



Town of Hamden
Planning and Zoning Department

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

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MINUTES: THE PLANNING & ZONING COMMISSION, Town of Hamden, held a Regular Meeting on Tuesday, Aug 11, 2009, at 7:05p.m. in Thornton Wilder Hall, Miller Memorial Library Complex, 29601 Dixwell Avenue, Hamden, and the following was reviewed:

Commissioners in attendance:

Joe McDonagh, Chairman
 Ann Altman
 Don Moses
 Ralph Riccio
 Lesley DeNardis
 Bob Roscow

Staff in attendance:

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

Mr. McDonagh called the meeting to order at 7:56 p.m. He introduced the panel and reviewed the procedure for the meeting. Mr. McDonagh apologized to Mr. John Morrison for being rude at the last meeting. He stated that the Commission would like input from the public. Mr. McDonagh explained that they would use the information received from the public and commissioners to help finalize the document. The document would then be posted on the Hamden website. A formal application would then be sent to the Regional Council of Government for comments and the Commission for a public hearing.

A. Regular Meeting:

1. Working session regarding the proposed Zoning Regulations

Mr. McDonagh referred to the list of 32 questions to be reviewed:

Question One: Mr. McDonagh reviewed the question with regard to Treadwell Street being changed to a T-3 from its current R-5 designation. Ms. Altman stated that it is not a main artery and the Commission should defer to the resident's concerns. She recommends that it be left as an R-5 zone, which would allow for no further development. Mr. Riccio and Ms. DeNardis agree that the area should be left an R-5 zone. Ms. DeNardis asked how many residents are represented by the Whitneyville Civic Association. Ms. Altman stated that the Civic Association cannot represent everyone, but is useful body. Mr. Roscow stated that the intent of the new regulations would be to remove spotty development. The neighborhood is uniformed and a nice neighborhood. Mr. McDonagh stated that he feels it is the consensus of the Commission to leave the area as an R-5 designation. He asked for public comment:

Mr. Mike DeNofrio, 115 Treadwell Street addressed the Commission and stated that he had moved to the neighborhood three years ago. His wife is from Tokyo wanted a neighborhood oriented, closely knit environment and community. The houses are close together and are pre WWII homes. They were designed when there was ample manpower and good materials were used. The houses in the neighborhood have been well maintained. His concern is

that the difference between an R-4 and a T-3 zone is the types of businesses that would be allowed in their neighborhood. Mr. McDonagh explained that the commissioners have agreed to leave it zoned as an R-4.

Question Two: Mr. McDonagh reviewed the area of Putnam Avenue that is proposed to be designated as a T-3.5 zone. Ms. Altman stated that off the main arteries residents feel their homes are in a residential area and should be left as an R-5. The commissioners agree that should be left as an R-5. Mr. McDonagh asked for public comments and there were none.

Question Three: Mr. McDonagh explained that it is currently an R-5 zone and the proposed designation would be a T-4. This could result in having retail and large scale office buildings. The residents are concerned about Sutton Towers which remains mostly unoccupied. Ms. Altman stated a large concentration of people would benefit from some coffee shops, which would provide socialization in the neighborhood. She said however that a large amount of residents are against the change, so it should be left an R-5 zone. Mr. Riccio stated that he would like it left as an R-5 zone. He would like to see coffee shops and small grocers go in the Magic Mile. Mr. Roscow said that the area consists of privately owned developments, and there could be an issue of security. The buildings on Mix Avenue are not mixed-used buildings, and were never meant to be. The commission discussed the private road that goes from Mix Avenue down to Shaw's. The commissioners agree that it should remain an R-5. Mr. McDonagh asked for comments, and there were none.

Mr. McDonagh said staff should change the map, so that it reflects the PUD. The PUD is ongoing at the Sutton Towers property, and it is an overlay zone. Ms. Leslie Creane advised the Commission that the development as it was approved falls under the PUD section. Mr. Roscow asked if the development is finished. Mr. Tim Lee stated that is finished, but it is an overlay zone that retains PUD zoning criteria. Mr. McDonagh noted that there are other PUD's that are indicated on the map as PUD's.

