



Town of Hamden
Planning and Zoning Department

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December 10, 2009,

MINUTES: THE PLANNING & ZONING COMMISSION, Town of Hamden, held a Public Hearing and a Special Meeting on Monday, December 7, 2009 at 7:00 p.m. at the Hamden Middle School Auditorium, 2761 Dixwell Avenue, Hamden, CT and the following was reviewed:

Commissioners in attendance:

Joe McDonagh, Chairman
Ann Altman
Don Moses
Ralph Riccio
Peter Reynolds
Bob Roscow, arrived at 8:40 p.m.
Jerry Dimenstein
Ralph Marottoli, alternate sitting for the vacancy

Staff in attendance:

Leslie Creane, Town Planner
Dan Kops, Assistant Town Planner
Tim Lee, Assistant Town Attorney, arrived at 7:30 p.m.
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 introduced the panel and reviewed the Public Hearing procedures.

Public Hearing:

1. Proposed Amendment to the Hamden Zoning Regulations 09-914

File available for review in the Planning Office and the Office of the Town Clerk
Hamden Planning & Zoning Commission, Applicant
Public Hearing continued from 12/1/09 meeting

2. Proposed Amendment to the Hamden Zoning Map 09-915

File available for review in the Planning Office and the Office of the Town Clerk
Hamden Planning & Zoning Commission, Applicant
Public Hearing continued from 12/1/09 meeting

Ms. Marie Oertell, 82 Thompson Street, addressed the Commission and stated that the Beecher Heights Neighborhood Association did not know about the public hearing for the proposed zoning regulations until two days ago.

Mr. McDonagh explained that the the meeting was properly noticed in the New Haven Register, and on the Town web site. He apologized if she did not see it, but explained she could speak at this meeting.

Ms. Oertell stated that the Beecher Heights Association would like to receive more information regarding the changes being made to their area in the proposed regulations. She said that she could not comment on the changes that are being made, because she had not attended the previous meetings. Ms. Oertell feels that the changes being made to the zoning regulations are serious and they would be making modifications that would concern all of her neighbors in her area. She asked that the Commission not vote on the proposed zoning regulations at this meeting, and this would allow others in the Beecher Heights area and other areas of Hamden to attend a meeting.

Mr. McDonagh explained that many meetings have taken place for the proposed regulations. He stated that every public meeting is noticed and this is the second night of the meeting and he cannot stop the process and then restart it.

Mr. Jim Frolish, 88 Colony Street, addressed the Commission and stated that he was not aware of the proposed zoning regulations and the zone change being made on Dixwell Avenue from Dorrance Street to Thompson Street. He submitted a petition (exhibit 17) signed by residents and some members of the Legislative Council stating they were not aware of proposed changes to the Beecher Heights area. Mr. Frolish thought that the public would still be allowed to speak at this meeting.

Mr. McDonagh explained the the public hearing is still open and he had asked for further comments.

Mr. Frolish explained that it is difficult to turn left on Dixwell Avenue from Thompson Street, and would be made more difficult if there were to be additional buildings. He feels that the changes being proposed would effect the value of their properties. There are rental properties in the neighborhood and their only concern is to get the money, and do not keep up the properties, and the only concern is to receive the rent money. Mr. Frolish would like the Commission to decide what would be the best for the Hamden Citizens.

Ms. Azalea Mitch, 30 Ralston Avenue, addressed the Commission and stated that last year she was the president of the Whitneyville Civic Association. The Civic Association had worked with the Town Planner to understand Smart Code. Ms. Mitch stated that Whitneyville is a Smart Code community with mixed-use and the work done with the Town Planner was to enhance the area's assets. The Civic Association would like to maintain sustainability and the walkability in the area and would like to see this elsewhere in the Town. The Whitneyville Civic Association voted in favor of Smart Code and fully supports the concept. When looking at Dixwell Avenue there is unsustainable development that has occurred under the current regulations and Smart Code would help to bring change over the next twenty to thirty years. Ms. Mitch said that you must drive everywhere on Dixwell Avenue and there is asphalt everywhere. There are no sustainable aspects and these need to change. Ms. Mitch explained that MIT had done a study with regard to property values and it showed no significant difference in neighborhoods where there was mixed-use and affordable housing. She said that studies have shown that rental properties that have children who attend school do not burden the school system. Ms. Mitch feels that people afraid of loss of property value have been misinformed. She said Hamden continues to develop Dixwell Avenue under the current regulations is going in the wrong direction. Ms. Mitch stated that the Whitneyville Civic Association supports the proposed zoning regulations.

