runoff that comes onto the site. The swale located in the rear extends to Eaton Brook and there is erosion and water that comes down the hillside from Eaton Brook. There has not been a large storm event in several years and many times when there had been one there would be over a foot and a half of water in the area. Mr. Zilm reviewed how the water flows in the area and said that the proposed plan would create less infiltration and additional sediment going into the Mill River. In the future someone may decide to put the additional water into Eaton Brook. Mr. Zilm said that the area already gets four or five dump loads of sand, and he does not want to see any further water be allowed to come into the area. Mr. Zilm stated that Todd Street is a rural area with a canopy of stone wall which had been removed with construction and is going to be replaced with a picket fence. He would like the stone wall be put back in place. Mr. Zilm feels that the parking for the facility may become an issue as the need arises for in-home services.

Ms. Altman asked if the parking will be adequate. Mr. Kroeber said that the parking for Phase I & II have been working. Mr. Zilm said that they may be prone to flooding in the area and when the building is completed it may have an impact on the neighborhood which may difficult to deal with. Ms. Altman asked Mr. Zilm if he has confidence in the IWC and the decision they made. Mr. Zilm said that he has confidence in the IWC decision and the conditions placed on the contractor with the approval of the application. However, Mr. Zilm stated he does not have the confidence that the owners will enforce the conditions made by the IWC. Mr. Zilm said that there is a home on Todd Street that had created flooding in the area and the Town had to come in to do the work and the problem still exists. Mr. Zilm does not always feel that the zoning regulations are being enforced. Ms. Altman said that the citizens should report problems in the area and this would allow the Town to enforce the zoning regulations.

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

Mr. Kops explained that a photometric study had been done and it shows that the light intensity drops to 0 foot candles at the edge of the property. The application was before IWC for several months and had been revised several times. The applicant had held discussions with the contractor's engineer and the Town Engineer, who is satisfied with the design.

Ms. Altman said that it is imperative that the enforcement of the maintenance to provisions be enforced. Ms. Leslie Creane, Town Planner said that when a project is approved by Special Permit they have five years to complete and if

necessary they can ask for a five year extension. The applicant must get a Certificate of Zoning Compliance which cannot be issued if any of the conditions of approval are not met. A conditional certificate can be issued, but a Certificate of Occupancy will not be issued if the applicant is not in compliance. Mr. McDonagh stated that it is the responsibility of the owners' association to maintain the stormwater management system and asked Mr. Pellegrino who would be responsible for the maintenance once the project is completed.

Mr. Pellegrino stated that the units will be individually owned and a management company is hired by the homeowners' association for the technical maintenance of the catch basins and lights and that it is embedded into the homeowner's documents. The amendment to the application approved by the IWC included a condition that the maintenance of Phase III by a management company. Mr. Pellegrino said that there was reference to a N.O.V. for Phase II and it was a technical issue pertaining to the location of the berm structures and a curbing around the parking area. The berm was located slightly in the wrong place and has been corrected. The IWC approval for Phase III included improvement to the whole area were supplemented by the additional designs to the stormwater management plan. The applicant had hired two soil scientists to review the wetland areas and the IWC asked that a third soil scientist be hired to review the area. Mr. Pellegrino said that they all had reached the same conclusions. The IWC and Town Engineer had looked for new design methods that reduced ongoing maintenance and would reduce the previous problems. On this site there are areas that require some maintenance and are accessible by the management company to maintain. Mr. Pellegrino noted that there is an extensive non-disturbance buffer on the entire site to preserve and maintain the site in its existing condition once the work is completed.

Ms. Altman would like a condition of approval to be that the stone wall be built to replace the one that was originally there. Mr. McDonagh said that it was a prior condition in the original application. Ms. Creane said that the Planning Office will look at the previous application and see if it was part of the approval. Ms. Altman asked if there is any part of this project that requires stone vs. picket fencing and Mr. Kops said there was not.

Mr. Kroeber reviewed the stormwater management design plan and did incorporate all the stormwater solutions. He explained that all the impervious areas have storm water routed into the stormwater management systems. Mr. Kroeber reviewed the watercourse that flows off site onto the property and the mitigation included with the IWC approval. Mr. Roscow asked if there can be a planting plan that would stabilize the off-site watercourse. Mr. Kroeber that they there are approximately 78 acres off site that causes sedimentation onto the applicant,s property and the mitigations that were included should help with the sediment issues.