Mr. McDonagh stated that a letter was received from Mr. David Hennigan that addressing the questions and comments.

Question 4: Mr. McDonagh reviewed the question. He stated that there is concern from the residents for the change from an R-4 zone to a T-4 zone. The residents in the area have trouble with traffic from events at the town green. There is one lot that is vacant and the residents are concerned if a business were built, there would be an increase of traffic. Ms. Altman feels it should be left an R-4 zone. The Hamden Middle School is located in this area, so development should be limited. She would like it to remain an R-4 Zone. Mr. Riccio is aware that the residents are concerned with the vacant lot. He asked if there could be restrictions on what is allowed. Mr. McDonagh said it could be asterisk to say no retail. Mr. Kops stated that you cannot restrict one parcel in the zone. Mr. Roscow said there are 3 to 4 blocks by the middle school have single family homes that go completely around the block. Increased commercial activity could contribute to the traffic congestion. He would like it left an R-4. Ms. DeNardis stated that she agrees with Mr. Roscow and more traffic could be generated when the Town Hall renovations are completed. The commissioners agree that it should remain an R-4. Mr. McDonagh asked for comments from the public and there was none.

Question 5: Mr. McDonagh reviewed the question and stated that it is an R-4 and not an R-5 zone. The area is where the Connector comes onto Whitney. Ms. Creane advised the Commission that West Woods Neighbor Association concerns itself with the area north of West wood road. This section is not considered with in the West Woods Neighborhood. There has been a consensus within the West Wood Neighborhood Association, which has discussed its concerns with the Planning Office. This suggestion came from a letter by someone who does business in the area. The commissioners discussed the area affected, which would be from the Connector and going south. Mr. Roscow stated that there are businesses located in this area. The property is located to the east side of Whitney Avenue and the properties rear yard slope drop quickly and is an R-4 area. The residents do not want developments in their back yards. Mr. McDonagh asked for public comment:

Ms. Maura McCloskey, 29 Douglas Drive, addressed the Commission and stated that she is concerned with what is happening from the Connector going north to the Cheshire town line. The West Woods Neighborhood Association defines itself from the Cheshire town line down to Sherman Avenue. . Anything that happens at the connector impacts the West Woods area. They fought having Whitney Avenue and West Woods Road left as 4 lanes. They are

concerned because there is commercial property, and housing that Quinnipiac has taken over. She would like the area neaten up and made cohesive. She does not want to say any more.

Ms. Joan Migliozi, 15 Pinewood Road addressed the Commission and stated that she has contacted her neighbors. They do not want the neighborhood going from an R-4 zone to a T-4 zone. Her neighborhood is from James Street and Our Lady of Mt. Carmel Church. She feels her neighborhood is being neglected. Her neighborhood is a nice safe area, and she does not want the businesses that would be allowed in a T-4 Zone. There is no civic association to discuss what type of development that is not wanted. The Commission discussed the area affected, which is Whitney Avenue south of the Connector to Washington Avenue. The members are in agreement that they have no intention to have an adverse impact on this neighborhood, and support that Washington Avenue north to the Connector remains an R-4.

Mr. McDonagh stated that Whitney Ave south of the connector to Washington Avenue is residential in appearance, but has business located in the houses. He asked Ms. Creane to explain what can be done if it is changed to a T-4 zone with restrictions. Ms. Creane said generally many residents understand the difference between T vs. R zones. Mr. Moses said he thought that they had agreed to leave it as an R-4 zone. Mr. McDonagh advised that a question had been raised about this area. Ms. Creane said that a major difference to make the T zone was because the transect zone controls form. This has to do where a building sits on the lot and the buildings around it. It protects the existing buildings and keeps out businesses that are not wanted. The Planning Office has met representatives from various civic associations to regulate how areas appear and how building it relates to other buildings around them, and the uses inside the structure. If a T zone is not used, there is no control on how the area looks. It adds protection to preserve the fabric of the areas, and define and control the uses inside the building. Ms. Creane offered to meet with the residents to determine what they would want in their neighborhood.