Mr. Henry Dove, 137 Santa Fe Avenue addressed the Commission and thanked them for the time that they have spent on the proposed zoning regulations. He feels there is a need to upgrade and standardize the zoning regulations while protecting the neighborhoods. Mr. Dove likes the concept of Smart Code, but feels Hamden relies on the homeowners property taxes. He stated that he has not heard any economic benefits that would come from the proposed zoning regulations. Mr. Dove would like Planning & Zoning to request projections on the expected impacts of Smart Code on education and infrastructure expenses. If the proposed changes to the zoning regulations are adopted it would take the burden away from Planning & Zoning. Mr. Dove said if the regulations are passed, economic develop improvements will be seen over the next two to three years, but then questions if economic growth benefits will continue to be seen. He is not opposed to denser development, but worries that in five years more requests will come from the Board of Education, Fire Department, Police Department and Public Work because of increased expenses. Mr. Dove would like the proposed zoning regulations to be rejected even though Smart Code has many good ideas. The goals for the changes made to the zoning regulations should be how to retain and attract businesses development that will reduce property taxes over five, ten or twenty years. Mr. Dove said that the Commission has not looked at the incremental expenses with the projections

Mr. Tony Sacchetti, Chairman for the Economic Development Commissioner, addressed the Commission and expressed his thanks to the Commission and the Planning Department for being receptive and making themselves available for questions and clarification of the proposed zoning regulations. Mr. Sacchetti stated that he is speaking on

behalf of the Economic Development Commission. The Economic Development Commission continues to see the lack of inventory of land for companies looking to expand or locate to Hamden. It is troublesome to see continued development of housing and residential uses with a shrinking inventory of commercial parcels. He would like the commission to be sensitive to the fact that there is a small inventory of commercial parcels, and would like to see anything zoned commercial be retained.

Mr. Bill Mitch, 30 Ralston Avenue, addressed the Commission and stated that the Whitneyville Civic Association is in favor of Smart Code. They have worked with the Planning Office to help limit the types of development that could take place on Dixwell Avenue such as drive-through restaurant, which could decrease property values. Mr. Mitch feels that Smart Code is a tool to limit development or channel it into a responsible path. He urges that Smart Code should not only be used in Whitneyville, but also the Miracle mile which he considers anything but a "miracle".

Ms. Elaine Dove, 137 Santa Fe Avenue, addressed the Commission and submitted an OLR Research Report (exhibit 18) and a list of Quinnipiac University properties (exhibit 19) that shows their tax status. Ms. Dove stated that the purpose of the proposed zoning regulations is to increase the amount of commercial properties to help with the residential property owner's tax burden. She said that Quinnipiac has been taking residential properties off the tax list. She explained that Quinnipiac's total taxable properties are 1.9 million dollars, and the non-taxable properties are 169.9 million dollars. She asked how more tax revenue can be made when there are properties being signed off on a regular basis, and you cannot have increased commercial properties because of the amount of non taxable properties. Ms. Dove reviewed the OLR program and stated that it is a voluntary program which is funded by the State. The OLR program is not a guaranteed program because the State may not always have the money to fund it. Ms. Dove asked that the Commission keep the OLR in mind when changing the zoning regulations and increasing the density were being made.

Ms. Rosalie Cavanaugh, Wintergreen Avenue, addressed the Commission and understands the concept for the proposed zoning regulations started approximately two years ago. She stated that the average citizen is not clear on what Smart Code is and they have a tendency to ignore it. She said if Smart Code is a pilot program the Commission should allow more time to understand it. Ms. Cavanaugh feels that if Smart Code will only affect Whitney Avenue, Dixwell Avenue and State Street, it will not benefit eighty five percent of the Town, especially those who live west of Mix Avenue. She stated that the major corridors have a larger population which will benefit from the concept of walkability vs. vehicles. She would like the Commission have more meetings which would allow more residents to ask questions and would allow them to decide whether Smart Code will benefit them.

Mr. Joe Rosabianca, 21 Thompson Street, addressed the Commission and stated that he is concerned with the area from Thompson Street south to the Farmington Canal that is being proposed as a T-4 zone. Mr. Rosabianca stated that this is a residential area along Dixwell Avenue and the abutting properties behind it. He said if buildings are put closer to the street and parking in the rear of buildings it would affect the abutting properties' residents who would have to look at parking lots and dumpsters. Mr. Rosabianca feels that the Whitneyville area has the Board of Education building which acts a buffer to the residents in that area. Mr. Rosabianca would like to the Commission to reconsider the area from Thompson Street to the Farmington Canal and leave it as an R-4 zone.

Mr. Sam Guy, Jr., 58 Thompson Street, addressed the Commission and stated that the Beecher Heights area from Colony Street to Dorrance Street area has no businesses and are small residential lots. He said that these streets can only be accessed from Dixwell Avenue. Mr. Guy feels that a T-4 zone would allow for fast food restaurants, gas stations, hotels/motels and light industry. He feels that a T-4 zone would not preserve a solid residential area and would bring down the values of the neighborhood, and the value of life they have in a well maintained area.

