

May 31, 2011

MINUTES: THE PLANNING & ZONING COMMISSION, Town of Hamden, held a Public Hearing and Regular Meeting on Tuesday, May 24, 2011, at 7:00 p.m. in Thornton Wilder Auditorion, Miller Memorial Library, Dixwell Avenue, Hamden and the following was reviewed:

Commissioner in attendance:

Ann Altman , Vice Chair
Brack Poitier
Peter Reynolds
Jonathan Cesare
Ryszard Szczypek
Ed Grant
Robert Roscow

Staff in attendance:

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

Vice Chair Altman called the meeting to order at 7:00 PM. The clerk read the Public Hearing items into the record. Ms. Altman introduced the panel and reviewed the Public Hearing procedures.

A. Public Hearing

1. Special Permit 11-1178/WS

2856-2862 Whitney Avenue, T-4 Zone

Carrot Patch Daycare

Suzanne Miller, Applicant

Public Hearing continued from the May 10, 2011 meeting

Deadline to close Public Hearing May 31, 2011

Vice Chair Altman asked if there was anyone who wished to speak against this application.

Attorney Jeffrey Einhorn, representative of the Charlton Hill Association addressed the Commission. Mr. Einhorn said the Charlton Hill Association is opposed to this application on many grounds. He said that to gain zoning approval the applicant must conform to all regulations. He said the Commission should find them lacking in several areas, including the shortage of parking, the inability to turn around, the possibility of more accidents, the poor sight lines and the increased threat to the health and safety of the Charlton Hill residents.

Mr. Einhorn said this proposed daycare will be too dense for a one acre property. If approved there would be 10 staff member, 56 children plus parents, entering the property during a two hour period twice a day. The resident of the house on the property will also be using the Charlton Hill driveway. Mr. Einhorn said the Commission cannot guarantee that the Charlton Hill driveway will be free of snow. He added that the Commission cannot order stops signs to be erected or crosswalks to be painted. He also said that the Charlton Hill Association could be sued if a child is injured while crossing the driveway.

Mr. Einhorn added that there is no access for emergency vehicles, there are poor sight lines, heavy vegetation, and no lighting. He said these conditions make it extremely dangerous for residents of Charlton Hill.

Mr. Einhorn also said that there is a gravel unpaved driveway with no sidewalk. He said there are only four parking spaces which are not sufficient. He discussed the sight lines based on vehicles traveling at 20 mph on Charlton Hill. He said this will lead to a dangerous situation. Mr. Einhorn asked the board to show common sense and vote against this application for the reasons he stated.

Bernice Gilman, 44 Charlton Hill said she agrees with Mr. Einhorn. She stressed that the new plans show most of parking spaces across from the facility behind the bookstore. She said it will be necessary to cross the road which will be very hazardous.

Kristen Zahringer, 88 Charlton Hill said she agrees with Mr. Einhorn and Ms. Gilman, and joins them with in opposing this application.

Ossie Barber, 70 Charlton Hill said he agrees with Mr. Einhorn and Ms. Gilman.

Frank Gillan, 36 Charlton Hill said he agrees with Mr. Einhorn that there is a deficiency in the site plan regarding vehicles coming in and out of the driveway. He added that a Professional Engineer is required to review the site plan, and it should be stamped and sealed by either a Professional Engineer or a Licensed Land Surveyor according to regulations. He said this application should not be accepted because it is lacking the proper stamp or seal.

Mr. Gillan also said the Site Plan shows a Stop Sign on the daycare property located 40 feet plus from the intersection of Charlton Hill and the private driveway. He said having a Stop Sign there does more harm than good. He said vehicles will stop and proceed into Charlton Hill with no concern for traffic in the intersection. He added that he is fully opposed to the application and feels it does not address the real problem that the intersection of the driveway will be serving 200 trips a day entering the road. He said this driveway is not suitable and would not be acceptable for any other street in Hamden. He does not believe traffic can safely travel and intersect with Charlton Hill.

Bud Finch said he has been a resident for 33 years. Mr. Finch said in 33 years traffic has tripled. He said traffic will be no less in years to come. Mr. Finch said any planning should be done with the future in mind. He said the danger of that intersect will be more difficult in years to come. He added that this is his chief concern with children entering this intersection. He said until the Whitney Avenue situation is resolved to take care of the traffic generated by the university, nothing should be done to change the nature of this intersection.

Mary Ellen Gillan 36, Charlton Hill is in opposition to this application. She asked the Commissioners to not lose site of the increased number of trips, and that half will turn left into the Charlton Hill driveway, and turn right in the evening. She added that this is a difficult turn. She said to bear in mind the safety of the residents and any occupants of buildings.