Mr. Moses said that there is already language and procedures to limit uses in the existing Regulations. Ms. Creane advised there are use chart for every zone. Mr. Moses said that his understanding of the T zone would limit changes. The current regulations do not allow the maintaining the character of the neighborhoods. His understanding of the R-4 regulations is that it requires keeping the present characteristics. He reviewed the current regulation and said if there is a proposal to develop something new, they would have to come before the commission. Ms. Creane advised that the R zones are not as strong as the T Zones. She explained that when Glen Terrace came before the commission, the commissioners were dissatisfied with the proposal. They did not like the development, but had no choice because there is nothing in the regulations that allowed voting against the proposal. The regulations do not control form. Ms. Altman asked if restrictions be put in place for a T4 zone for Whitney Avenue and south of the parkway. Mr. McDonagh would like the area to be a T3 zone instead of a T4 with no retail or food establishments. Ms. Altman would like a suitable set of restrictions that is known to be desired by the residents. Ms. Creane advised that form can control the placement of the buildings. She stated that she has no problem putting a foot note "J" that would allow businesses with limited hours and which do not generate additional traffic. Ms. Altman feels that the restriction of using a T zone could preserve the look of the neighborhood.

Ms. Migliozi stated that in the R zone that certain applications would not be allowed. If it were a T zone a special permit would be needed and one could build a takeout restaurant or cafe. Mr. Moses said any changes that require a special permit would be a safe guard. Mr. McDonagh that uses for restaurants or café would be prohibited from Washington Avenue up to the Connector. The T-3 zone does not allow food establishments. It would allow professional buildings. The Commission discussed T zones vs. the R zones. The T zone would allow for a list of restrictions that would state what could be developed.

Mr. John Morrison, 1692 Whitney Avenue addressed the Commission and stated that Spring Glen Terrace is within the Spring Glen Village District. It was a CDD-3 and not an R-4. Mr. McDonagh explained that the current regulations do not allow controlling form. Mr. Morrison understands there is more restriction in an R-4 zone. He discussed with the Commission the differences between a T-3.5 zones vs. an R-4 zone.

Mr. David Hennigan, 64 Waite Street, addressed the Commission and asked why the area from Whitney Avenue south of the connector was proposed to be with a T-4. The setbacks of the houses are 25-50 feet off the road, and a setback for T-4 zone is 6-8 feet off the sidewalk. A form would be created and a placement for the building that would be like a main street placement. It would be out of sync for this area. Mr. McDonagh advised that a building in a T zone would have to be consistent with the street. Mr. Hennigan said that in this area there is a density that is closer to an R-

3. A T-4 allows greater lot control and would not be a fit with what exist. The development that has occurred in this area is under the Zoning Regulation section 727 and the restrictions that were in place. Mr. McDonagh is concerned with a building being torn down and building something in its place. Mr. Roscow stated that he would like to make the regulations so that it is not like section 727 in the current regulations, and consistent with the rules. The Commission discussed the regulations that they want, that are consistent and protect neighborhoods from inappropriate use.

Mr. Moses stated that there primary purpose at this meeting is to reach a consensus on what is wanted and responds to input from the residents. The residents have requested that their neighborhoods remain as is. He understands changing to T zones would prevent certain development. The existing regulations provide that proposals require a special permit that are subject to conditions of approval. Ms. Altman said that what is what the commission is trying to do is strengthen the protection. She reviewed what is allowed with the current regulations. Mr. Kops stated that what the resident said is that she would like to remain an R-4 zone because she is concerned about the uses that the T-4 zone would allow. A solution was proposed to change to a T-3 zone, which addresses the concerns that the resident raised about certain uses. Mr. Moses asked and Mr. Kops read the description of the T-3 Zone. Mr. McDonagh suggested that the change the area to a T-3 Zone with restrictions that would preserve what is already in existence. Ms. Miglioizzi stated that a T-3 zones are better than T-4 zones, but he would prefer an R-4 zone. The T-3 zone allows people to push development further than what was allowed. Mr. Hennigan stated that people in the future will come in to try to amend the proposed regulations. They are concerned that some commercial activity will be allowed in the T-3 zone, and an R-4 zone is more restrictive.