Mr. Mathew Corcoran, 2420 Whitney Avenue, addressed the Commission and stated that the Town Park Center which is located between the Library and the Hamden Middle School is open space that was intended to be used for simple recreational purposes. He is concerned that a changing the zone would allow another school to be built by special permit and would put a burden on the residents in the area. Mr. McDonagh stated that there is a restriction with regard to the coverage that would not allow for another public school to be put on the property. Mr. Corcoran is concerned that the legal notice did not state that a vote could be taken tonight, and Derby had a similar situation were there zoning regulations were thrown out.

Ms. Gail Traester, 156 Brooksvale Avenue, addressed the Commission and stated that she agrees with the Beecher Heights residents. She feels their comments are valid, because their area is a residential area. The Hamden Mart and Plaza and town center are built up enough and the T-4 zone could be decreased to allow the area to remain a T-3 zone and a residential area.

Ms. Mary Kearney, Marion Avenue addressed the Commission and stated she is concerned with the area from James Street to the Route 10 Connector. She reviewed the area and explained it is a residential area. Ms. Kearney stated that there are children in the area that go back and forth to the Farmington Canal and Legion Field. She would like the zoning to be a T-3 zone, which would keep the commercial business out. Ms. Kearney is concerned that a bakery may be allowed to go into her area. The location on the corner of Whitney Avenue and Cannon Street is used as a cut through from Evergreen to the Connector and she is concerned if a bakery were put in at that location. She asked how many residents signed the petition (exhibit 6) that was submitted at the last meeting actually lived in the neighborhood. Ms. Kearney feels that the bakery that is being proposed could locate to Dixwell Avenue, Whitney Avenue or State Street where it would not disrupt residential neighborhoods. She stated that the residents in her area were blindsided by the petition (exhibit 6) because they were under the understanding that no additional businesses would be allowed in their area. She stated if she had another week she could get a petition with 400 signatures that would not allow a business in the area.

Ms. Jane Bovier, 24 Pinewood Road, addressed the Commission and asked if the house on the site for the proposed bakery would be a historic home, because it was built in 1890. Mr. McDonagh explained that there was not an application for a bakery. Mr. Kops explained that her question does not relate to the proposed zoning regulations and could be discussed at a later time.

Ms. Christine Esposito, 1742 Whitney Avenue, addressed the Commission and stated that she would hope that the zoning regulations would not be passed at this meeting. Ms. Esposito referred to the minutes of the meeting held on December 1, 2009. On page 3, Ms. Creane had stated "T-zones do pull buildings closer to the street", and Ms. Esposito does not care for the aesthetics of buildings being closer to the street. Ms. Esposito referred to Table 3.4-Summary of Transect Zones and referred to the T-4 and T-5 designations on page 27. She stated that the residential neighborhoods will fall into a T-4 zone, but both t-4 and t-5 zones will have high density figures. Ms. Esposito reviewed the percentages of density, building coverage and impervious surface that would be allowed in a T-4 and T-5 zone. Ms. Esposito referred to the letters received from Saratoga Associates that had been reviewed at a previous meeting stated they were pleased with the increase of the lot coverage amounts, and if possible she would like an explanation. Ms. Esposito reviewed The Parking Table on page 17-350.2 and stated that the figure used of 300 feet is the size of a NFL football field and is extreme and is concerned that homes that are sold could become small parking lots for businesses. In the minutes of December 1, 2009 on page 12, Mr. Pellegrino's comments referring to changes that he would like for Whitney Center and Partkya and used the term "non-conforming, and they may be considered major changes to the zoning regulations. She asked why the Commission has to vote on the proposed zoning regulations if the regulations will be amended in the not too distant future.

Mr. Wayne Chorney, 42 Morris Street, addressed the Commission and stated that as a Commissioner and on the ZBA's behalf he would like the P&Z Commission to consider a non contiguous zone along the corridors that would make some areas non-conforming. Mr. Chorney explained that if non-conforming it would have to go before the ZBA and he explained to the Commission what the ZBA would need to make its decision. He also referred to discussions of LEED and asked if that was part of Smart Code. Ms. Creane explained that LEED certification was removed from the proposed regulations because there was State Legislation requiring any building in excess of five million dollars to be LEED certified. Mr. Chorney asked that the role of ZBA Commission be explained to the audience because it is part of the zoning regulations. He stated that he would like to see more people show up at Commission meetings to show their concern and they should watch for the Legal Notices.

Ms. Elizabeth Bacon, 32 Central Avenue addressed the Commission and asked if the proposal is an all or nothing proposal. Mr. McDonagh stated that it would be a yes or no vote. If it is a yes vote then changes may be made as amendments.

Mr. McDonagh asked that the Planning Office to read their comments and recommendations.