Next, Attorney Joan Molloy, 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 daycare facility at 2856-2862 Whitney Avenue. This property is the former estate of William English.

Ms. Molloy said the applicant proposes to open a daycare for 56 children at this location. She provided a revised set of plans which are being submitted as a result of staff comments and questions raised by Commission members.

Ms. Molloy said she wished to correct a minor issue. She said in the submittal at the last meeting the title block for sign-ins was incorrect. It incorrectly was title AM; it should have been PM for the afternoon.

Next, Ms. Molloy said the Traffic Engineer for the opposition submitted a new report at the last meeting. Ms. Molloy asked Traffic Engineer Jim Bubaris to address the information in the report.

Vice Chair Altman pointed out that only new material could be discussed.

Mr. Bubaris provided copies of his report to the Commissioners.

Mr. Bubaris said he wished to address several points made by Traffic Engineer David Spears in his latest report.

Mr. Bubaris said Mr. Spears stated that the Carrot Patch report didn't consider a high enough traffic volume on Whitney Avenue. Mr. Bubaris said what Mr. Spears is referring to is the traffic count for north and south traffic at the intersection of Route 40 and Whitney Avenue.

Next, Mr. Bubaris said the traffic counts that Mr. Spears said were incorrect, were, according to the data they used, correct. Mr. Bubaris added that the volumes were not low and items attached support this. He said this data is in line with the level of service on Whitney Avenue. Mr. Bubaris said the levels are currently level C in the AM and level D in the PM. He said the levels will not change with the addition of the daycare. He added that level D is considered good on a road like Whitney Avenue.

Mr. Bubaris said that Mr. Spears stated the sight lines are not adequate. Mr. Bubaris said the sight lines to the north would be 650 feet, and the south would be 700 feet. These sight lines would be good for speeds of 50 miles per hour.

Regarding the accident experience, Mr. Bubaris said Mr. Spears brings in the accident experience at the Route 40 intersection. Mr. Bubaris said this is ludicrous and unfair, and has nothing to do with the operation at this sight. Ms. Altman instructed Mr. Bubaris that personal comments are not acceptable, and she would prefer he keep personalities out of his presentation, and stick to the facts.

Mr. Bubaris said Route 40 comes into Whitney Avenue and feeds points north. He added that there is a substantial difference between traffic exiting the Route 40 Connector to the north and traffic exiting to the south.

Next, Mr. Bubaris said Mr. Spears' report claims that the Carrot Patch report is 1,400 vehicles short regarding the traffic volume on Whitney Avenue. Mr. Bubaris said this is due to the fact the Mr. Spears used data from table A not table B.

Regarding the accidents at the site, Mr. Bubaris said what Mr. Spears stated was unfair. He said there were only eight accidents at this site in three years - 2006, 2007 and 2008. He added that eight accidents for the amount of traffic on Whitney Avenue is low. He said there is no recurring situation that needs to be addressed; nothing that indicates that a daycare would add to this. Mr. Bubaris said there were only eight accidents at this site, and the amount of accidents at the Route 40 Connector has no impact on this site.

Mr. Bubaris acknowledged that there is a sight line problem at the intersection. He said speeds have been quoted at 25 to 35 mph. He said he has driven this himself, and could not go over 12 mph. He added for anyone to say 25 to 30 is absurd. He said there are two ways to deal with the sight line problem. He said the vegetation should be cleared, and a Stop Sign should be posted on Charlton Hill coming down the hill. He said he feels this needs to be done whether the daycare is approved or not. He stressed that this needs to be addressed.

Next, Mr. Bubaris said the road to the proposed daycare will be widened to 18 feet with new gravel. The parking area will be increased for turnarounds. Mr. Bubaris said if a template was put on the site you would find that not only can cars from the house back out, there is also plenty of room for two cars to go in opposite directions. He added that there is plenty of room for pedestrians, as well as sufficient room for vehicles to drive around the traffic circle. He said the 60 foot traffic circle and 18 foot driveway is more than adequate for parents to bring children in and maneuver in and out.

Next, Attorney Molloy addressed the Commission. Ms. Molloy presented additional information regarding a dumpster, and the ability of a truck being able to provide service. She said there will not be a huge dumpster. She provided a picture of the dumpster to be used. She added that she asked the company that services the dumpster at Carrot Patch's other facility if they could service the dumpster at the Whitney Avenue location. She was assured that this could be taken care of without the truck having to back into Charlton Hill. She said this was based on practical experience.

Ms. Molloy said there was a parking calculation error. She said this will be corrected. She asked Mr. Kops if this has to be in the plan 10 days before the Public Hearing. Mr. Kops said it could be a condition of approval.