Mr. Kops reviewed what is currently allowed in an R-4 zone. Mr. McDonagh said that this not conclusive. The Commission could consider a change to T-3 and will revisit at a later time.

Mr. McDonagh reviewed a letter received from Mr. Hennigan stating the issues of what should be restricted when considering a mixed use residential building. He reviewed a letter from Mr. Dale Kroop, Director of Economic Development had said that one-fifth of Hamden's populations are from Mix Avenue. Mr. McDonagh stated that he thought what Mr. Kroop meant is that it was within a zone around 1 mile of the Magic Mile. Mr. McDonagh stated he had gotten his information from the Consensus. He reviewed that a consensus block is geographic blocks not address. He reviewed with the Commission the low student population that is from the Mix Avenue area.

Questions 6-7: Ms. Altman stated that the Magic Mile is the keystone of the regulations. She believes it is a plan for the future and any developments for the Magic Mile will be reviewed by the Commission. She does not want to overload any aspects of the Town Services. She thinks it turns around a suburban mall that was designed in the fifties. It has the possibilities to give the retail and residential areas of Hamden that would be similar to the center of Madison. She would like to see the plan as it stands for the Magic Mile left as it is. It is one part of Hamden that has a chance to turn around and would allow flexibility in the future.

Mr. Roscow said that people will not park in shopping centers that are more then 200-300 feet in distance. He referred to the parking areas and that the High School uses the Hamden Plaza for student parking. He gave examples of what other towns have and what he would like to see in Hamden for retail areas and mixed use. Before developing anything on the Magic Mile, he would like to see from the developers other work that they have done. He would like to see the entire Magic Mile become form based. The height of buildings should be looked at. He would like to see when restrictions are made, what could be developed as mixed use. Mr. Moses agreed with Mr. Roscow and would like to see a study that would be helpful when designating zones and the effects commercial projects would have with maintaining the buildings in Hamden. Mr. McDonagh discussed with the Commission the enhancements that the business owners would do to their properties and what the tenants leases would allow. Mr. Roscow explained that developers know what they are doing. He referred to Universal Drive and the business that is being taken away from Hamden. Mr. McDonagh referred to an issue raised by Mr. Hennigan. Developers will not develop 250 acres. He does not feel a study will state what is already known with the retail business that is being lost. It would be in Hamden's favor to be more innovative in what is being developed. Mr. Roscow said at Universal Drive has new development that has courtyard parking. He likes the idea of using the idea of colonies. The need for special permits is for protection against over development. The commissioners discussed going forward with proposed regulations as written for this area.

Question 6&7: Mr. Hennigan asked if there are doubts about the plans for the Magic Mile. He would like a market study done. There is a grant available to Hamden for the study. He would also like a traffic study done to determine

what is necessary for the future. It may help in making decisions for this area. Ms. Creane stated that she worked with Florence Villano to determine with the target areas are for the grant. The reason that State Street and Dixwell Avenue were targeted was because they have the best chance to increase strategic economic development. It will enhance the surrounding neighborhoods and help to increase the commercial tax base. The traffic study was not approved by the Legislative council, but was done by the Regional Council of Governments. The grant was provided by the Regional Council of Governments. The study was done from Ella Grasso Boulevard (route 10) to Skiff Street in Hamden. The study is further confirmation of the study that was done during the Charette. It looked at changes of roadway designs for Dixwell Avenue and Whitney Avenue. The proposed changes were done with a separate independent study. If nothing done, traffic will increase and get 20 percent worse. The changes need to make areas walkable and create less traffic. Strategic development would mean fewer cars on the road. Ms. Altman stated if in the future mass transit is not used, it would be detrimental to the health of the residents, and would be harmful to the environment. It would also affect the businesses that are now located in Hamden and they will move out. Mr. McDonagh stated that from the Charette there is a parallel between Whitney Avenue and Dixwell Avenue and the shopping centers. If you create a streetscape it would be made into a road. He gave examples of ways to avoid the major roads when stuck in traffic. You can alleviate traffic on Dixwell Avenue by creating development that brings people on-site. The parking garage at Center One is underutilized.