Mr. Dan Kops, Assistant Town Planner and Ms. Creane, Town Planner read as a formal report to the Commission their response to the comments made at the December 1, 2009 meeting:

At last week's Public Hearing citizens raised some specific issues to which the Commission asked staff to respond.

Item #	Item/Issue	Response
#1	Whitney Center Height Restriction	<p>The Zoning Regulations were amended in 2007 to allow a greater height for Managed Care facilities such as Whitney Center, because distance from central services is a serious issue for seniors living in them. Building upward rather than outward is often preferable. The current regulation reads:</p> <p>“The maximum building height in Controlled Development District-1 may be 100 feet or eight stories, whichever is less. For any height above 40 feet, screening by mature trees and/or distance must be sufficient to avoid impairing the views from neighboring properties.”</p> <p>The proposed Zoning Regulations inadvertently omit this provision. The Commission should review the issue in the near future to determine whether or not to restore the previously approved language. Any application approved under the current regulations is “grandfathered in.”</p>
#2	Partyka Chevrolet in a T-4 Zone	Most of Skiff Street is designated a T-5 Zone, but not these parcels. The Zoning Map should be amended in the near future to make the area a T-5 Zone.
#3	Zoning Designation of 105 -109 Sanford Street	The five properties in question, 105 to 145 Sanford Street are currently in a CDD-1 Zone. Based on the current uses or approved uses of the properties, the Zoning Map should be amended in the near future to make the area a T-4 Zone.
#4	Bakery in a proposed T-3 Zone on Whitney Avenue	The Commission has heard considerable testimony on both sides of the issue. It should consider the issue further in the near future.
#5	Whitney Manor in a proposed T-3 Zone on Whitney Avenue	The Commission should consider making the property at 2798 Whitney Avenue a T-4 in the near future.
#6	Split Zoning at 2648 Whitney Avenue	The proposed split zoning reflects one of the principles of SmartCode – the designation of both sides of streets with the same zone in order to create a uniform appearance. This occasionally results in split zones. Most have been eliminated from the proposed Zoning Map. Parcels 2572, 2574, 2620, 2630, 2634 and 2648 Whitney Avenue still display

split zones. The Commission should consider make the parcels entirely T-4 in the near future.

- #7 Zoning of Southern Dixwell The area in question was proposed as a mix of T-4 and T-5 zones during the 2007 Charrette. It offers a real opportunity to bring significant development to an area that has seen little significant growth in the last 20 years. This is the first time that criticism of the proposed change has been raised.
- #8 Prohibition of truck gardens in a T-3 Zone: Impact on 4066 Whitney Avenue Attorneys on both side of the issue have presented arguments to the Commission. The Assistant Town Attorney is evaluating those arguments and will provide the Commission with his comments. The Commission should leave the property as it is currently zoned – R-2.
- #9 Increases in Density The proposed increases in density are targeted in the T-4 (40%) and T-5 (60%) zones, in order to encourage development along key corridors. Without increasing the density, Hamden’s commercial sector is likely to remain as limited as it is today. The proposed percentages were adjusted after Saratoga Associates, a firm with extensive experience with form-based zoning, demonstrated to staff that the lower coverage figures were unworkable and recommended building coverages of 70% in T-4 and 80-90% in T-5 zones. As a point of reference, SmartCode 9.0 uses 70% and 80% respectively.

	Version
	T-4
	T-5
SmartCode 9.0*	
	70%
	80%
Hamden, first draft 07	
	70%
	80%
Hamden, draft 3/10/09	
	30%
	35%
Hamden, proposed amendment	
	40%
	60%

*Note: SmartCode uses the term “lot coverage” to describe what we call “building coverage”

- #10 Clarification of the difference between “substantial” and “minor” changes The term “substantial modification” is included in the definitions section of the regulations. The Commission may choose to revisit this definition in the future with the goal of decreasing the percentage from 50% of the market value of the structure. The regulations, as proposed,

considers any change that does not fit the definition of “substantial” to be considered “minor”.