Next, Ms. Molloy said moving the Stop Sign could be shown on final plans if approved.

Ms. Molloy discussed the comments made by the Mr. Einhorn and the Charlton Hill residents about liability being imposed on Charlton Hill. She said Charlton Hill already has liability. The English family has the right to use this passage way, so the liability is there independent of any decision this Commission makes.

Ms. Molloy said regarding the statement that the plans are not signed, the first page is signed and sealed by a land surveyor. She added that she feels this is in line with the regulations.

Regarding the traffic on Whitney Avenue, Ms. Molloy said nothing is going to improve this. She added that there is nothing about this driveway that is different from any other unsignalized intersection or driveway on Whitney Avenue.

Ms. Molloy said to summarize, the standard when deciding the issue is not whether the Planning & Zoning Commission thinks there is a better site and it is not a popularity contest. The decision has to be based upon zoning regulations and whether the applicant complies with regulations. She added that this is a change of use. This is not a new property or major site change. Typically a change of use requires a zoning permit. She said the regulations recognize that many of the standards that apply to new property don't apply.

Ms. Molloy said she feels that have met all the criteria for a Special Permit regarding the health and safety of the public and the immediate neighborhood. She said there were no issues or comments regarding health and safety from the Police or Fire Departments.

Ms. Molloy said the traffic reports submitted by the applicant reported the daycare will not created a safety problem, and the applicant will follow all the suggestions made by Traffic Engineer Bubaris. Ms. Molloy added that she didn't think the Charlton Hill Association would be opposed to a painted crosswalk. She also said that if the Association doesn't give permission to place a Stop Sign at the end of the driveway it could be placed at an alternate site. She said with the cooperation of the Association they will cut back the vegetation. A Stop Sign will be put up coming down the hill if the Association agrees.

Regarding Charlton Hill's opposing traffic report, Ms. Molloy said that two people can come to different opinions. She said the Commission should look carefully at Mr. Spears' report and the fact that support his conclusions. She discussed the information Mr. Spears used. She said his report stated the need for State Traffic Commission approval. She said she has submitted two letters stating that STC approval is not needed.

Regarding the driveway width from Mr. Spears report, Ms. Molloy said Mr. Spears reported that the driveway was 13 feet wide. Ms. Molloy said the driveway is 18 feet wide. She referred to the pictures previously submitted, and explained that there may be some additional minor widening. She added that the plans show that the driveway will be 18 feet wide.

Next, Ms. Molloy discussed the sight distances coming down from the driveway. She said Mr. Bubaris indicated that although Mr. Spears talked about 20 MPH travel, the drive is posted at 10 MPH. She said she has driven it, and it is very winding and there is lots of vegetation. She said she is not sure that sight lines should be based on 20 MPH. She said they will do what is necessary with the Association's permission.

She said there will not be illegal parking in the right-of-way; there will be four parking spaces plus a handicap space; there will also be room for cars to queue. She said the data she submitted showed no more than eight cars at one time; four cars can park and four cars can queue. She added that parents will be advised where to park and they will be told how to proceed.

Ms. Molloy next discussed Mr. Spears statement that there would be no room to turn around there. She said there would be 55 feet which will be sufficient to turn around.

She said there have only been eight accidents in three years. She added that she could only find six involving Charlton Hill.

She said evidence of staggered drop offs spread out over two hours has been provided.

She said she believes they are doing what plan of development requires.

She said the location and size of proposed use located in existing building set back from Whitney Avenue has been used commercially for years. She said the applicant will add landscaping where needed.

Ms. Molloy said daycare facilities are permitted in every zone in Hamden. She added that there are no issues with the plans by Town departments.

She said there is no factual evidence that this is a dangerous area.

She said the scale of the site, using an existing building built in the 1970s to resemble a New England barn, has blended into the neighborhood for 40 years.

She said the bank, nearby home and toy store also resemble rural New England structures.

Ms. Molloy said this is an appropriate use for a mix of commercial and residential property.

Ms. Molloy said based on the evidence and comments from staff she asks the Commissioners to approve this application.

Ms. Altman asked if there were any questions from the Commissioners.

Commissioner Roscow said regarding snow removal, where is the snow from the daycare going.

Ms. Molloy showed two locations on the map of the property. She said the owner has paid to have snow trucked off site.

Ms. Molloy was also questioned about parking space #22. It was noted that it is not easy to get out.

Ms. Molloy said you can back straight out of this space. This is a parking lot where employees will be parking.