Mr. McDonagh asked if the four dual driveways are shared and Mr. Kroeber said yes. Mr. McDonagh asked if there will be sidewalks going to the common building in Phase II. Mr. Kroeber said that there is no sidewalks going to the common building to Phase III, but feels the traffic flow will be insignificant. Mr. Kroeber reviewed the sidewalks that are proposed. Mr. Pellegrino said that Phase III was eliminated so there would be less impact to the wetlands and removed from the original application to allow further impact studies. Mr. Kroeber discussed with the Commission the location of the sidewalks, driveways and accessibility throughout the development.

Mr. Roscow asked if the comments by the Police Department were because of the lighting not being adequate and should be on from dusk to dawn. Mr. Pellegrino said that the lighting is on a motion sensor.

Mr. Pellegrino stated that he does not recall a motion on the original application to put the stone wall back in place. Mr. McDonagh said that if it was a condition it should be met, and that it should be reviewed.

Mr. Zilm asked for clarification with regard to the full extent of the stormwater issues. There is a watershed that was discussed but not included in the plans. He reviewed the area with Mr. Kroeber. He is worried that the water draining would create a condition downstream and off-site someone could build a dam that would create a water situation in residential yards. Mr. Grant asked if there was any flooding from the last large rain event. Mr. Zilm said that the last storm was not that large and there have been several events in the past that have come into his pond and caused damage to the pond when trees had fallen. Mr. Grant said that after many months being reviewed by the IWC this should not happen. Mr. Zilm asked Mr. Kroeber what was being proposed to prevent water from coming onto the

proposed site. Mr. Kroeber said that it is a small layer of stone that would slow the water down. Mr. Zilm said that if the water is not going to be blocked from going onto the proposed site he would have no objections to the project.

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

*Mr. McDonagh closed the public hearing.*

### **3. Major Amendment to Special Permit & Site Plan 06-1082**

2556 to 2566 Dixwell Avenue, CDD-1 Zone

50 & 64 Sanford Street

Medical Office Building

Bernard Pellegrino, Applicant

*Continued from the March 9, 2010 meeting*

Mr. McDonagh stated that he asked Commissioners who had not been at the last meeting of March 9, 2010, and if they had reviewed the minutes of the meeting and would be able to render a decision. They said they had reviewed them and were able to do so. Mr. McDonagh asked if there were any objections from the applicant and Mr. Pellegrino stated there was none. Mr. Poitier recused himself.

Mr. Bernard Pellegrino, addressed the Commission and reviewed the application. He explained that the public hearing was continued to allow the applicant to address the Town Engineer's comments. Mr. Pellegrino said that the comments of April 1, 2010 made by the Town Engineer have been addressed, and incorporated into the revised plans. The request for additional elevations and the request to have a door placed on the side of building that faces Sanford Street was also addressed.

Mr. Ryan McEvoy, Professional Engineer, addressed the Commission and reviewed the proposed site conditions. He said that six of the existing trees on Sanford Street will remain and that additional protections to the trees will be added. Mr. McEvoy stated that the landscaping plan was revised to conform to the current zoning regulations and reviewed the landscaping plan. The lighting plan has been revised to address concerns of light spilling onto abutting properties. He said that the Town Engineer's Comments have been addressed and the plans were revised.

Mr. Grant asked how many cars will use the exit onto Sanford Street. Mr. McEvoy said that it would be only a small percentage and that most of the vehicle traffic will use the Dixwell Avenue entrance/exit. Mr. Pellegrino stated that the driveway would be one way and used only as an exit. Mr. Grant asked if the existing building is at full occupancy and Mr. Pellegrino said that it was. Mr. Grant asked Mr. McEvoy if a traffic study has been done. Mr. McEvoy said that a detailed traffic study was not done and that the hours of operation would be from 9 a.m. to 5 p.m. and he is assuming that most of the vehicle traffic will use the Dixwell Avenue exit/entrance. Mr. Pellegrino feels that the excess traffic onto Sanford will be minimal. Mr. Roscow asked if the elevations for the project were submitted and Mr. McEvoy advised that they were provided. Mr. McDonagh asked what design changes were made to the north side of the building to fit into the residential area. Mr. McEvoy said that a front door was added to the building and an architectural plan was submitted. He then reviewed the changes with the Commission.

