

**May 4, 2011**

**MINUTES: THE PLANNING & ZONING COMMISSION**, Town of Hamden, held a Public Hearing and Regular Meeting on Tuesday, April 26, 2011, at 7:00 p.m. in the Thornton Wilder Hall, Miller Memorial Library Complex, 2901 Dixwell Avenue, Hamden and the following was reviewed:

Commissioner in attendance:

Joe McDonough, Chairman  
Bob Roscow  
Ann Altman  
Brack Poitier  
Peter Reynolds  
Ed Grant  
Ryszard Szczypek

Staff in attendance:

Leslie Creane, Town Planner  
Dan Kops, Assistant Town Planner  
Tim Lee, Assistant Town Attorney  
Peggy Craft, Acting Clerk  
Genevieve Bertolini, Stenographer

Chairman McDonagh called the meeting to order at 7:00 PM. The clerk read the Public Hearing items into the record. Mr. McDonagh introduced the panel and reviewed the Public Hearing procedures.

#### **A. Public Hearing**

##### **1. Special Permit 11-1177/WS**

72 Crestway, M Zone  
Outdoor Storage  
Robert Massaro, Applicant  
*Deadline to open the Public Hearing May 12, 2011*

Robert Massaro, the Applicant introduced himself to the Commissioners.

Assistant Town Planner Dan Kops read the Departments recommendations.

With the following conditions of approval, the proposed amendment meets the Special Permit Threshold Decision Criteria specified in Section 718.4 and should not have an adverse impact on the health, safety and welfare of the public. Staff recommends approval of Special Permit 11-1177/WS, based on the following plans:

Subject to the following conditions:

1. Prior to the Issuance of a Zoning Permit, the applicant must:
  - A. Submit revised plans for approval by the Town Planner and Town Engineer, containing:

- i. A note stating that the property is to be used for personal not commercial storage.
    - ii. A note stating that the fencing will screen the interior of the property from view.
    - iii. A note indicating the surface treatment.
    - iv. A lighting plan and a photometric study that demonstrates the lighting is in compliance with the Zoning Regulations.
    - v. Plantings in the grassed area.
    - vi. The plan scale.
    - vii. The closest distance between the fence and the rear property line. If the fence is higher than six feet, the fence must meet all required setbacks.
    - viii. All Conditions of Approval
  - B. Provide a performance bond in an amount approved by the Town Planner and Town Engineer.
2. Operations must adhere to the following requirements:
  - A. Stored vehicles and equipment must be kept in good working order. Vehicles and equipment with leaks must be repaired off-site. There shall be no maintenance or cleaning of equipment or vehicles on-site.
  - B. Prior to storage of recreation vehicles, the waste holding tank must be pumped out and the contents disposed of properly, in accordance with local, state and federal requirements.
  - C. All equipment and vehicles must be inspected every month and any spills or leaks should be immediately cleaned up.
  - D. Storage of all hazardous materials refuse, waste containers and inoperable vehicles is prohibited.
  - E. Any equipment or vehicle parts in contact with lubricants must be stored in a watertight container to prevent the accumulation and contamination of stormwater.
  - F. The site may be used only to store personal items of the applicant. Any change to this will require a major amendment or new Special Permit.
3. RWA inspectors should be granted access to this property during the annual inspection program.
4. All work on the site must be completed by April 26, 2016.

Mr. Massaro was asked about the height of the fence. He said it would be an eight-foot fence. Ms. Altman asked what would be kept in the storage building. Mr. Massaro said personal items. Next, Ms. Altman asked if he would be selling articles from the building. Mr. Massaro said he wouldn't. Ms. Altman asked if his neighbors had any objections to the building. Mr. Massaro said he has not received any complaints. He added that this is a commercial area, and all his neighbors have been informed. Mr. Kops noted that this is an industrial subdivision. Mr. Grant asked what type of fence would be installed. Mr. Massaro said it would be a chain link fence with screening. Chairman McDonagh asked if Mr. Massaro had anything to add. He did not.

Mr. McDonagh asked if there was anyone present who wished to speak in favor of this application.

John Rossoto addressed the Commission. He said he has been an abutter of Mr. Massaro's property for ten years and he has no objections to this application.