- #11: Buildable Square The proposed regulations include the current Section 310.1, which excludes any land with steep slopes or wetlands when calculating lot size. This restriction, alone, reduces the number of lots that can be created. Enforcement of the Buildable Square requirement on an existing lot would essentially create a taking. The location of new homes vis a vis wetlands is determined by the Inland Wetland Commission. In addition, the erosion and drainage provisions have been clarified and strengthened to protect neighboring property owners.
- #12 Permeable (pervious) Surface It is important not to confuse building coverage with pervious surface coverage. The former includes all structures, including those with green roofs. The allowable percentages in R-Zones remain unchanged in the proposed regulations, while the proposed building coverages in T-4 and T-5 Zones take into account the proposed intensity of use.
- The percentage of pervious surface is a new regulation proposed to reduce runoff and improve water quality. A green roof helps accomplish both those goals and therefore is not included in the calculation of impervious surface coverage..
- #13 Spring Glen Village District: Missing Boundary Line The small missing boundary line is not displayed because it was inadvertently hidden by a layer. It was not deleted. The Commission can correct this problem as a minor change to the proposed Zoning Map, since no actual change is proposed.
- #14 Prohibit residential development along the Magic Mile The development of mixed-use properties that offer goods and services within walking distance of where people live, is a core component of SmartCode. The concept was enthusiastically endorsed by those who attended the 2007 Charrette.
- #15 Economic Growth Study As previously reported to the Commission , the proposed regulations have been thoroughly and favorably reviewed by the town’s Economic Development Director, the Economic Development Commission, and the South Regional Council of Government among others.
- Economic growth studies are typically used to analyze market forces during a relatively short time span. Zoning Regulations are used to permit desirable development as market forces allow over a longer period of time. Zoning Regulations also prohibit undesirable development, that left unchecked, market forces might allow. Best planning practice allows the market the potential to rise to the limits of regulations, but no further. However it in no way guarantees that such development will ever happen..

Property owners and taxpayers want to be assured that *despite* changes in the economy the protections for their zone will remain predictable.

Density requirements in T-zones are based upon the SmartCode and work in conjunction with other aspects of SmartCode including block size, building massing, setbacks, lot sizes and other bulk requirements.

#16 Skiff Street/Whitney Avenue Intersection Zoning Designation

The area in question was proposed as a T-5 zone during the 2007 Charrette. Most of Skiff Street, based on the current uses of the property, is proposed as a T-5 Zone. It makes sense that the key Skiff Street/Whitney Avenue node, located amidst a T-4 zone would become over time the center for that area, with denser development. This is the first time that the issue has been raised.

#17 Impact on Hamden High School

The question being asked is where will students park if there is no longer any parking available at the Hamden Plaza, if and when it is developed. There are two responses. First, students have no inherent right to park there if they are not patrons of businesses at the Plaza. Second, development of the Plaza will reduce, but not eliminate parking there.

#18 Elaine Dove's comments

First as a general comment, it is important to note that the proposed regulations and map are the result of many discussions with individuals, civic and neighborhood associations and Commission leadership. Those discussions and staff recommendations have helped to create the documents that are now before the Commission.

Opinions and decisions have been revisited and sometimes changed over the past two years as a result of new information. The documents now before the Commission are the official proposed applications. Only the vote on these documents is legally binding.

Treadwell Street & Putnam Avenue – The zoning for Treadwell Street and Putnam Avenue was discussed in great detail with the leadership/working group of the Whitneyville Civic Association on several occasions as well as with several area residents and the Commission. The zoning map, as proposed, reflects the consensus reached by these entities as well as a unanimous vote of support by the Whitneyville Civic Association.

Town Green Area – The Commission agreed by consensus that the parcel located on Dixwell Avenue between Thompson and Colony be an R-4 zone. Parcels located on Dixwell Avenue between Thompson and Dorrance currently have uses that are appropriately proposed to be a T-4 zone. Discussion with the Commission, area residents and staff reveal consensus on this matter.

Whitney Avenue between Evergreen and West Woods – The map was revised based upon Commission discussion, public objection to the

length of the proposed T-4 zone and discussions with the West Woods Neighborhood Association.

Whitney Avenue between the Town Center and the cemetery at Evergreen – There was never discussion, much less consensus reached that this area should be T-3. T-3 is primarily a residential zone and such a change would make scores of uses non-conforming. This area of Whitney Avenue is currently a commercial area and should remain so.

Whitney Avenue from West Woods north to Cheshire – All map changes have been made based upon the maps developed during the Charrette, derived from the input from dozens of area residents and business owners as well as extensive discussions with the West Woods Neighborhood Association, staff and Commission leadership.

Whitney Avenue between Washington Avenue/James Street and the Route 10 Connector – The proposed map reflects the consensus of the Commission based upon input from area property owners.

2408 – 2416 Whitney Avenue – The change of these three properties are an extension of the proposed T-5 zone. The assertion that this is not consistent proper planning is unsubstantiated. This designation is not consistent with the definition of spot zoning and is therefore a legal proposal. Abutting zones are T-4 and R-4, not T-3. All legal notices required by law have been given.

Truck Farms and Commercial Farms - The recommendation of staff is to leave 4066 Whitney Avenue zoned as an R-2 and revise the map accordingly.

Whitney Avenue between Sherman Avenue and West Woods Road – This area has been proposed to be a T-4 since the charrette. The regulating plans that were developed showed a small portion as T-3. In consultation with the West Woods Neighborhood Association, the Commission and staff the small T-3 area was changed to T-4.