Next, it was noted that there could be a problem with the four parking spaces in front. Cars coming in and making a left into the facility could encounter a car backing out; this could cause a problem.

Ms. Molloy said the minimum radius for a cul de sac is 30 feet, and the parking area exceeds this.

Ms. Altman said she is glad that the driveway will be 18 feet not 13 feet. She is not happy that it is still gravel. She said if they are widening and re-contouring and cutting in parking spaces for the house and temporary parking for child drop-off doing it will be more than just moving dirt. She asked why it can't be paved, and how will it be plowed and what condition will it be left in. She added that lots of work on will be needed on the driveway after the cutting in.

Next, it was pointed out that there is a need to extend the guard rail due to the drop off on the easterly side coming in.

Ms. Molloy said the revised site plan shows the biggest cut to be 2 ½ feet. She said the wall will diminish as you move down. She said she discussed the paving with the Town Engineer. She reported that the Town Engineer felt that paving could create more problems for Charlton Hill due to storm runoff.

Ms. Molloy was asked how gravel parking spaces are marked.. Ms. Molloy said the markings won't last long.

Ms. Molloy was asked if a No Left Turn out of Charlton Hill Road onto Whitney Avenue was considered. Ms. Molloy said this was not discussed, and no one has made that indication. Ms. Molloy also discussed the traffic lights in the area.

Mr. Szczypek asked if the applicant could remind the Commissioner about the amount of time that elapses for drop offs.

Suzanne Miller, the applicant, said she doesn't have definitive answer. She said a typical drop off takes three to five minutes. She added that it is usually a very quick procedure.

Ms. Altman said she has been to the site four times. She said she is a mother and a grandmother who cares. She said on her last visit she needed to make a three point turn out of where she was parked in the lower

parking are. She said she thought about the sight lines in the winter with dark mornings and dark evenings. She also thought about holding the hand of a small child and thought that this is not a good idea. She added that she drove down the hill but couldn't check speed because she needed to keep her eyes on the road. She said in the winter time everything will be going against this, and nothing will be going for it.

Ms. Molloy said the children will not be down in the lower parking area. Ms. Altman asked if she was sure there would be no children in that area. Ms. Molloy said there should not be; the data shows four or less parents/children there at the same time. There are four parking spaces, and room for four cars to queue while waiting.

Ms. Altman next asked about lighting. She said there is no lighting on Charlton Hill Drive. Ms. Molloy said the applicant can only put lightening and do improvement on their property; they can't do anything on Charlton Hill's property without the Association's permission.

Ms. Altman said without permission from Charlton Hill, it will be impossible to light the "S" bend in the road. Ms. Molloy showed where there is presently lighting on the plan. She said they can only light their own property.

Ms. Altman said without permission from Charlton Hill for lighting the road safely, she cannot grants approval.

Ms. Altman asked if there were any further questions or comments from the Commissioners. There were none.

2. Special Permit Application 11-1179/CAM

130 Welton Street
Automobile Repairs
Parcel ID: 2031/012

Assistant Town Planner Kops read his comments.

Mr. Kops said staff recommends approval of Special Permit #11-1179/CAM with the following conditions:

- I. Prior to the Issuance of a Zoning Permit the applicant must:
 - A. Provide for approval by the Town Engineer and Town Planner, revised plans containing:
 - i. Venting of vehicle exhaust through the roof.
 - ii. A lighting plan and photometric study showing that the light is retained on site.
 - iii. The dumpster located on a concrete pad, screened from view and bermed on three sides.
 - iv. A clear delineation of parking spaces inside and outside the building. The outdoor parking spaces should be 9 by 18 feet and driving aisles should be 24 feet wide.
 - v. All conditions of approval
 - B. Provide a performance bond in an amount approved by the Town Engineer and Town Planner.
- II. The hours of operation are restricted to weekdays between 10:00 am and 6:00 pm and on Saturday between 9:00 am and 1:00 pm for mechanical work
- III. The gross vehicle weight of vehicles being worked on may not exceed 12,000 pounds.
- IV. The vehicles being worked on may not have more than four wheels.
- V. The sales area may no exceed 10,000 feet.
- VI. The total square footage employed for a use other than vehicle storage – i.e. the service area, inventory room and showroom may not exceed 6,500 square feet unless the requirement for additional parking is met.
- VII. No vehicles many be displayed for sale.
- VIII. No vehicles being repaired may be stored outside.