Next, Mr. McDonagh asked if anyone wished to speak against the application.

There was no one who wished to speak against the application.

The Public Hearing for was Closed at 7:11 PM.

## **2. Special Permit 11-1178/WS**

2856-2862 Whitney Avenue, T-4 Zone  
 Carrot Patch Daycare  
 Suzanne Miller, Applicant

*Deadline to open the Public Hearing May 26, 2011*

Attorney Joan Malloy, of the Laughlin Fitzgerald Law Firm located in Hamden and Wallingford, the applicant's attorney addressed the Commission.

Attorney Malloy said she represents Suzanne Miller, the owner of Carrot Patch Daycare. Ms. Miller is applying for a special Permit to open a day care facility at 2856-2862 Whitney Avenue. This property is the former estate of William English. Ms. Malloy provided a signed affidavit.

Ms. Malloy described the businesses and residence that are currently located on this property.

Next, Ms. Malloy explained the easement over Charlton Hill property to the other properties. This easement is for access by Charlton Hill. It was conveyed to the property owner who developed Charlton Hill. She added that the conveyance hasn't changed; the English family granted the easement and maintains it.

Ms. Malloy pointed out on the site plan where the property is located. She pointed out the buildings that are currently on the property, which include a red barn, a bookstore and a former bank. She said there are no major site changes proposed, this is just for the use of the building. The red barn is currently vacant. It was previously used as a furniture store and then leased to the New Haven County Medical Association. She said it is in a T4 zone, and childcare is permitted subject to a special permit. Ms. Malloy said she has looked at the zoning regulations, and explained which regulations do not apply. She said this facility is licensed by the State. She said the play area would be in the rear of the building. She said the regulations require that there be public water and sewers, which are presently there. She added that the applicant would provide any necessary upgrades. She also said the regulations state that they cannot create a public nuisance. Ms. Malloy said that all activities would take place inside, except for recess. She said Charlton Hill is substantially higher than this location. She pointed out the grading change and the existing vegetation throughout the area. She added that this vegetation would provide adequate protection. She said there would be no cooking, no smoke, dust or odors and no over night stays.

Next, Ms. Malloy discussed the site plan issues with the lower parking area by the bookstore. She said the intent is that the employees will park there. She added that there is an opportunity for them to come in through the lower part of the building. Additional staff parking is possible. She said parents would drive in and turn left into the driveway and park. She said the intent is that parents will come in, leave the children and drive around the circle and drive out.

Ms. Altman asked if the parking has changed. Ms. Malloy said not yet. She said this will be improved so that there will be more parking. She said this area has not been used recently, so minor site work is needed. She explained what work would be done. This would include cutting into the edge of the hill. Ms. Altman asked if they would be moving dirt. Ms. Malloy said they would be moving approximately a foot. Ms. Altman said this is a very tight site and they must pay close attention with earth moving. Ms. Malloy said this is similar to tidying up the area, and defining the area. She said this is not major site work. Mr. Grant asked if this is to create more of an edge. Ms. Malloy said it is.

Ms. Malloy said the day care is licensed for 56 children, and will be open at 7:00 AM with drop offs between 7:00 AM and 9:00 AM. She added that the drop-off times are staggered; not all children are dropped off at the same time. She said it is designed so that the children are dropped off, and the parents return to their cars and exit. Ms. Altman asked if the parent would have to back out of the parking spaces. Ms. Malloy said they would and they would then pull around the circle to exit. She said a parent who wants to stay longer must park in the lower area. She said during prime time drop off the area must be kept clear. She noted that the applicant would give an explanation to all parents regarding drop off and pick up. The applicant will also advise parents to stay out of Charlton Hill, which is private property.

Ms. Malloy said the driveway would be 18 feet wide. She discussed the regulations regarding the width of the driveway that state that there must be eight feet access each way, but not more than 18 feet total. She added that the driveway design meets the regulations.

Next, she discussed the retaining wall and said this will be a simple stacking block wall.

Ms. Malloy said the applicant is proposing to put up a stop sign if permission from the Charlton Hill Association is granted. If permission is not granted the sign will be placed further back on their property.