One issue raised by the Town Engineer in his memo, awnings over public right-of-ways, was not addressed in the comments provided by staff on December 1st. He indicated that permission from the Town or State would be required. Staff recommend changing the proposed Zoning Regulations by adding a footnote to the Private Frontages Diagram, the Private Frontage section of the T-4 and T-5 Form-Based Code Graphics, and the Private Frontages section of Table 3.4, all in Article III, reading “any protrusion into the Town or State right-of-way will require approval from the appropriate entity.”

Copies of the unsigned letter from the State Department of Public Health were distributed to Commissioners last week without staff comment. The Commission has since received the signed letter and staff are now prepared to comment.

The DPH objects to the proposed section 452.6.1.1.c, which allows cemeteries within the Spring Glen Village District in the R-4 zones. This provision violates Connecticut General Statutes Section 25-41, which

prohibits cemeteries within ½ mile of a public drinking water supply reservoir, like Lake Whitney. Staff therefore recommend removing cemeteries as a permitted use in section 452.6.1.1.c.

The DPH also notes that section 520.11.16 provides for the use of maintenance covenants for approved stormwater treatment facilities, but does not specify what actions would be taken to deal with non-conformance. It suggests use of enforcement mechanisms such as those identified in Section 440.4 regarding common areas and open spaces. Staff recommend that the Commission consider adopting appropriate enforcement provisions as an amendment in the near future.

The DPH then reviews Section 624 regarding agriculture and Section 626, and recommends that best management practices for manure management, chemical application and storage be incorporated as conditions of approval. Staff agree that best management practices should be required as conditions of approval and also recommends that Commission consider adopting appropriate enforcement provisions as an amendment in the near future.

Finally, the DPH suggests clarifying which Department of Public Health is referred to in Section 626.4.f. The section actually refers to the Quinnipiac Valley Health District, which serves as the local health department. Staff recommend replacing “Department of Public Health” with “Quinnipiac Valley Health District.”

The Planning and Zoning Department recommends that the Commission vote to approve the proposed Zoning Regulations with the changes noted in its December 1st memorandum:

The title page should include Scott Jackson, Mayor and Craig Henrici, Former Mayor.

Section 120.3.o should say “...in accordance with the POCD Conceptual Plans.”

Section 150 a. should be revised to use this title. The map should also be revised to display this title, “Zoning District Map Town of Hamden, CT.”

Table 2.2 should contain a footnote stating “The density of dwelling units in a multifamily property is governed by Section 652.

In Table 2.5 the title of the second column, “Min. Side Yard,” should be changed to “Min Front Yard.”

Section 430.5(b) Replace “the 'Rational' method” with “standard hydrology and hydraulics methods such as those described in the Connecticut Department of Transportation Drainage Manual 2000, as amended,” and replace “residential development” with “development in accordance with the Zoning Map.”

Section 520.9.5(c) Replace “Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (2002)” with “the Connecticut Department of Transportation Drainage Manual 2000” and “Commission” with “Town Engineer.”

Section 520.10.1(c) Replace “Driveways require a blend, or vertical transition curve, not to exceed 6%.” with “Changes in driveway grades require vertical transition curves.”

Section 520.11.2 Add the word “significantly” before “alter hydrologic conditions.”

Section 520.11.3(l)(ii) and (iii) Replace “Soil Conservation Service” with “Natural Resources Conservation Service” and delete the reference to New Haven County.

Section 520.11.3 (last paragraph) Add the 25 and 50 year frequency storms to the list of those required to be analyzed, add “,as set forth in this section” after “sound engineering practice”, and replace “one thousand (1,000) acres.” with “two hundred (200) acres, and shall not be used to compute drainage volumes or to design detention facilities.”

Section 520.11.4(f) Delete this section.

Section 520.11.5 Add “a” in front of “sensitive surface water” and add “which is” in front of “impaired.”

Section 520.11.9(a)(ii)(a) Add “pre-development” before “magnitude” and “or less” after “magnitude.”

Section 520.11.9(a)(ii)(b) Delete “activity of a” after “post-construction”, delete “a” before “2-year”, and replace “design post proposal or activity” with “pre-development.”

Section 520.11.11 Delete the extra “s” in “standards.”

Section 520.11.12 Replace “registered” with “Connecticut licensed.”

Section 520.11.13(a)(Engineering Data)(i) Replace “National Geodetic Vertical Datum of 1929” with “North American Vertical Datum of 1988 (NAVD 88)” and add a period before “Benchmark(s)” and “should also be shown.” after “Benchmark(s).”

Section 520.11.13(a)(Hydrological and Soil Data)(iii, iv, and v) Replace “Soil Conservation Service” with “Natural Resources Conservation Service” and delete the reference to New Haven County.