- IX. No long-term storage of vehicles outside is allowed.
- X. No body or paint work may be performed.
- XI. All hazardous materials and waste chemicals should be stored on-site on an impervious floor with some form of secondary containment.
- XII. Waste material should be disposed of by a licensed waste hauler in accordance with all applicable federal, state and local regulations. If stored outside the containers should be within some form of secondary containment and sheltered from precipitation.
- XIII. Waste oil tanks should be stored above ground on a bermed impervious surface capable of containing at least 110% of the volume of the tanks. The tanks should be stored indoors or, if outdoors protected by a roof.
- XIV. Solid waste material should be stored in an appropriately sized, covered solid waste dumpster or other watertight container that is plugged to prevent the release of any liquids.
- XV. All vehicle washing should be conducted indoors.
- XVI. All servicing of vehicles should be conducted indoors on an impervious surface.
- XVII. There should be absolutely no discharges of motor vehicle fluids or detergent chemicals to the environment.
- XVIII. Any vehicles that are leaking automotive fluids must be immediately placed inside the garage.
- XIX. Scrap metal or other parts in contact with lubricant should be stored in a watertight container to prevent the accumulation and contamination of storm water.
- XX. Conditions 1 through 19 must be placed on the survey submitted to the Connecticut Department of Motor Vehicles.
- XXI. Prior to the issuance of a Zoning Permit a copy of the revised survey should be submitted to the Planning and Zoning Department.
- XXII. A Zoning Permit must be obtained prior to the commencement of any work on the building and to opening the business.
- XXIII. All work associated with the Special Permit must be completed by May 24, 2016.

Staff also recommends that the Commission make a finding that the proposed changes are consistent with all applicable goals and policies in accordance with the Connecticut Coastal Management Act, CGS22a-90-22a-112.

Ms. Altman asked if there was anyone who wished to speak in favor of this application.

There were none.

Ms. Altman asked if there was anyone who wished to speak against this application.

There were none

Ms. Altman closed the Public Hearing on this application.

3. Location Approval Application 11-21

130 Welton Street
 Automobile Repairs
 Parcel ID: 2031/012

Mr. Kops said staff recommends approval of Special Permit #11-1179/CAM with the following conditions:

- I. Provide for approval by the Town Engineer and Town Planner, revised plans containing:
 - A. Venting of vehicle exhaust through the roof.
 - B. A lighting plan and photometric study showing that the light is retained on site.
 - C. The dumpster located on a concrete pad, screened from view and bermed on three sides

- D. A clear delineation of parking spaces inside and outside the building. The outdoor parking spaces should be 9 by 18 feet and driving aisles should be 24 feet wide.
- E. All conditions of approval
 - II. The hours of operation are restricted to weekdays between 10:00 am and 6:00 pm and on Saturday between 9:00 am and 1:00 pm for mechanical work.
 - III. The gross vehicle weight of vehicles being worked on may not exceed 12,000 pounds.
 - IV. The vehicles being worked on may not have more than four wheels.
 - V. The sales area may no exceed 10,000 feet.
 - VI. The total square footage employed for a use other than vehicle storage – i.e. the service area, inventory room and showroom may not exceed 6,500 square feet unless the requirement for additional parking is met.
 - VII. No vehicles many be displayed for sale.
 - VIII. No vehicles being repaired may be stored outside.
 - IX. No long-term storage of vehicles outside is allowed.
 - X. No body or paint work may be performed.
 - XI. All hazardous materials and waste chemicals should be stored on-site on an impervious floor with some form of secondary containment.
 - XII. Waste material should be disposed of by a licensed waste hauler in accordance with all applicable federal, state and local regulations. If stored outside the containers should be within some form of secondary containment and sheltered from precipitation.
 - XIII. Waste oil tanks should be stored above ground on a bermed impervious surface capable of containing at least 110% of the volume of the tanks. The tanks should be stored indoors or, if outdoors protected by a roof.
 - XIV. Solid waste material should be stored in an appropriately sized, covered solid waste dumpster or other watertight container that is plugged to prevent the release of any liquids.
 - XV. All vehicle washing should be conducted indoors.
 - XVI. All servicing of vehicles should be conducted indoors on an impervious surface.
 - XVII. There should be absolutely no discharges of motor vehicle fluids or detergent chemicals to the environment.
 - XVIII. Any vehicles that are leaking automotive fluids must be immediately placed inside the garage.
 - XIX. Scrap metal or other parts in contact with lubricant should be stored in a watertight container to prevent the accumulation and contamination of storm water.
 - XX. Conditions 1 through 19 must be placed on the survey submitted to the Connecticut Department of Motor Vehicles.

4. 190 Pine Rock Avenue

Sound Development

Bernie Pellegrino for Applicant

Bernie Pellegrino of the Pellegrino Law Firm appeared for the applicant, Sound Development, along with Project Engineer Herb May.

Mr. Pellegrino said he will discuss this project this evening and come back to next the meeting.