Mr. McDonagh asked what direction would be stopped with this sign. Ms. Malloy said the sign would stop cars coming from the daycare. She said another sign would be placed as cars come to Whitney Avenue. She has spoken with Association Attorney Einhorn, and suggested that a stop sign be put as cars come down Charlton Hill. She hasn't heard back from him.

Ms. Altman asked for further explanation regarding the stop signs, and who they stop, the daycare or Charlton Hill. She added that if she had a choice it would be both. Ms. Altman also asked how traffic would be slowed down coming down the hill if permission for the stop sign were not received from Charlton Hill.

Ms. Malloy explained the stop sign arrangement. She said if they can't get permission from the Association to place the sign on their property then it will be placed on the daycare property. She discussed the traffic problems and explained the rationale for placement of the stop signs. Ms. Altman asked if stop signs on private property are legal. Attorney Lee said that there is no enforcement of these signs by the Town of Hamden Police Department. Ms. Altman next asked who would be liable if an accident occurred because a person did not stop at one of these signs. Mr. Lee said this would not be a criminal matter for the police to enforce; it would be a civil matter.

Next, Ms. Malloy discussed traffic, and the traffic report they had prepared. Ms. Malloy said there was a question as to whether a State Traffic Commission Permit was required for this project. There was also a question if this report included Quinnipiac University traffic since the report was done in the summer. The traffic engineering firm retained to prepare the report contacted the State Traffic Commission to learn if a STC Permit was required. They received a letter from the STC stating that the daycare is not the major traffic generator; the Association is.

Ms. Malloy said that information has been submitted to Planning & Zoning regarding Quinnipiac University. Mr. Bubaris, the Traffic Engineer the applicant retained was not available to attend tonight, but will address these issues. He has made recommendations, among them stop signs along Whitney Avenue, and the trimming back of shrubs. The applicant is willing to do this work. She added that they have offered to do this with the Association's approval, or work with them to do this. Ms. Malloy also discussed the driveway improvements that are already shown on the plans.

Next, Ms. Malloy said she has discussed the Engineering comments with the staff, but has not had time to work on them. She said an additional parking space has been created as well as added guardrail and a stoop. These will be shown on the revised plans. The lighting plan will also be shown.

At this point, Mr. McDonagh advised Ms. Malloy that this would be continued to the May 10<sup>th</sup> Meeting, since the Commission has not received the revised plans.

Ms. Altman noted that there is an inconsistency with the second traffic report received from Attorney Einhorn. Ms. Malloy said Mr. Spear who prepared Mr. Einhorn's report was not allowed to come on the property, so she is not sure how accurate the report is.

Ms. Malloy discussed the proposed landscaping. She said when she met with staff they were concerned. She said it is her understanding that the initial reason for vegetation is buffering. She added that she doesn't think there is any substantial visual buffer with this vegetation.

She said the Regional Water Authority has no issues with the project. Quinnipiac Valley Health District has indicated that they must be licensed by the State, but need local approval first. The Greater New Haven Water Pollution Control Authority said the laterals should be checked to be sure they are adequate. The Hamden Police Department had a number of suggestions, but no objections. Ms. Malloy said she feels that the Hamden Police Department goes overboard regarding security cameras. She added that the children would be supervised. The applicant will consider the Police Department's recommendations.

Ms. Malloy said she had contacted Attorney Einhorn so they could become apprised of their objections, and address them. She reported that they met but have not come to an agreement. She will continue discussions with Attorney Einhorn. She said they are trying the best they can to resolve the issues.

Ms. Malloy apologized for not having the revised plans.

Mr. Szczypek questioned the retaining wall measurements. He said it shows a 2 ½ foot wall at one end and 15 to 16 inches at the other end. Ms. Malloy said the correct dimensions would be put on the new plans.

Next, Ms. Malloy discussed drop offs at peak hours. She said there would be 46 trips between 7:00 AM and 9:00 AM. Mr. Grant said he doesn't believe it is possible to serve 46 cars in the driveway parking lot. He said the most that could be served is 10 cars. Ms. Malloy said it would take 10 minutes for a parent to bring the child in and return to their car and leave. It was noted by Mr. Grant that if each parent is allowed 10 minutes it is still not possible. Ms. Malloy said she would ask Suzanne Miller, the Applicant, to address this. She added that parents are anxious to get to work in the morning and don't dawdle.