Section 520.11.14(a) Delete “technically” before “feasible”, and add “or prudent” after “feasible.”

Section 520.11.16 Re-order the list of items to be included in the Maintenance Covenants “a,ba footnote to the Private Frontages Diagram, the Private Frontage section of the T-4 and T-5 Form-Based Code Graphics, the Private Frontages section of Table 3.4, all in Article III, reading “any protrusion into the Town or State right-of-way will require approval from the appropriate entity.” and c” rather than “c, d, and e.”

Section 5502.12 A period should be inserted so that it reads as “550.2.13.”

Section 560.1(b) Replace “4-1/2” with “5”, to comply with the Americans with Disabilities Act (ADA) compliance guidelines.

Section 591.1.7(a) Replace “Traffic” with “Town” and add “and sight lines.” after “locations.”

Section 591.1.7(Table 5.6) The one-way aisle width for parallel parking should be 12 feet.

Section 591.1.10(b) Replace “4-1/2” with “5”, to comply with the Americans with Disabilities Act (ADA) compliance guidelines.

Section 591.2.1 Delete “(top of curb)”.

591.7 Table 5.6 Change the parking aisle width for a one-way aisle with parallel parking to 12 feet instead of 24 feet.

Section 702.4.g The missing section reference number, 700, should be added.

Section 718.1 Delete the first sentence, “The Commission, on its motion or on petition, may amend these Regulations or the Zoning Map, after public notice and hearing, in accordance with the General Statutes of the State of Connecticut.”

Add “Section 718.2.c.12 “Any other information, such as a traffic or hydrology study deemed necessary by the Commission or staff to be necessary to determine conformity with the intent of these regulations.”

Add “Section 720.4.1 “Any other information, such as a traffic or hydrology study deemed necessary by the Commission or staff to be necessary to determine conformity with the intent of these regulations.”

Section 718 f.i. Change the phrase “any proposed increase to existing building coverage” to “any proposed substantial changes to building coverage”.

Section 718 f.ii. Change the phrase “any proposed increase to building coverage”to “any proposed minor changes to building coverage”.

Section 720.4(v) Add “the Hamden Traffic Authority or” before “Police.”

Section 730.2 Replace “a” with “an” before “Improvement” and adding (“As-Built”) after “Survey.”

Section 732 Replace the list of acceptable digital formats with:

- a. AutoCAD dwg or dxf
- b. ESRI shapefile or geodatabase

Delete “CADD” after “tiled”, after “Line work in”, and before “layers for buildings.”

Section 830(Turning Radius) Modify so that the text is not obscured by the drawing.

Plus the following additional minor changes:

Section 452.6.1.1.c. Remove cemeteries as an allowable use.

Section 626.4.f. Replace “Department of Public Health” with “Quinnipiac Valley Health District.”

Private Frontages Diagram, the Private Frontage section of the T-4 and T-5 Form-Based Code Graphics, and the Private Frontages section of Table 3.4, all in Article III. Insert a footnote reading “any protrusion into the Town or State right-of-way will require approval from the appropriate entity.”

With an effective date of “January 1, 2010.”

The Commission should state its reasons for finding the proposed changes to the Zoning Regulations consistent with the Plan of Conservation and Development.

Staff also recommend approval of the proposed amendment of the Zoning Map, 09-915, with the minor change identified in the memorandum of December 1st :

The Title of the Zoning Map should be changed to “Zoning District Map Town of Hamden, CT.”

Plus the following additional minor changes:

Retain the R-2 Zoning designation for the parcel at 4066 Whitney Avenue.

Display the missing western boundary line delineating the Spring Glen Village District that was inadvertently hidden by another layer.

With an effective date of “January 1, 2010.”

The Commission should state its reasons for finding the proposed changes to the Zoning Map consistent with the Plan of Conservation and Development.

Mr. McDonagh asked Ms. Creane to respond to questions that were raised this evening.

Ms. Creane explained that letters regarding the proposed regulations were sent out to the property owners whose parcels were proposed to change zones, as well as the direct abutters of these properties. Ms. Creane explained that allowing for increased density where there is existing infrastructure is economically and environmentally responsible. Mixed-use can react to changes in market forces. This flexibility of use and design is part of the philosophy of the Smart Code. Ms. Creane stated that the Commission does not make the tax laws. The tax laws are the responsibility of the State Legislature and the Legislative Council. Ms. Creane stated that she had not said “that all T zones will have buildings built to the street”. She said “ T zones are 1-5 and the presentation she gave explained in the T-1 zone it is a preserve with no buildings. The buildings become closer to the street as you get to a T-5 zone”. The density issue of 300 feet to parking lots is in the current regulations and is carried over to the proposed regulations.

Mr. McDonagh asked for comments from the Commission:

Mr. Moses stated that at the last meeting the Spring Glen Residents had a detailed list of concerns with regard to the proposed regulations not coinciding with the proposed map.