Mr. Pellegrino said this is a 2.24 acre site in an M zone the applicant proposes to build a multi student housing building on.

Mr. Pellegrino distributed a packet to the Commissioners explaining Sound Development's plans. He said the applicant has recently developed similar buildings at Sacred Heart University, Western Connecticut University and Old Lyme Academy.

Mr. Pellegrino briefly discussed the Sound Development project, and asked Mr. May to further explain the project.

Mr. May said it is proposed to build a 32 unit building. The units will be townhouses. He said the building will feel like it is on campus, since it is next to a six story dormitory. He said the school is in favor of the project and have made suggestions for the plans.

Mr. May said Sound Development met with the Town last week and their suggested changes were incorporated into the plan.

Mr. May explained the design and location of the project and pointed these out on the plans.

Mr. May explained the parking, and said there would be 128 spaces required, and the plans propose 130 spaces. He said it is required that 3 units be ADA accessible.

Mr. May next discussed traffic. He said according to the ITE trip generation using an apartment building, the traffic volume would be low; 14 vehicles at AM peak, and 13 vehicles at PM peak.

Next, Mr. May discussed storm water, and showed drainage of storm water toward Pine Rock Ave. There was further discussion regarding storm water. Mr. May said the staff looked at 2 year thru 100 year storms, and said there will be an overall reduction in storm water of 36% over the years.

Mr. May said they will provide sidewalk along the frontage for 4/10 of mile from the Route 10 intersection, and will continue the sidewalk to the university sidewalk.

Commissioner Grant asked Mr. May about fencing. Mr. May said there are no plans for fencing right now. Mr. Pellegrino said the area is heavily vegetated.

Mr. Pellegrino said there utilities are readily available on Pine Rock Avenue.

Mr. May said the site will have 12 foot light poles.

It was noted that this property is across the street from Tilcon, and the street is residential.

Mr. Szczypek asked if this will be two cars parked inside, and two cars parked end to end in front of the garage door. Mr. May said it would. Mr. Szczypek asked if they could provide photos of similar situations at the next meeting.

The application was continued to the June 14th meeting.

Vice Chair Altman closed the Public Hearing.

B. Regular Meeting

Special Permit Application 11-1179/CAM

130 Welton Street
Automobile Repairs
Parcel ID: 2031/012

Commissioner Szczypek motioned to approve Special Permit 11-1179 with conditions cited by Assistant Town Planner Kops. Commissioner Portier seconded the motion that passed unanimously.

Commissioner Szczypek motioned that the Special Permit is consistent with Connecticut Coastal Management Act Commissioner Roscow seconded the motion that passed unanimously.

Location Approval Application 11-21

130 Welton Street
Automobile Repairs
Parcel ID: 2031/012

Commissioner Szczypek motioned to approve the location of the Automobile Repair at 130 Welton Street. Commissioner Portier seconded the motion that passed unanimously.

Minor Amendment to Special Permit and Site Plan Application #01-0941/CAM

905-945 Whitney Avenue
Eli Whitney Avenue Museum
Building Addition and Site Improvements

Mr. Kops said staff recommends approval of Special Permit and Site Plan #01-0941/CAM with 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. Sedimentation and erosion controls.
 - ii. All Conditions of Approval
 - B. Provide a performance bond in an amount approved by the Town Planner and Town Engineer.
2. All work on the site must be completed by May 24, 2016.

Staff also recommends that the Commission make a finding that the minor changes are consistent with all applicable goals and policies in accordance with the Connecticut Coastal Management Act, CGS 22a-90-22a-112.

Commissioner Grant motioned to approve Minor Amendment to Special Permit and Site Plan Application #01-0941/CAM with conditions outlined by Assistant Town Planner Kops. The motion was seconded by Commissioner Szczypek and passed unanimously.

Commissioner Reynolds motioned that the Special Permit is consistent with Connecticut Coastal Management Act Commissioner Szczypek seconded the motion that passed unanimously

Sale of farmhouse and land at 390 Gilbert Avenue to Habitat for Humanity per C.G.S. 8-24 (#10-313)

Assistant Town Planner Kops said the Planning and Zoning Department recommends that the Commission vote in favor of the proposed sale, thereby issuing a “favorable report” to the Legislative Council.

Commissioner Grant motioned to approve the sale of farmhouse and land at 390 Gilbert Avenue to Habitat for Humanity and the 8-24. Commissioner Reynolds seconded the motion that passed unanimously.

Special Permit 11-1178/WS

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

Ms. Altman asked if there were any comments from the Commissioners.