Mr. Roscow questioned the use of a gravel driveway given the past winter. He asked how snow removal would be done, and said he is not sure a gravel driveway will hold together with a substantial number of cars coming and going. He raised the point that the driveway should be paved. He also asked where the snow would be put when it is removed. He said regarding the issue with stop signs, he wouldn't want snow to block these signs. He added that there needs to be a snow removal plan. Ms. Malloy said there has been a gravel driveway there for years, without any issues. She added that people are moving toward gravel because it is not impervious. She said the plan will show where the snow will go.

Ms. Altman said she went to the site and thought she was in the in wrong place, and was surprised when she discovered that she really was in right place. She added that nothing has been said that makes it a better situation than the last time they applied. She said she was surprised they didn't go elsewhere, and asked why they have come back, and how the plan has been improved.

Ms. Malloy said they had withdrawn the previous application because they hadn't received an answer from the STC in time. They have since hired a traffic engineering firm to resolve the STC question. She added that the property owner and the applicant decided they wanted to go forward again with this application.

Ms. Altman noted that nothing has changed but the stop signs. Ms. Malloy said they are trying to address all concerns. She added that, as with any application, a plan is submitted, staff reviews it and makes suggestions, and then they come back to the Commission.

Mr. McDonagh asked for clarification regarding the parking for the existing two family house. Ms. Malloy said it is intended to have separate parking for resident of the house.

Ms. Malloy was asked how many cars can be backed up from the circle, and if there is sufficient length for 12 cars. She said she came up with a queue of eight cars; if the cars are smaller there would be a bigger queue. She said the applicant, Ms. Miller, will address this.

The applicant, Suzanne Miller, came forward to answer questions regarding the parking situation. Ms. Miller said she is co-owner of a daycare facility at 235 Johnson Road. She said the Johnson Road daycare has an identical setup – with a shorter driveway. She said there are 10 parking spaces in the back for staff use. This facility serves 47 children. She said parents are aware of the drop off situation and they arrange their schedules so that it becomes a self correcting situation. She said it generally takes five minutes to drop children off over a three hour span. She said this allows for everyone to do what they have to do without extensive backups. She said 7:00 AM to 9:00 AM is the biggest drop off time. The parents know what to expect and will queue and wait. She added that the most they ever saw were five or six cars. She said that is unusual, not the norm, adding that typically it operates very well. She said she thinks they will be dealing with the same situation at the Whitney Avenue site. She said she has not found this to be problematic. She said this is the third program in Hamden she will be opening and has managed to do drop off and pick up without problems.

Mr. McDonagh asked about a situation in which a parent needs to come in, and if there is an extended visit would the parent be requested to walk the child up the hill. Ms. Miller said she thinks parents would prefer to drop off then park and come in. She said there will be a striped crosswalk.

Mr. McDonagh said with staggered drop-offs for 56 children over two hours that would be approximately 30 an hour. Ms. Miller said there are many sibling pairs and trios being dropped off so that number of trips is on the high side. She also said it is very rare to have full attendance.

Ms. Altman said she would be worried if her grandchildren attended there without the benefit of a traffic signal at Whitney Avenue.

Ms. Miller said parents with young children are cautious drivers. She added that she operated a daycare facility on Whitney Avenue for a year with parents entering and existing onto Whitney Avenue. She said when it became difficult to make a left they turned right.

Ms. Altman noted that this is very close to the highway entrance and exit. She said she applauds daycare provider but placing a daycare facility in the wrong place does not outweigh the danger of the traffic pattern. Ms. Miller said she feels this is an excellent location for parent's convenience. She said it is a wooded setting and a nice place for children. She added that they will do all they can to minimize any problems.

Ms. Altman said she feels this is a rather dank area.

Mr. McDonagh said that there are letters in the Commissioner's packets in support and in opposition of this application. He read the first names of those who are in favor and against. He added that the letters from the last three names he read were not in the packet because they came in late.

Attorney Jeffery Einhorn, representing the Charlton Hill Association spoke on behalf of the Association.