Ms. Altman said that she objects to the shading of the driveway because it gives the appearance that the driveway will not be used. Mr. McEvoy apologized and stated that it was not their intent to deceive the Commission.

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

“Hamden Professional Center, Sanford Street Medical Building, Sanford Street & Dixwell Avenue, Hamden, Connecticut”, dated December 30, 2009, and last revised to March 19, 2010, Sheets EX through SD-2 and Improvement Location Survey, Sheet 1 of 1, dated May 13, 2008, and revised December 30, 2009

Subject to the following conditions:

1. Prior to the Issuance of a Zoning Permit, the applicant must:
  - A. Submit revised plans containing:
    - i. The lighting plan adjusted to bring the lighting down to zero foot-candles shining on the property to the east.
    - ii. All Conditions of Approval.
  - B. Provide a performance bond in an amount approved by the Town Planner and Town Engineer.
2. Prior to the start of construction:
  - A. The owner must provide the GNHWPCA with a complete set of design plans for review and approval and obtain a sewer connection permit prior to starting any work.
  - B. The applicant should notify the RWA at least three days in advance.
  - C. Erosion controls (silt fence, anti-tracking pads, hay bales, etc.) should be installed.
3. During construction:
  - A. Due to the close proximity of the building to the set back lines, a foundation as-built must be submitted prior to proceeding with the construction of the remainder of the building.
  - B. Any catch basins in paved areas should be protected through a combination of filter fabric, concrete blocks and gravel or the use of silt sack inserts.
  - C. The building to be demolished should be inspected for hazardous materials prior to demolition.
  - D. Any hazardous materials should be recycled or properly disposed of by a licensed waste hauler.
  - E. Demolition material should be removed from the site and disposed of properly.
  - F. The existing sewer lateral at 50 Sanford Street must be abandoned per GNHWPCA standards.
  - G. Care should be taken to avoid compacting the soil.
  - H. Erosion controls should be inspected regularly and immediately after rainfall, and maintained and modified as necessary to ensure optimum performance. Erosion controls should be installed around the base of all stockpiles of excavated materials and the pile should be temporarily seeded or covered if it will remain at the site for longer than one month.
  - I. All oil, paint, and other hazardous materials should be stored in a secondary container and placed in a locked indoor area with an impervious floor during no-work hours.
  - J. A supply of absorbent spill response material should be available, especially during refueling, to clean up any spills of hazardous material such as gasoline or oil. The RWA should be notified in the event of a spill.
  - K. All work must comply with GNHWPCA standards and specifications.
4. A stormwater maintenance log should be kept on site and a stormwater management report should be submitted at least once a year to the RWA.
5. RWA inspectors should be granted access to this property during the annual inspection program.
6. All work on the site must be completed within five years.

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

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

*Mr. McDonagh closed the public hearing*

**4. Major Amendment to Special Permit & Site Plan 85-292**

2408-2416 Whitney Avenue, T-5 Zone

Expansion of existing building and site improvements

Kings Brook Development Corp., Applicant  
*Deadline to open Public Hearing 5/13/10*

Mr. Carl Porto, Attorney, addressed the Commission and reviewed the application and location of the building. He said that the proposed 1,114 square foot addition would be located to the rear of the building and would house an MRI. He explained that an MRI currently exists in the building, but a new one would be installed in the building addition once the project is completed. The MRI will be in operation from 8 a.m. until 5 p.m. Mr. Porto stated that he has no objections to Mr. Kops' comments and that his letter dated March 29, 2010 will be addressed by Mr. John Schmitz. The Town Engineer and the RWA had no comments. There will be a total of 106 parking spaces and the additional spaces being added will be a pervious surface as required by the current zoning regulations.

Mr. John Schmitz, Civil Engineer, addressed the Commission and reviewed the proposed site plan and the site location. He reviewed the traffic pattern that is used on the site. There are currently 110 parking spaces on the site. The request is to add 1,114 square feet to the building in the area that currently has an overhang and handicapped parking spaces. This will extend the building an additional 10 feet from the current overhang. The sidewalks will be reconfigured around the foot print of the building. The parking spaces will be shifted back and additional parking will be added. There will be improvements to the paved area and existing island. Mr. Schmitz reviewed the improvements that will be made to the stormwater management system. The proposed plan for parking will exceed the zoning regulation requirements by nine spaces which will have a pervious surface. Mr. Schmitz reviewed the parking area and stated that the existing parking area will be milled and overlaid.