Commissioner Reynolds said regarding the sight line exiting the daycare from left is up in the air. He said this is a pretty important factor; coming down the hill there is no sight line. He added that unless this is squared away now, how would it be solved. Town Planner Creane said the Commission does not have the authority to impose on a third party; this can only be done if Charlton Hill agrees.

Mr. Lee said Charlton Hill Drive is on Charlton Hill property, and the applicant has no rights to do any landscaping, etc

Commissioner Grant asked if this is the foliage in front of the house.

Mr. Kops said there are two places where the foliage is in questions.

Mr. Reynolds said he was referring to the private drive leaving the daycare center.

Commissioner Portier asked where the right-of-way begins and ends from Whitney Avenue up the driveway into the daycare property. Mr. Portier was told it was 300 feet.

Mr. Kops said if there is not adequate parking on site, the regulations say if you can secure parking within 300 feet it is acceptable.

It was asked if the daycare will be using the bookstore parking spaces. Mr. said if they are used, the daycare would have to lease the space. He added that they would have to have a 25 year lease.

Next it was asked if approving this is going to increase the liability for Charlton Hill.

Mr. Lee said if a child slipped and fell on the driveway there would be liability for both Charlton Hill and the daycare. This is not adding liability it is increasing the liability due to the amount of people using the driveway.

Commissioner Szczypek said the lower parking lot is for staff not children. He said there will only adults crossing the driveway. Commissioner Portier said adults can slip and fall too.

Ms. Altman referred to page 5 and 6 of Mr. Kops' comments. She quoted item one in paragraph five. She said this lists four improvements which would make a tremendous difference in the safety of the children.

Ms. Altman also said that if we approve this we are making the assumption that Charlton Hill will do everything to insure the safety of the facility; she said she is not sure if it is in her capacity as a commission to assume this.

Mr. Grant said that Carrot Patch has run a safe establishment with cars coming and going. He said that what the applicant plans to do at this location would make a safe environment for the clients. He added that as far as the Charlton Hill Association is concerned, they are careful and have been for 30 years. He said he thinks they will continue to be careful in the AM and the PM. He also thinks the teachers will be responsible.

Mr. Roscow said he found no problems with this application.

Regarding the standpipe referred to by the Fire Marshal, the current recommendation by the engineer is that it is not necessary, but they are aware of it.

Mr. Roscow asked how close the nearest fire hydrant is. Mr. Kops said he didn't know

Mr. Szczypek said both the applicant and the opposition made good points. Regarding the three point turn that was mentioned earlier, this is not going to be case when improvements are made. He said this was demonstrated by the applicant. He also said that the parking area could easily accommodate four cars and discharge students. He added that, with improvements it will only get better.

It was noted that the lack of a proper signature was incorrect the plans were signed and stamped.

It was also noted that this was approved with no negative comments from the Police or Fire Departments or the Town Engineer.

Confusion about how many kids looking at number in app 56 kids if park 4 cars in circle five minutes each takes 70 minutes could be achieved

It was suggested that the applicant provide parents with a manual showing a clear schedule as to how and when arrivals would be done, and make it mandatory that manual indicate who arrives when and increase the arrival times to eight minutes.

Ms. Altman said it is ambitious to expect parents to arrive at a specific time in the morning according to a manual. She added that sticking to it for a year would be difficult. She said children are not like that. She said she cannot support this as a condition of approval.

Ms. Altman said the health, safety and welfare of the community must be what the decision is based on. Mr. Altman said she worries about relying on Charlton Hill to make the changes necessary to ensure a safe environment.

Mr. Roscow said the building will be used for something. Ms. Creane said the toy store is going out of business. Mr. Kops said the current use is retail. He said the parking calculation was based on that. He said currently there is adequate parking for the current and proposed facility. He said the burden of parking where toy store is would be on subsequent user.

It was asked if the house adjacent to the barn is a rental property. Mr. Kops said it is, and it is owned by English family.

It was also asked if there will be a handicap space. Mr. Kops said there would.

Commissioner Reynolds asked if this is approved can the manual be made a condition of approval. Ms. Altman said it can be proposed as an amendment.

Mr. Kops said the plans show that the applicant plans to distribute a manual to all parents.

Mr. Reynolds asked if timing can be put in the manual to prevent 15 cars from arriving at the same time.

Mr. Kops said the Commission could request that parking be staggered.

Mr. Grant said the arrivals will probably stagger themselves. He added that the information from the last meeting showed that drop off times were spread out.

Mr. Szczypek said the applicant has been in the daycare business for a long time; if there are complaints from clients they will have to adjust.

Mr. Reynolds said he is also interested in seeing the Charlton Hill resident being happy.