Mr. Einhorn thanked Attorney Molloy for her attempts to work things out. He said they have now agreed to disagree. Mr. Einhorn asked the many people in the audience who were present to oppose this application to stand. He asked them to hold their comments until May 10<sup>th</sup>.

Mr. Einhorn said that according to the regulations there is a seven point threshold they must meet. He said they clearly fail to reach four of these. He said health and safety will be jeopardized. He also said the Hamden Police logs show 18 incidents. He said this use would impede access to Charlton Hill.

He said there is currently a two lane private driveway. 56 pickup and drop-offs will cause congestion. He said, additionally, this is a one acre property and the parking would have to accommodate employees, parents and the occupants of the house using this one driveway.

He said no site work is proposed for the driveway. Mr. Einhorn discussed this and gave pictures to the clerk showing this problem. Attorney Lee distributed the pictures.

Mr. Einhorn was asked why their traffic engineer had different measurements than the applicant's. Mr. Einhorn said he agrees with applicant's measurement but feels that the driveway should be paved. He said the question regarding snow was great, and made a very important point.

He said regarding the STC letter, no final decision was made since the letter was written prior to the application. Mr. Einhorn asked the Commissioners to ignore the letter from the STC.

Mr. Einhorn said that under the current zoning regulations, the proposed use of an old barn is not appropriate.

Mr. Einhorn next cited the lack of lead paint and pesticide testing.

Mr. Einhorn said this is not an appropriate use of this property that is next to a condominium complex housing many elderly residents. He said the building sits on one acre of land and this use is too intensive.

Mr. Einhorn said he feels that the traffic report is biased. He distributed photos of other daycares, all with paved driveways, and all having enough parking and easy entry and exit patterns.

Next, Mr. Einhorn discussed signs and crosswalks. He said all the paved section of the driveway is owned by Charlton Hill, and anything that affects that property must be approved by Charlton Hill. He said the Association can't be forced to improve the sight lines, nor can the applicant require them to remove vegetation.

He said the application is deficient and fails to satisfy the minimum approval requirements.

He said among the problems with this application is that the onsite parking is not addressed and fails in this area, a serious risk of injury is created by the failure to provide a safe entrance in and out of the facility, and the size and density puts all Charlton Hill residents at risk of an accident. Mr. Einhorn said this application should be denied due to the shortcomings in meeting the requirements.

Ms. Altman asked if the condominium adjacent to the playground area is involved with Charlton Hill. Ms. Altman was informed that they are not. Their condominium association has been informed regarding this application.

Mr. McDonagh asked if there was anyone who wished to speak in favor of this application.

Ms. Miller asked her supporters to wait until the May 10<sup>th</sup> meeting to speak.

Next, Mr. McDonagh asked if there was anyone who wished to speak against this application.

Bernice Gilman, president of the Charlton Hill Board, said that she could not believe that this is the only site available.

Abby Kleinberg of Charlton Hill asked if anyone knew what is going into the bookstore. She said if Carrot Patch is going to use the parking they will have to walk across Charlton Hill.

The Public Hearing was continued to the May 10<sup>th</sup> Meeting.

## **B. Regular Meeting:**

### **1. Special Permit 11-1177/WS** 72 Crestway, M Zone

Outdoor Storage  
Robert Massaro, Applicant

**Commissioner Altman motioned to approve Special Permit 11-1177/WS with the conditions recommended by the Assistant Town Planner. Commissioner Reynolds seconded the motion that passed unanimously.**

**2. Special Permit 11-1178/WS**

2856-2862 Whitney Avenue, T-4 Zone  
Carrot Patch Daycare  
Suzanne Miller, Applicant

Tabled to the May 10<sup>th</sup> Meeting.

**3. Special Permit 05-1051/WS, Minor Amendment**

2704 Dixwell Avenue, R-4 Zone  
Quinnipiac Bank & Trust  
Bernard Pellegrino, Applicant

Bernard Pellegrino, the Applicant for Quinnipiac Bank & Trust addressed the Commission. Mr. Pellegrino said he is seeking a minor amendment for the property located at 2704 Dixwell Avenue. He explained that this parcel has been vacant for the past several years.