Mr. David Seymour, General Contractor, addressed the Commission and explained that the MRI is self contained and every aspect of the modality and operation is self contained, including noise, sound and vibration. An acoustic study was done for past projects and reviewed what the study found.

Mr. Grant asked what the area of square footage is for the current area being proposed. Mr. Seymour said 900 square feet and will also extend out an additional 10 feet. The parking island will be pushed back to accommodate the new addition. Mr. Porto stated that the new zoning regulations allow for the amount of parking to be reduced.

Ms. Altman asked Mr. Seymour where the closest residential units are located. Mr. Seymour stated they are located immediately to the north. Ms. Altman asked if the zoning regulations have a requirement that states how close an MRI can be placed near a residential building and Mr. Seymour replied that there is no such requirement.

Mr. Seymour said that the MRI office will be open from 8 a.m. to 5 p.m and will only be used for the groups that practice with in the building. Mr. Porto stated that the MRI can only image the medical practices on site.

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

“Hamden Professional Center, Sanford Street Medical Building, Sanford Street & Dixwell Avenue, Hamden, Connecticut”, dated December 30, 2009, and last revised to March 19, 2010, Sheets EX through SD-2 and Improvement Location Survey, Sheet 1 of 1, dated May 13, 2008, and revised December 30, 2009

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    - ii. All Conditions of Approval.
  - B. Provide a performance bond in an amount approved by the Town Planner and Town Engineer.
2. Prior to the start of construction:

- A. The owner must provide the GNHWPCA with a complete set of design plans for review and approval and obtain a sewer connection permit prior to starting any work.
  - B. The applicant should notify the RWA at least three days in advance.
  - C. Erosion controls (silt fence, anti-tracking pads, hay bales, etc.) should be installed.
3. During construction:
- A. Due to the close proximity of the building to the set back lines, a foundation as-built must be submitted prior to proceeding with the construction of the remainder of the building.
  - B. Any catch basins in paved areas should be protected through a combination of filter fabric, concrete blocks and gravel or the use of silt sack inserts.
  - C. The building to be demolished should be inspected for hazardous materials prior to demolition.
  - D. Any hazardous materials should be recycled or properly disposed of by a licensed waste hauler.
  - E. Demolition material should be removed from the site and disposed of properly.
  - F. The existing sewer lateral at 50 Sanford Street must be abandoned per GNHWPCA standards.
  - G. Care should be taken to avoid compacting the soil.
  - H. Erosion controls should be inspected regularly and immediately after rainfall, and maintained and modified as necessary to ensure optimum performance. Erosion controls should be installed around the base of all stockpiles of excavated materials and the pile should be temporarily seeded or covered if it will remain at the site for longer than one month.
  - I. All oil, paint, and other hazardous materials should be stored in a secondary container and placed in a locked indoor area with an impervious floor during no-work hours.
  - J. A supply of absorbent spill response material should be available, especially during refueling, to clean up any spills of hazardous material such as gasoline or oil. The RWA should be notified in the event of a spill.
  - K. All work must comply with GNHWPCA standards and specifications.
- 4. A stormwater maintenance log should be kept on site and a stormwater management report should be submitted at least once a year to the RWA.
  - 5. RWA inspectors should be granted access to this property during the annual inspection program.
  - 6. All work on the site must be completed within five years.

Mr. Porto stated that he has no objections to Mr. Kops' comments

Mr. McDonagh asked if there were comments in favor of the application. There were none.

Mr. McDonagh asked if there were comments against the application:

Mr. Mark Bergamo, Attorney, addressed the Commission and stated that he represents the abutting land owner for Jefferson Arms Apartments located at 2420 Whitney Avenue. His client is concerned with the potential noise from the MRI at its proposed location and close proximity to the apartment building. The distance between the applicant's building and the apartment building is 25.5 feet. The intention to place the MRI in an area that is closest to his client's building has raised concerns for the noise that will extrude from the building. Mr. Bergamo would like to have testing done when the MRI is installed to verify that the sound will not extrude to the adjacent building. The MRI produces decibel levels up to 120 decibels and Mr. Bergamo would like assurance that there will be no impact on his client's building.