Mr. McDonagh asked for public comments:

Ms. Maura McCloskey, 29 Douglas drive addressed the Commission and stated that the commission should concentrate on developing Dixwell Avenue and the Magic Mile. She stated that there is a need to redevelop Dixwell Avenue. She said that she is from the West Woods area and uses Stop & Shop. If she has other errands to do, she parks her car and walks to all her locations that are between the Plaza and Stop and Shop. She feels if the area was more attractive, people would want to walk. She would like to see the whole corridor of Whitney Avenue become more organized by nodes. Mr. McDonagh stated that there is no intent for new development north on Whitney Avenue. Ms. Altman referred to the Plans of Conservation and Development and explains what nodes represent. Ms. McCloskey explained that she is on the West Woods Neighborhood Association and has spent numerous hours on the proposed zoning regulations.

Mr. McDonagh asked for a consensus on what zone would be used for the magic mile. It was determined that the Magic Mile would be a T-5 zone.

Mr. Moses asked if the T-5 zone designation for the Magic Mile would be limited to 25 acres. Mr. McDonagh stated that the majority of the commission is not in favor of a 25 acre designation. The entire Magic Mile would be designated a T-5 zone.

Mr. McDonagh referred to map designations. The cemetery off Circular Avenue should be a T-2. The Eli Whitney Museum area should be an R-4. The west side of Whitney Avenue, between the medical building and the parkway should be T-4 zone. He stated that the Planning Office would like permission to correct typographical errors in text and add diagrams where appropriate. Ms. Creane advised that they surf the net and look at the new smart code modules. There are good diagrams that could be added to the existing text for clarification purposes. Mr. McDonagh asked if there were no objections from the commissioners or the public, and there was none.

Question 9: Mr. McDonagh that Petaluma, California is an area with mixed use. Mr. Hennigan pointed out that Petaluma is a combination of mixed use and traditional use based zoning. Ms. Creane said she spoke with planner in California when smart code was adopted in 2003. They are not moving away from Smart Code, There was an ordinance known as the anti big box ordinance. As an example she said that if Wal-Mart or Target wanted to have a store in Petaluma, an impact study would have to be done with regard to the effects on local existing businesses.

Question 10: Ms. Creane stated that Smart Code is only being used in the major corridors, and is not going to be used for the entire Town. She said that Smart Code is being integrated with use-base-zoning. It is a hybrid set of zoning regulations. There is no parcel in town where only smart code would apply in the proposed regulations.

Mr. Morrison said that although Smart Code is being applied only to small commercial areas, he is concerned that it will be applied to residential areas. Mr. McDonagh advised it was not going to be used in the residential areas of Hamden. Ms. Creane referred to how other towns are looking at applying smart code. The municipalities are looking

at areas that could be used as mixed use. It is a waste of money for any municipality to use smart code to implement a T1 and T2 zone. Transect zones are to create a transitions from a more urban border with New Haven and to the more rural border of Cheshire. Mr. McDonagh advised that they have changed the proposed zoning regulations for the southern end of Hamden which will remain residential. Mr. Morrison reviewed the ordinance that he had submitted at the previous meeting. He stated that Ms. Creane stated that it was for box stores only. Ms. Creane advised that it also could be a large apartment development. Mr. Morrison asked if it would apply to the magic mile. Ms. Creane advised that it depends on what the development is. Mr. Morrison asked if schools should be in a residential zone. Mr. McDonagh stated that they do not want to use spot zoning. Ms. Creane advised that Public Schools fall under the category of Public use utilities and are allowed in every zone. Mr. Kops indicated schools are governed by a provision in the regulations.