Mr. Pellegrino said that in 2005 a special permit was granted to TD Bank. In 2007 Quinnipiac Bank & Trust was granted a Major Amendment to allow a branch to be built on this site. He is seeking a minor amendment to do two things; the first is to permit a basement to be built where it was previously planned to have a slab. This basement will be used for storage and an employee lounge. The second is to eliminate the planned atrium to make it a normal second floor.

The Site Plan is unchanged except for some minor adjustments.

Mr. Pellegrino asked for consideration regarding parking with the added full basement with an employee lounge. This will increase the number of required parking spaces to 27. There are currently 24 parking spaces planned. Mr. Pellegrino pointed out that the employees using the lounge will already be in the building. He asked for approval with the 24 spaces.

Ms. Altman asked if the second floor will be rented out to other businesses. Mr. Pellegrino said it would not, and added that the change to the second floor is small; the hole for the atrium will be closed.

Mr. Pellegrino said construction will begin in the next few months, and he is requesting an extension of five years for completion of the project.

Assistant Town Planner Kops read the Planning and Zoning Department's recommendations:

The Planning and Zoning Staff recommends approval of Special Permit and Site Plan Application 05-1051/WS, based on the following plans:

“Quinnipiac Bank and Trust, 2704 Dixwell Avenue, Hamden, CT,”  
sheets SP-1, DR-1, TD-1 and LP-1, with a revision date of 3/16/11,  
prepared by Steinberg Associates

Subject to the following conditions:

5. Prior to the Issuance of a Zoning Permit, the applicant must submit revised plans for approval by the Town Planner and the Town Engineer containing:

- A. A revised photometric study showing the intensity reduced to 0 foot-candles at the northern property boundary.
  - B. Proper referencing of the original and revised plans.
  - C. Replacement of the system of dry-wells with an underground galley infiltration system. If it is not feasible to convey the water from all areas of the property and one or more dry-wells are still needed, the dry-well system must be linked to the Town's stormwater sewer system. Such a connection will require documentation demonstrating that there will not be any adverse impact downstream.
  - D. Replacement of the snow storage notation near the northeast catch basin with sufficient bollards to prevent snowplows from placing snow in the corner, unless the dry-well is replaced, per condition 1.c.
  - E. Enhanced pre-treatment of stormwater to the extent feasible.
  - F. There are three proposed trenches in Colony Street associated with gas, water and sanitary connections for the proposed building. Since this road has been recently paved, the permanent pavement replacement for the trenches should be extended to the full width of the paved travel-way from the southerly limit of the water lateral trench to the northerly limit of the sanitary lateral trench. The area should be clearly identified on the plans.
  - G. The radii for all proposed curves.
6. Prior to the Issuance of a Zoning Permit, the applicant must obtain approval from the Connecticut Department of Transportation.
  7. Prior to the Issuance of a Zoning Permit, the applicant must obtain approval from the GNHWPCA.
  8. Prior to the issuance of a Zoning Permit the plans must be approved by the RWA.
  9. Prior to the issuance of a Zoning Permit the applicant must provide a performance bond in an amount approved by the Town Engineer and the Town Planner.
  10. At least three days prior to the commencement of site work the applicant should notify the RWA.
  11. During the course of the project:
    - A. All fuel, oil, paints or other hazardous material stored on-site should be placed in a secondary container in a locked indoor area with an impervious floor.
    - B. A supply of absorbent spill response material should be kept on site.
    - C. The RWA should be notified of any spills.
  12. The applicant must permit the RWA to conduct annual inspections.
  13. All work must be completed by October 9, 2012.

Staff also recommend that the completion deadline be extended from October 9, 2012 to October 9, 2017

It was also recommended that close attention be paid to page 2 and the recommended changes, to pay attention to the stormwater recommendations. There was no objection to not requiring the additional three parking spaces.

Mr. Pellegrino said regarding the stormwater recommendations; he has discussed this with the engineer. It was originally planned to tie the pipe into the Town system, based on comments from the previous approval. That has been taken out, and the engineer is willing to use an underground storage system. .

He said they have made progress eliminating conditions down to six.