Ms. Altman asked Mr. Bergamo if the MRI that is currently located in the building can be heard by the residents in his client's building. Mr. Bergamo said no, but it is located on the other side of the building. Ms. Altman asked if anyone had stood for any length of time to see if they heard the current MRI. Mr. Bergamo said that the concern is if the new building is being constructed there will be an assurance that the sound will not carry over. Ms. Altman stated that she

assumes that a new MRI is better and the shielding will be significant and the contractor has used the same materials at other projects. It would have been helpful if someone had visited another location to see if there was a significant amount of noise coming from the MRI.

Mr. Bergamo said that once the unit is constructed that there should be a test done to determine that the decibel levels are within the noise levels allowed by the town. Mr. McDonagh stated that it is a concern to the Commission but is not specifically regulated by the zoning regulations. Mr. Bergamo said that noise is regulated with the general regulations of the town. Mr. McDonagh stated there is a Town Ordinance but it is not covered within the zoning regulations. Mr. McDonagh stated that the noise level would be addressed with the applicant. Mr. Bergamo said that they are not opposed to the project, but would like their concerns about the noise level be addressed.

Mr. David Sieger, Maintenance Manager for Jefferson Arms Apartments addressed the Commission and stated that the concern is noise that would come from the MRI unit because the buildings are close and there may be an echo between the buildings.

Mr. Seymour said that he is comfortable with the construction being done and that he is comfortable with the noise level after the construction is completed. He stated that 120 decibels for an MRI is allowed and he explained how the sound will be distributed and that it will be within the Town Ordinance. Mr. Seymour explained that a base line acoustics study can be done and then a follow up acoustic study done. Mr. Porto said that he is confident that the buildings are only 20 feet apart and that he understands the neighbors' concerns. Mr. Porto stated that since the decibel ordinance for the town is unknown, the Commission can stipulate that the outside of the building the sound level will be less than what is allowed by the Town Ordinance. He explained that the building is owned by the occupants of the building, who have been good neighbors and an MRI center would benefit the town.

Mr. Grant stated that he is familiar with the building and he has never heard any noise from the MRI currently in the building. Ms. Altman said that there is more noise coming from the cars outside the building than what comes from an MRI inside. She has had an MRI and said that she did not hear it within the facility.

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

**Mr. McDonagh closed the public hearing.**

## **B. Regular Meeting:**

### **1. Special Permit & Site Plan 09-1159/WS**

3139 Whitney Avenue  
Multi-family housing  
Bernard Pellegrino, Attorney  
*Postponed until May 11, 2010*

### **2. Special Permit & Site Plan 09-1160/WS**

20 & 36 Todd Street, R-2, B-2 Zone  
Assisted Living Community-Phase III  
The Ravenswood Co, LLC, Applicant

Mr. Kops stated that condition 1.f should read: A \$10,000 maintenance bond for the protection of the stormwater basin and related stormwater management system infrastructure will be held for five years.