Mr. Hennigan stated that they investigated other towns using smart code. They were towns that had a population of approximately 60,000. There is concern that Hamden would no longer have business zones. There is a concern for the smart code is being used, and finding other towns that are using it. Ms. Creane that smart code would be applied in a responsible way. The Plans of Conservation and Development calls for a revision to the Zoning regulations with emphasis on the corridors. Mr. Kops said the Town brought in a panel of experts in Smart Code. They led the Charette and recommended that using the smart code approach would be sensitive to the residential areas. The people who attended the Charette were excited by the vision that the planners and architects had for the town.

Question 8: Mr. McDonagh stated that a resident was concerned with the ability to expand his property. The zone will be T5. Mr. Moses asked what exists. Mr. McDonagh stated that the resident is in a B-2 zone. Mr. Moses stated that it is a valid argument. Going from a B-2 to T-5 that some of the changes to the square footage could be considered a burden. Ms. Creane advised that a clarification of the map is needed. The area is a split zone. The urban design is meant to have zones that match across the street and to have the same design. This area is proposed to be a T-5 zone. The split zone is a small lot and it does not make sense to have a different zone. Mr. Moses asked how the commission would take into consideration the small business owners concerns for the future and eliminate the burdens for the existing owners. Mr. Kops explained that owners of the commercial property and the Civic associations for the residential properties must deal with the zoning regulations with regard to restraints. The commission has tried to balance the different transect zones and where they are applied. Mr. Kops explained that they do not want to end up with 50 different types of zones. Mr. Moses stated that reference is made to a residential neighborhood and the zone had components that the residents found unacceptable. If a modification is done for the residential area, he asked what can be done for the small business owners. Ms. Crane stated that letters were sent both residents and businesses and no objections have been received. Mr. Moses said that two individuals felt the square footage requirements would cause undue burdens on their businesses. Mr. Kops explained that there would be no change to the approval process for a gas station. Mr. Moses said that his concern is not only State Street but also southern Dixwell Avenue. Mr. Moses feels that this type of concern should be left open so that modifications can be made that would work in the best interest the same way as the residents. Mr. Creane advised that the only concern is for the small parcel that is a split zone and reviewed what would be in the best interest for the intersection. Mr. Moses stated that his comments are related to the change in the zoning requirements and making a change to the square footage. Mr. McDonagh said that lower Dixwell Avenue is B-2 and is being proposed for a T-4. There are no significant changes to the restrictions and new regulations may be less restrictive.

Ms. Shansky, Attorney for Mr. Perry Hack and owns Two Guys from Woodbridge, addressed the Commission, She feels that this is a fascinating project. She stated that several of her students from the School of Forestry had attended the Charette and reported back to class. He client has property at 4066 Whitney Avenue, and currently zoned an R-2 zone and has what is defined as a truck farm. She submitted a letter for a proposed amendment to the Hamden Zoning Regulations to the clerk and read it for the Commission. Mr. Riccio asked where 4066 Whitney Avenue is located. Ms. Shansky said it is located between River Road and South Brooksvale Road. She has spoken with the West Woods Association and suggested that they have a meeting to address their concerns. She stated that the business is successful and her client does not want the proposed zoning regulations to impact his business strategy to be a successful entrepreneur in Hamden.

Mr. Roscow stated that it is a truck farm, and does not feel it is a truck garden. The expansion of the business could offer a full range of products. Ms. Creane stated that there is a definition for community gardens, which is different from a truck garden and truck farm. Provisions should be made for vineyards should be made in the proposed regulations, and it could be 100 x 100 in size. He feels that Hamden should adopt a regulation that would allow for

partial business farmers. Mr. McDonagh stated that the minimum for a truck garden is two acres and is for fruits and vegetables only. Ms. Shansky asked how they could reconcile with a commercial farm that is defined as having at least five acres. Mr. McDonagh stated that a commercial farm has a decent amount of property with grains and grasses and allows for live stock. Ms. Shansky would be pleased to have a letter of conformity letter that a truck garden or farm in the T-3 zone. Mr. McDonagh stated if the types of products allowed for a truck garden were expanded to include more products, the regulation does not say there is 2 to five acres, but says a minimum of 2. The regulation for a commercial farm includes the raising of live stock, farm animals, fish, birds or bees for sale to the markets. Mr. McDonagh asked Mr. Hack if that would be done. Mr. Hack advised that they may raise fish, but it would be a hydroponic cultivation. Mr. Moses asked for a landmark that is past Wentworth. Mr. McDonagh advised that it is past the golf course on the west side.