Ms. Creane explained that the corrections were read into the record.

Mr. Moses stated that in item 1,2, 3 and 5 appears as if the proposed zoning regulations are granting spot zoning. Mr. Moses discussed his concerns with Mr. Kops with regard to the adverse affects a business could have if left non-conforming. Mr. Kops explained that he recommends the Commission to revisit the issue of non-conforming properties at a later date and determine if there is a need to amend the zoning regulations and the zoning map. Mr. Marottoli asked if under the current regulations residential use can be built as a second floor on a building such as where Starbucks is located. Ms. Creane explained that there could be residential units built up on businesses. Mr. Marottoli asked if Smart Code would give more control over projects that the Commission wants vs. projects they do not want because the current regulations would not allow it. Ms. Creane advised that the Commission under the current regulations had to approve applications and could only state for the record that they had no grounds to deny it. Ms. Creane stated that “Smart Code would allow for a Smart Commission”.

Mr. Moses discussed with Mr. Kops the impacts a business may have if the zone were to be changed as an amendment.

Mr. Reynolds stated why the Skiff Street and Whitney Avenue intersection is proposed to be a T-5 zone and across the street is North Haven which is not a classic node area, since there is no control over the North Haven side of the street. He asked if it would be logical to end the T5 zone west of the Parkway because east of the Parkway it should be a T-4 zone. Mr. Kops stated that the Partkya properties are on the east side and should be in a T-5 zone. Mr. Reynolds is

confused with the area around Beecher Heights. Ms. Creane explained that the residential area is Dorrance, Thompson and Westminster street and will remain an R-4 zone. The only proposed change is one lot on Dixwell Avenue.

1. Mr. McDonagh reviewed the non-conforming areas and noted if the Commission would like them changed before voting on the proposed zoning regulations and map the Planning Office would have to start the application process again. Mr. McDonagh stated if the Commission were to vote in favor of the application, he would suggest that a special meeting be held after the first of the New Year to address the inconsistencies and the non conforming businesses. Ms. Altman stated that it is clear that if the application is approved there is more work to be done and would like clarification on what the public's role would be if changes are to be made. Ms. Creane explained that there would be a need for a comprehensive list of the areas that need to be revisited. She also explained that any resident can put forth an application to amend the regulations and Planning Office would be explain the procedure and help with the application.

Ms. Altman stated that she wanted Ms. Creane,s statement for the public record so that they understand they can continue to be part of the process. This document if approved is a beginning that allows the Commission to start to move forward.

Mr. McDonagh closed the public hearing at 8:35 p.m.

Special Meeting:

1. Proposed Amendment to the Hamden Zoning Regulations 09-914
Hamden Planning & Zoning Commission, Applicant
2. Proposed Amendment to the Hamden Zoning Map 09-915
Hamden Planning & Zoning Commission, Applicant

Ms. Altman made the motion to approve the proposed amendment to the Hamden Zoning regulations 09-914 with the minor modifications made by the Assistant Town Planner with an effective date of January 1, 2010. Mr. Marottoli seconded the motion.

Mr. McDonagh asked for any discussion.

Mr. Lee suggested that the Commission discuss how the regulations is consistent with the POCD.

Ms. Altman said as a preamble to her motion the proposed changes to the zoning regulations are consistent with the POCD as outlined by Town Planners' memo to the commission. Mr. McDonagh thanked the members of the Commission, Planning Office, public and all those who were involved with the process and resulting document. It is important to understand that the document produced has an end result that is a hybrid. It is not a form-based zoning code. He reviewed what was kept in the document and how it allows the Commission to make decisions and protect areas from unwanted changes. Mr. McDonagh stated that the new regulation allows for the betterment of Hamden and urged the Commission to vote in favor of the proposal.

Mr. Kops stated that it would help the Commission if there was a consensus for the issue of the POCD. Mr. McDonagh asked if there were a consensus from the Commission and there was.

Mr. McDonagh asked for a vote in favor of the motion for the proposed zoning regulations. Mr. Roscow abstained. The Commission voted unanimously in favor of the motion.

Ms. Altman then made the motion to approve the proposed amendment to the Hamden Zoning map 09-915 with the minor modifications recommended by the Assistant Town Planner with an effective date of January 1, 2010. Mr. Reynolds seconded the motion. Mr. McDonagh stated that the proposed zoning map is consistent with the POCD.

Mr. McDonagh asked for a vote. Mr. Roscow abstained. The motion passed unanimously.

B. Adjournment

Mr. Reynolds made the motion to adjourn. Mr. Riccio seconded the motion. The motion passed unanimously.

The meeting adjourned at 8:50 p.m.

Submitted by: _____
Stacy Shellard, Clerk of Commissions