***Mr. Grant made the motion to approve Application 09-1160 as recommended by Mr. Kops, Assistant Town Planner with condition 1.f amended to read as recommended by Mr. Kops and 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. The missing parking data table, demonstrating compliance with the parking requirements for a managed residential community.
    - ii. The number of bedrooms per unit.
    - iii. Simplified floor plans.
    - iv. Documentation demonstrating that adequate, accessible site areas with slopes of five percent are provided.
    - v. Amenities, such as benches, per section 736.o.
    - vi. A van drop off area at the main entry.
    - vii. Corrected building numbers on the cover sheet.
    - viii. Further clarification of the sedimentation and erosion controls.
    - ix. Sedimentation and erosion controls between the construction site and the diversion berm/swale.
    - x. Design details for the proposed retaining wall, culvert head-walls, wing-walls and guide rail, as well as fencing for these items.
    - xi. Cross sections of drinking water, sanitary sewer, and fire service pipes where they cross the stream, to ensure they are sufficient to prevent breakages and subsequent discharges.
    - xii. All Conditions of Approval.
  - b) Approval by the Town Attorney of a Memorandum of Understanding (MOU) with the town, regarding protection of drinking water from stormwater or drainage runoff, and detailing procedures and responsible parties for inspections, maintenance and reporting.
  - c) Approval by the Chair of the Inland Wetlands Commission of a submission of a revised and consolidated Homeowners' Association site & stormwater management plan covering all three phases of Trailside Village.
  - d) Recording on the land records of a conservation easement-deed restriction, including the metes & bounds of the wetlands, watercourse and non-disturbance areas, approved by the Assistant Town Attorney.
  - e) A new performance bond in an amount determined by the Town Planner and Town Engineer.
  - f) A \$10,000 maintenance bond for the protection of the stormwater basin and related stormwater management system infrastructure.
2. Prior to the start of construction:
    - a) Erosion and sedimentation controls shall be installed.
    - b) The RWA must be notified at least three days prior to the start of work.
  3. During the construction phase:
    - a) A sedimentation and erosion control inspection reports prepared by a civil engineer should be submitted to the Planning Office on a monthly basis.
    - b) Hours of operation are limited to between 7:00 am and 5:00 pm, Monday through Friday.
    - c) Public roads traveled by project trucks and equipment shall be inspected regularly and cleaned whenever necessary.
    - d) All erosion and sedimentation controls shall be inspected weekly and after each rainfall.
    - e) Additional controls shall be stored on-site for any necessary repairs.
    - f) All stockpiles of excavated material remaining on-site for more than a month shall be temporarily seeded or covered.
    - g) All oil, paint, and other hazardous materials shall be stored in a secondary container and placed in a locked indoor area.
    - h) If fuel for construction equipment is stored on-site it shall be placed in a secondary containment system in a secured area.
    - i) Any on-site fueling and repairs shall be conducted over a portable spill containment system.

- j) A supply of absorbent spill response material shall be kept on-site to clean up any spills of hazardous materials.
- k) The RWA shall be notified of any spills of hazardous materials.
- 4. All work must be completed by April 13, 2015.
- 5. 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. Sullivan seconded the motion. The motion passed unanimously.***

**3. Major Amendment to Special Permit & Site Plan 06-1082**

2556 to 2566 Dixwell Avenue, CDD-1 Zone  
 50 & 64 Sanford Street  
 Medical Office Building  
 Bernard Pellegrino, Applicant

Mr. Reynolds asked how many feet the driveway will be from the corner of Sanford Street and Dixwell Avenue. Mr. Sullivan said it would be over 200 feet. Mr. Reynolds asked if the building that houses Quinnipiac Bank has an entrance/exit onto Sanford Street. Mr. McDonagh advised it does and there is a narrow entrance on the south side of the building and goes onto Dixwell Avenue.

***Mr. Sullivan made the motion to approve the Major Amendment to Special Permit & Site Plan 06-1082 as recommended by Mr. Kops, Assistant Town Planner, and the following conditions:***

1. Prior to the Issuance of a Zoning Permit, the applicant must:
  - A. Submit revised plans containing:
    - i. The lighting plan adjusted to bring the lighting down to zero foot-candles shining on the property to the east.
    - ii. All Conditions of Approval.
  - B. Provide a performance bond in an amount approved by the Town Planner and Town Engineer.
2. Prior to the start of construction:
  - A. The owner must provide the GNHWPCA with a complete set of design plans for review and approval and obtain a sewer connection permit prior to starting any work.
  - B. The applicant should notify the RWA at least three days in advance.
  - C. Erosion controls (silt fence, anti-tracking pads, hay bales, etc.) should be installed.
3. During construction:
  - A. Due to the close proximity of the building to the set back lines, a foundation as-built must be submitted prior to proceeding with the construction of the remainder of the building.
  - B. Any catch basins in paved areas should be protected through a combination of filter fabric, concrete blocks and gravel or the use of silt sack inserts.
  - C. The building to be demolished should be inspected for hazardous materials prior to demolition.
  - D. Any hazardous materials should be recycled or properly disposed of by a licensed waste hauler.
  - E. Demolition material should be removed from the site and disposed of properly.
  - F. The existing sewer lateral at 50 Sanford Street must be abandoned per GNHWPCA standards.
  - G. Care should be taken to avoid compacting the soil.
  - H. Erosion controls should be inspected regularly and immediately after rainfall, and maintained and modified as necessary to ensure optimum performance. Erosion controls should be

installed around the base of all stockpiles of excavated materials and the pile should be temporarily seeded or covered if it will remain at the site for longer than one month.