**Commissioner Altman motioned to approve Special Permit 05-1051/WS, Minor Amendment with the specified conditions. Commissioner Szczypek seconded the motion that passed unanimously.**

#### **4. Special Permit 05-1051/WS**

2704 Dixwell Avenue, R-4 Zone

Quinnipiac Bank & Trust

Request to extend completion deadline from October 9, 2012 to October 9, 2017

Bernard Pellegrino, Applicant

**Commissioner Altman motioned to extend the completion deadline from October 9, 2012 to October 9, 2017 for 2704 Dixwell Avenue, Quinnipiac Bank & Trust. Commissioner Szczypek seconded the motion that passed unanimously.**

##### **5. Proposed Historic District-Ivesville**

Town Of Hamden, Historic Properties Commission, Applicant

*Tabled at April 12, 2011 meeting*

Ken Minkema, Chairman of the Historic Properties Commission, spoke on behalf of the Applicant. Ms. Altman asked him if he lived in the proposed historic district. He said he didn't. He said one of the requirements of the study committee is that two of the five members be residents of the proposed district.

Mr. Minkema compared Ivesville to Whitneyville. Ms. Altman said that Whitneyville would not impose what they wanted on another part of town.

Attorney Lee said this Commission's authority is very limited. He said this Commission can give a recommendation to the study committee if there is a two thirds vote by the residents in favor of creating a historic district. It can then go to the Legislative Council.

Mr. Grant asked what happens to the parking lot at the liquor store. There was a discussion regarding this.

Mr. McDonagh asked about the two buildings that were removed and the one that was brought back in. He also asked how recently renovated buildings would be handled. He next asked about the Luce building being removed.

Mr. Kops said the Luce Building is not included with the building on Ives Street that is included. He said they share a parking lot.. Mr. Minkema said the Luce building has a Whitney Avenue address.

Mr. Kops said as far as the parcel is concerned, the Ives Street address shows two buildings that include the Luce building. 26 Ives Street is included for purposes of contiguous property.

Ms. Altman asked if the buildings could be made individual historic properties. Mr. Minkema said this is a very long and expensive process. Ms. Altman said she feels it is totally inappropriate to establish an area where residents can't do what they want with their property. She noted that there is no ground swell for this and no civic association involved. She said she can't support this. She said we need to maintain the saying that is used where she comes from "a person's home is their castle".

Mr. Grant asked if 62 Ives Street and 76 South New Road will be protected as if they are in a home environment even though they are dormitories for Quinnipiac University. Mr. Minkema said they have to include all homes in the area. Mr. Grant asked if Quinnipiac wanted to, could they tear a house down. Mr. Minkema said they could because they are exempt.

Mr. McDonagh asked what this provides to the home owner. Mr. Minkema said it creates a unique area and gives them a sense of place. Mr. McDonagh suggested putting up a sign saying "Welcome to Ivesville".

Mr. Minkema was asked about the legal right of residents, and would there be limited commercial development. Ms. Altman said this is already limited by zoning regulations. She compared this area to Whitneyville and Spring Glen with active civic associations. There is nothing that shows Ivesville is a district. Ms. Altman said all this is already regulated; saying that a person can't do anything to their home because they now have "a sense of place" is wrong. Ms. Altman asked why there are not people here to support this request. Mr. Minkema said he wasn't aware that this was a Public Hearing.

Next, there was a discussion regarding the public hearing that will be held in front of the Legislative Council. Mr. Roscow said the council will have the right to override any decision.

Mr. McDonagh asked how this impacts the property owner. Mr. Minkema said any improvements to any street view would be subject to Historic Commission review.

Mr. Grant said that five of these houses are owned by Quinnipiac University.

Mr. Minkema was asked why 8 Broadway is included. Mr. Minkema said it was at Mr. Kops' suggestion. Mr. Kops said he did not suggest that this property be included, he told Mr. Minkema if other properties built in the 1950s were included why not this building.

Mr. Grant said the only building that should be included is 2 Broadway. He said he doesn't feel these houses are a good examples of post war architecture.

There was a discussion regarding post war building and architecture.

Mr. Szczypek asked why 8 Broadway and 62 Ives Street are included when they were clearly built later than 218 South New Road. He said they dilute what they are trying to accomplish. Mr. Minkema said they have to include them because it has to be a continuous area.

There was a discussion regarding houses that are included and excluded.

Mr. McDonagh said this is just a realization that this is a historic district. He added that he does not feel it is right to impose this on the one third that do not agree.