Mr. Gus Spohn, an officer of the West Woods Civic Association, addressed the Commission and stated that he has met with Ms. Creane and Mr. Kops. He strongly objects to the proposal of the truck farm expanding. He asked if there was a consensus of the Commission with regard to the definition of a truck garden vs. a commercial farm. Mr. McDonagh stated that a commercial is five acres that allows for the raising of live stock and different products that can be grown. Mr. Roscow stated there is a green house on the property and it is a good size operation. He does not how much land is needed for a greenhouse. Mr. McDonagh stated that a truck farm has a minimum of two acres. Mr. Spohn asked if there is any maximum on the acreage for a truck garden or a commercial farm. He feels there is no limit on the amount of acreage. Presently in Hamden, he is not aware of a farm in Hamden that raises live stock. There is Hindingers that is a substantial business that sells fruits and vegetables. Mr. McDonagh stated that the existing regulation does not say what a truck garden size can be. Mr. Spohn suggests that an unlimited possibility for farm at the northern end of Whitney Avenue would not be good in a residential area. He defined the residential area as north of River Road to the Cheshire town line. He has read the Plans of Conservation and Development states that there should be no expansion of residential uses in this area. A farm would go against the plans of Conservation and Development. He does not object to small segmented farm type uses, but the scale changes the character of the property. Mr. McDonagh said that if an amendment to the proposal, instead of an argument of the regulations was proposed. He advised Mr. Spohn that he could change the regulation that states a truck farm consists of two to five acres. Mr. McDonagh stated that a commercial farm would be allowed in R-1, R-2, R-3 and T-2. Truck gardens are allowed in all five residential zones and would be allowed in a T-2 and T-3 zone. If the owner is buying property to expand his farm, it is a reverse in what is happening everywhere else. For the owner to turn it into a commercial farm, it would require a zoning permit. Mr. McDonagh suggested that Mr. Spohn would like to restrict it to five acres. Mr. Roscow asked what the concern is for the location. Mr. Spohn's objection is having a farm as a neighbor and the aesthetics. Mr. McDonagh said that in the Plans of Conservation and Development after page 128 defines this area as maintaining the rural characteristics and protects natural resource areas. He feels that a farm is rural in nature. Mr. Roscow said they should look at truck farms as having buffers for the lights into the neighboring residents. Mr. Kops said what makes the issue complicated that Mr. Spohn does not want to see an expansion that is characterized as a commercial farm. A commercial farm is allowed in a R zones and with a site plan approval. Mr. Kops stated that the standards imposed would make such a farm more palpable to the neighbors. A special permit would be better, but would be hard argue that a farm needs a special permit. It would be justifiable for a site plan approval to ask for conditions that require lighting is retained on site and adequate buffers. Mr. McDonagh would prefer to address this as a specific regulation and would like to carry over what is there. He said if Mr. Spohn wants a change he should come in and propose a change to the zoning regulations. It is better to deal with as an independent issue. The owner could expand with the current regulations as long as he does not have live stock. Mr. Moses asked if the owner is currently operating within the current regulations. Mr. McDonagh said yes, but that the owner wants to expand and there was confusion on the size that a truck farm could be. Mr. Moses asked if the nature of the opposition has to do with the present operation. Ms. Shansky has clarified the confusion and is satisfied with their answer. Mr. Moses asked how it would affect the existing business if it expanded still within the guidelines. Mr. Spohn feels there should be some limit on the size of the operation.