- I. All oil, paint, and other hazardous materials should be stored in a secondary container and placed in a locked indoor area with an impervious floor during no-work hours.
  - J. A supply of absorbent spill response material should be available, especially during refueling, to clean up any spills of hazardous material such as gasoline or oil. The RWA should be notified in the event of a spill.
  - K. All work must comply with GNHWPCA standards and specifications.
4. A stormwater maintenance log should be kept on site and a stormwater management report should be submitted at least once a year to the RWA.
  5. RWA inspectors should be granted access to this property during the annual inspection program.
  6. All work on the site must be completed within five years.

***Ms. Altman seconded the motion. The motion passed unanimously.***

**4. Major Amendment to Special Permit & Site Plan 85-292**

2408-2416 Whitney Avenue, T-5 Zone

Expansion of existing building and site improvements

Kings Brook Development Corp., Applicant

Mr. McDonagh stated there is an 11 page document provided by the Police Department. Mr. Kops said that condition 1.a. should read: Provide revised plans containing:

***Ms. Altman made the motion to approve the Major Amendment to Special Permit & Site Plan 85-292 as recommended and corrected by Mr. Kops, Assistant Town Planner, and the following conditions:***

1. Prior to the Issuance of a Zoning Permit, the applicant must:
  - A. Submit revised plans containing:
    - i. The lighting plan adjusted to bring the lighting down to zero foot-candles shining on the property to the east.
    - ii. All Conditions of Approval.
  - B. Provide a performance bond in an amount approved by the Town Planner and Town Engineer.
2. Prior to the start of construction:
  - A. The owner must provide the GNHWPCA with a complete set of design plans for review and approval and obtain a sewer connection permit prior to starting any work.
  - B. The applicant should notify the RWA at least three days in advance.
  - C. Erosion controls (silt fence, anti-tracking pads, hay bales, etc.) should be installed.
3. During construction:
  - A. Due to the close proximity of the building to the set back lines, a foundation as-built must be submitted prior to proceeding with the construction of the remainder of the building.
  - B. Any catch basins in paved areas should be protected through a combination of filter fabric, concrete blocks and gravel or the use of silt sack inserts.
  - C. The building to be demolished should be inspected for hazardous materials prior to demolition.
  - D. Any hazardous materials should be recycled or properly disposed of by a licensed waste hauler.
  - E. Demolition material should be removed from the site and disposed of properly.
  - F. The existing sewer lateral at 50 Sanford Street must be abandoned per GNHWPCA standards.
  - G. Care should be taken to avoid compacting the soil.

- H. Erosion controls should be inspected regularly and immediately after rainfall, and maintained and modified as necessary to ensure optimum performance. Erosion controls should be installed around the base of all stockpiles of excavated materials and the pile should be temporarily seeded or covered if it will remain at the site for longer than one month.
  - I. All oil, paint, and other hazardous materials should be stored in a secondary container and placed in a locked indoor area with an impervious floor during no-work hours.
  - J. A supply of absorbent spill response material should be available, especially during refueling, to clean up any spills of hazardous material such as gasoline or oil. The RWA should be notified in the event of a spill.
  - K. All work must comply with GNHWPCA standards and specifications.
4. A stormwater maintenance log should be kept on site and a stormwater management report should be submitted at least once a year to the RWA.
  5. RWA inspectors should be granted access to this property during the annual inspection program.
  6. All work on the site must be completed within five years.

***Mr. Sullivan seconded the motion.***

Mr. Roscow asked if the comments made by the Police Department regarding the shrubs should be included in the conditions that they be trimmed lower. Mr. Kops explained that the comments are relevant to the application and recommended as a safety concern, and that the applicant is given a copy to review.

***The motion passed unanimously.***

**5. Zoning Permit 08-3013**

14 Hunting Ridge Road  
Request to release \$10,592.00 bond  
Burton Talmadge, Applicant

Mr. McDonagh reviewed the request to release the bond in the amount of \$10,592.00 as recommended by Ms. Holly Masi, Zoning Enforcement Officer.