Mr. Grant discussed a house presently included that is in shambles. Mr. Minkema said he could give advice as to how to restore it, but the owners couldn't be forced to restore it. He was asked what the implications to adding a room are. He said if it faces the street they would have to come before the Historic District Commission. He was asked if all the members of the Commission would need to be from the district. Mr. Minkema said a majority would have to be.

Ms. Altman said the problems with imposing this on Hamden homeowners would cause nastiness and pettiness. She added that 10 to 15 years from now this will become a nightmare. There are presently no historic districts in Hamden. She said if this were to happen in Whitneyville it would be destroyed.

Mr. Reynolds said in any neighborhood there are people putting on additions, and there is bad blood in every neighborhood because of these additions. He said he would love to move in to a neighborhood that attracted him to begin with.

Mr. Grant asked if a building with additions would be excluded. Mr. Minkema said no, the Commission would make recommendations.

Mr. Szczypek asked why parcels that are not appropriate can't be excluded. He also asked if there has to be a continuous line. Mr. Lee said yes and cited the State statute that states that a historic district must be made up of contiguous parcels. He said two districts could be created to eliminate certain properties.

Mr. Portier asked if present homeowners could not be obliged to follow these rules until the house was sold. Mr. Minkema said it would be tough if a homeowner wanted to add on and the Commission said no. Mr. Portier said he feels this is not fair.

There was a discussion regarding a boarded up building owned by the Regional Water Authority. Mr. Minkema said this building has been leased to the Town of Hamden. He explained the history of this house and said the Town wanted to move it. He said the Commission wanted to keep in its original spot.

He added that it is on the National Historic Registry. He said the Commission will be seeking funds to restore the house.

Mr. Reynolds said they are not saying a resident can't put an addition on their home, they are saying that the addition would have to be approved by Commission. .

**Ms. Altman motioned that the Commission recommend against the formation of an Ivesville Historic District because it would create two classes of taxpayers. Mr. Cesare seconded the motion. The vote was five in favor, three opposed. The motion passed.**

#### **5. Subdivision #08-1359**

Acceptance of Gallagher Road into Town Road System

Ms. Altman asked if there will be signage on Putnam Avenue similar to the signage on Dixwell Avenue at the entrance to the industrial park. It was noted that Economic Director Dale Kroop would be in charge of this.

**Ms. Altman motioned to Accept Gallagher Road into the Town Road System. Mr. Grant seconded the motion that passed with a unanimous vote.**

#### **5. 8-24 #312**

1270 Sherman Avenue

Approval of permanent easement to the Town from Quinnipiac University for the maintenance of traffic signal and equipment

Mr. Kops read the Department's recommendation.

The proposed easement will permit the Town to maintain critical traffic signalization. The Planning and Zoning Department therefore recommends that the Commission vote in favor of accepting the easement, thereby issuing a "favorable report" to the Legislative Council.

**Ms. Altman motioned that the Commission make a favorable recommendation to the Legislative Council for the approval of a permanent easement to the Town from Quinnipiac University for the maintenance of traffic signal and equipment. Mr. seconded the motion that passed unanimously.**

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

#### **1. Review minutes of March 22, 2011**

**Commissioner Roscow motioned to accept the Minutes of the March 22, 2011 Meeting as presented. Commissioner Portier seconded the motion that passed unanimously.**

#### **2. Review minutes of April 12, 2011**

Ms. Altman noted a correction to be made in the first paragraph on page 2. It should read "*Mrs. Altman mentioned that the creation of such a historic cite would create two classes to tax payers in Hamden.*"

There were no further additions, deletions or corrections and **Ms. Altman motioned to accept the Minutes of the April 12, 2011 Meeting as amended. Commissioner Cesare seconded the motion that passed unanimously.**

### **D. Adjournment**

There was no further business to come before the Commission and Chairman McDonagh called for a motion to adjourn. **Commissioner Grant motioned to adjourn the meeting. Commissioner Reynolds seconded the motion that passed unanimously.** Chairman McDonagh adjourned the meeting at 9:41 PM.

**Submitted by:** \_\_\_\_\_  
**Peggy Craft, Acting Clerk of the Commission**