Mr. Szczypek motioned approve with conditions cited by staff, plus conditions that the parking count be corrected and that a parents manual show a schedule for drop off periods and pickup within a two hour window of time. Mr. Grant seconded the motion.

Mr. Kops said staff recommends approval of Special Permit #10-1178/CAM with the following conditions:

1. Prior to the issuance of a Zoning Permit the applicant must:
 - A) Provide for approval by the Town Engineer and Town Planner, revised plans containing:
 - i. Placement of a fire stand pipe connection if required by the Deputy Fire Marshall.
 - ii. Crushed stone added and regarded in the driveway.
 - iii. Bushes such as rhododendron, laurel, azalea and similar varieties to be planted at the top of the western slope in a manner that retains the current natural woodland appearance, instead of the proposed evergreens.
 - iv. Clearing of vegetation on both sides of the drive way leading to the daycare building.
 - v. The following improvement if approved by the Charlton Hill Condominium Association Executive Board:
 - a. Striping with appropriate signage for crossing the street to and from the reserve parking area.
 - b. Extension of the existing sidewalk on the south side of the road to intersect the daycare center's driveway.
 - c. Trimming of the vegetation impairing visibility to the left (west) when exiting the daycare center.
 - d. "No Parking" signs on each side of the driveway and along Charlton Hill Drive near the daycare center.
 - vi. Installation of a "Stop" sign on the English property near the intersection with Whitney Avenue.
 - vii. Documentation of any increase in impervious surface.
 - viii. Correction of the parking calculations.
 - ix. Any changes required by the State Traffic Commission should it review the application again.
 - x. All conditions of approval.
 - B) A parents manual describing pick-up and drop-off procedures, parking and other relevant procedures, for approval by the Town Planner.
 - C) A bond in an amount approved by the Town Planner and Town Engineer.
 - D) A sign-off by QVHD.
 - E) A sign-off by the GNHWPCA.
 - F) A signed agreement, approved by the Town Attorney's Office, providing 11 parking spaces in the parking lot next to the retail building, for use by the daycare center for 25 years, filed on the land record.
 - G) Approval by the State Traffic Commission of a certificate of operation if required.
2. All work should be completed by May 24, 2016.
3. Prior to the issuance of the Certificate of Zoning Compliance the applicant must provide a copy of the license approved by the State of Connecticut Department of Public Health.
4. There may be no more than 56 children.
5. Hours of operation are restricted to 7:00 AM to 6:00 PM, Monday through Friday.
6. The applicant will be responsible for ensuring that the drop off area is employed only for drop offs and not used for parking.

Mr. Roscow said the radius of the parking circle should be 30 feet. He also said that tempered guard rail be installed on the east side of driveway and go the entire length of the easterly side of the driveway.

Mr. Kops said if the guard rail is extended it will remove the snow removal area. There was a discussion regarding the equipment needed to quickly move snow.

It was suggested that the guard rail fence be extended to the east side of the road, and snow removal equipment be used that can move snow over the guard rail.

Mr. Roscow asked how would they get to the snow removal area behind the playground. Mr. Kops said this is a wide area if is snowing the school will be closed.

It was noted that in the Conditions of Approval, number 10 will become number 12.

There were no further comments or questions from the Commissioners, and Vice Chair Altman called for a vote.

The vote was four in favor and two opposed. The motion passed.

Site Plan Application 06-1402/CAM

2335 State Street – Construction of Building Containing Sign Fabrication Shop
Request for a Five Year Extension of the Deadline to Complete all Work and a
Three Year Extension of the Deadline to Obtain a Zoning Permit

Mr. Kops said since the Commission no longer sets a deadline for obtaining a Zoning Permit, staff recommends removing Condition #4, which imposed the deadline for obtaining a Zoning permit, as well as granting a five year extension of the deadline to complete the project, from May 23 2011 to May 23, 2016.

Commissioner Grant motioned to grant Site Plan Application 06-1402/CAM with the recommendations cited by Mr. Kops. Mr. Roscow seconded the motion that passed unanimously.

B. Old Business/New Business

1. Review minutes of May 10, 2011

Commissioner Szczypek motioned to accept the Minutes of the May 10, 2011 Meeting as amended. Commissioner Cesare seconded the motion that passed unanimously.

C. Adjournment

There was no further business to come before the Commission and Chairman McDonagh called for a motion to adjourn. **Commissioner Portier motioned to adjourn of the meeting. Commissioner Reynolds seconded the motion that passed unanimously.** Vice Chair Altman adjourned the meeting at 9:46 PM.

Submitted by:

Peggy Craft, Acting Commission Clerk