Ms. Clark addressed the Commission and thanked Ms, Creane and Mr. Kops for their time spent with regard to the issue of the truck farm. They had said that the commission wants to protect the characters of the neighborhoods. Ms. Altman had stated that the commission wants to protect the interest of the residents in the affected neighborhoods. Ms. Clark said that there could be a problem because the proposed change does not address what is currently there. She explained that the farm may not be noticed because it is in the middle of a residential area. The lights at night are very bright. An expansion would increase traffic from the trucks, increase in lights and an impact on landscape. When the current operation was installed, at least 50-75 100 year old trees were cut down. Mr. Hask said the statement about the

trees is not true. Ms. Clark than said many trees were cut done. The structures presently on the property are commercial. She feels the business should not be allowed to expand in a residential area. She reviewed page 115 in the current Plan of Conservation and Development. She asked that the proposed regulations minimize the amount of commercial properties going forward. She asked how the residents could have a greater say in the process of permitting truck gardens and commercial farms. The neighbors were not notified when the greenhouses were put up. Mr. McDonagh said he understands the concerns, but there is no effective change in the proposed regulations on how truck gardens and commercial farms are treated. Commercial farms are currently permitted in an R-2 zone. Ms. Clark is concerned because the truck farm owner is looking to expand. Ms DeNardis asked if West Woods contemplated becoming a village district. Ms. Clark said it has been discussed. Ms. Creane advised Ms. Clark that the language for village district could be helpful and is voted on by the Commission. Mr. Moses stated that the matter being discussed is for the existing regulations. Mr. McDonagh explained that the changes for a T-3 zone would be more restrictive. Ms. Clark stated that what is being discussed is an opportunity to modify what is in the current regulations. Mr. McDonagh is concerned about the lighting which is addressed in the proposed regulations. Ms. Clark said the expansion would change a residential neighborhood into a commercial area. Mr. McDonagh said commercial is allowed now in a residential area. Mr. Kops explained that the problem is created by eliminating commercial farms from T-3 zone and interpreting this operation as a truck garden. Commercial farms are subject to site plan approval. There is an existing truck garden and Mr. Hack can purchase additional property that could be a separate entity and share access roads. This is an expansion that is not subject to apply to any kind of control for the types of buildings he has. Mr. McDonagh would like to suggest that this subject be continued at a special meeting on Tuesday, July 18, 2009 continue

Mr. Bill Burns, 297 Dunbar Hill Road, addressed the Commission and asked how a farm would get into a residential area. He suggested that Mr. Hack contact Mr. Bill Doheny and ask if his operation would satisfy the requirements on the Masselli Farm to expand his business across town.

Mr. Morrison feels there is a need to define a farm. He thinks of a farm as open space with something growing. If greenhouses are done with artificial light should be considered a different business. The light pollution may need tarps at night.

Ms. Shansky referred to 1-1 under the Connecticut General State Statues and the definition of farms. She said she is a member of the state codes and standards committee that administers the state building and fire codes. Dark sky regulations have been recently adopted and there are ways to shield lights. Mr. McDonagh advised that lighting is covered in the proposed regulations. Ms. Clark stated that an attempt is being made to control lighting in the commercial areas and does not apply to residential areas. If the general vision for a T-3 zone is for low density residential areas and read the definition of a T-3 suburban zone.

Mr. Moses stated that he is concerned about the urgency to complete the proposed regulations. The Plans of Conservation and Development is what is driving the change. If the commission is expected to understand and address the Plan of Conservation and Development they should have the document. Ms. Creane advised that she can get the Commissioners a copy. Mr. Moses feels more time is needed before the next meeting for the commissioners to familiarize themselves with the Plans of Conservation and Development. Mr. McDonagh suggested that at the next meeting they should start with an explanation of the Plan of Conservation and Development. Mr. McDonagh apologized to commissioners who have not received copies of the Plans of Conservation and Development. Mr. Moses again stated that scheduling a meeting next week does not allow the commissioners to familiarize themselves with the plan and should have more time.

B. Old Business/ New Business

1. Review of July 14, 2009 Minutes
2. Review of July 22, 2009 Minutes

No action taken

C. Adjournment

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

Submitted by: _____
Stacy Shellard, Clerk of Commissions