***Ms. Altman made the motion to release the bond in the amount of \$10,592.00 as recommended by Ms. Holly Masi, Zoning Enforcement Officer. Mr. Grant seconded the motion. The motion passed unanimously.***

**6. Special Permit & Site Plan 04-1024/CAM**

2906, 2932, and 2950 State Street, R-4 Zone  
Age Restricted Housing  
Request for an extension for a deadline to complete  
**State Street Holdings, LLC, Applicant**

Mr. Kops explained that the five year approval expired on January 11, 2010 for the Special Permit and that the applicant is requesting a five year extension. The IWC's permit also had expired and a new application was needed and approved. The site is problematic and the attorney for the applicant has stated that the applicants have had financial difficulties. There are four units with pending sales, but the permits must all be current in order for the sales to occur.

Mr. Carl Porto, Attorney, addressed the Commission and explained that the pending sale of the units cannot be completed without the permits in place. The closings of the units would give his clients the money to complete the 10 remaining units. He reviewed the IWC approval that was received on April 7, 2010.

***Mr. Grant made the motion to approve the request for an extension for the deadline to complete until January 11, 2015. Ms. Altman seconded the motion.***

Mr. Sullivan asked how many units need to be completed. Mr. Porto stated that there are 10 units left unsold and he reviewed with the Commission what has been completed to date. Mr. Sullivan asked if it will take five years to complete the project. Mr. Porto stated that his clients are currently working to complete the projects as soon as possible. Ms. Altman asked if they should revisit the application because the permit expired January 11, 2010. Mr. McDonagh stated they did not need to revisit the application.

***The motion passed unanimously.***

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

- c) Review minutes of December 8, 2009

***Mr. Roscow made the motion to approve the minutes of the December 8, 2010 meeting as written. Mr. Reynolds seconded the motion. Mr. McDonagh, Mr. Reynolds, Mr. Roscow and Mr. Marottoli voted in favor of the motion. The motion passed.***

- d) Review minutes of February 9, 2010, special meeting

***Mr. Sullivan made the motion to approve the minutes of the February 9, 2010 meeting as written. Mr. Roscow seconded the motion. Mr. McDonagh, Ms. Altman, Mr. Grant, Mr. Marottoli, Mr. Sullivan, Mr. Reynolds and Mr. Roscow voted in favor of the motion. The motion passed.***

3. Review minutes of March 9, 2010

Mr. McDonagh advised the commissioners that the March 9, 2010 minutes are tabled until the May 11, 2010 meeting.

4. Review minutes of March 23, 2010, special meeting

***Mr. Roscow made the motion to approve the minutes of the March 23, 2010 meeting as written. Mr. Sullivan seconded the motion. Mr. McDonagh, Mr. Grant, Mr. Roscow, Mr. Reynolds, Mr. Sullivan and Mr. Marottoli voted in favor of the motion. The motion passed.***

5. Review minutes of Zoning Section minutes of January 26, 2010

***Mr. Roscow made the motion to accept the minutes of January 26, 2010 as written. Mr. McDonagh seconded the motion. Mr. Roscow and Mr. McDonagh voted in favor of the motion. The motion passed.***

Mr. McDonagh said that in the commissioner's packets there is a memo from Ms. Sue Gruen, Town Attorney, regarding the Planning & Zoning By-Laws. He explained that the Town Charter states that the Planning & Zoning Commission may have a Planning Section and a Zoning Section. He is not aware of any other community in the State that has the two separate sections plus a combined P&Z commission. If the Planning Section and the Zoning Section are integrated there would be two P&Z meetings a month, which would allow the applicants to return sooner if necessary to complete an application and this would allow the full commission to hear the application. Mr. Tim Lee, Assistant Town Attorney, explained that a public hearing would be needed to amend the By-Laws for the P&Z Commission. The Commission discussed the advantages of having the full P&Z Commission hear applications and when the meetings would take place. Mr. McDonagh advised the clerk to place the request to amend the By-Laws on the May 11, 2010 meeting agenda.

**D. Adjournment**

*Mr. Sullivan made the motion to adjourn. Mr. Grant seconded the motion. The motion passed unanimously.*

The meeting adjourned at 9:35

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