



## Town of Hamden

### Planning and Zoning Department

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June 18, 2012

**AGENDA: THE PLANNING & ZONING COMMISSION**, Town of Hamden, held a Public Hearing and Regular Meeting on Tuesday, June 12, 2012 at 7:00 p.m. in the Thornton Wilder Hall, Miller Memorial Library Complex, 2901 Dixwell Avenue, Hamden with the following results:

Commissioners in attendance:

Ann Altman, Chairperson  
 Lee Campo  
 Brack Poitier  
 Peter Reynolds  
 Michele Mastropetre  
 Bob Roscow  
 Jon Cesare  
 Myron Hul  
 Jennifer Cutrali, Alternate sitting for  
 Ryszard Szczypek

Staff in attendance:

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

Ms. Altman called the meeting to order at 7:00 p.m. The clerk read the Public Hearing items into the record. Ms. Altman introduced the panel and reviewed the Public Hearing procedures. She welcomed the new Commissioner Mr. Myron Hul.

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

##### **1. Major Amendment to Special Permit 07-1120**

84-102 Washington Avenue, T-3 Zone  
 Medical Office/Parking  
 Richard Atkinson, Applicant

*Continued from 4/10/12 meeting*

Mr. Rick Atkinson, Applicant, addressed the Commission and apologized to the Commission. He said that the 17 items that had been missing on the plans submitted at the May 22, 2012 meeting have been included on the revised plans.

Mr. Dan Kops, Assistant Town Planner read his comments which recommend approval with the conditions as stated and based on the following plans:

“Site plan Application” 84 & 102 Washington Avenue, prepared by Freeman Companies, LLC, dated February 15, 2012, revised March 5, 2012, April 12, 2012, May 10, 2012 and May 25, 2012 and the latest June revision received June 12, 2012.

Mr. Atkinson stated that he accepts the conditions of approval as stated by Mr. Kops.

Ms. Mastropetre asked how enforcement can be done to determine if a zoning permit is issued for medical use or an office use. Mr. Kops explained that it is up to the owner of the building to enforce with each new tenant. He said that the medical offices are problematic because of the parking.

Mr. Hul asked if a zoning permit must be issued with a medical office when it is replacing another medical office, or if the use of the office changes. Mr. Kops explained that when there is a change of use a zoning permit should be issued. When the building is being used for offices a permit is not issued because it is a continued use, but if it is being used as a medical office a zoning permit should be issued. Mr. Hul asked if the tenant or the owner of the building is responsible for getting a zoning permit issued. Mr. Kops said that both the tenant and the owner of the building are responsible to make sure that a zoning permit is issued.

Mr. Atkinson stated that he has been speaking with potential tenants and they are not requesting to use the space as medical offices. He is not sure who the other tenants will be in the future, but feels that the parking will not become a problem.

Ms. Altman asked for comments in favor and against the application. There were none.

Ms. Altman closed the Public Hearing.

## **B. Regular Meeting**

### **1. Major Amendment to Special Permit 07-1120**

84-102 Washington Avenue, T-3 Zone  
 Medical Office/Parking  
 Richard Atkinson, Applicant

***Mr. Campo made the motion to approve the Major Amendment to Application 07-1120 with the conditions stated by Mr. Kops and the following conditions:***

1. Prior to the Issuance of a Zoning Permit, the applicant must:
  - a. Obtain approval of the sanitary sewer connection by the GNHWPCA.
  - b. Confirm that the five spaces on Washington Avenue are acceptable to the Traffic Department.
  - c. Obtain approval of the fire lane by the Deputy Fire Marshal.
  - d. Submit a performance bond in an amount approved by the Town Planner and Town Engineer
  - e. Submit a revised site plan for approval by Town Planner and Town Engineer, containing:
    - i. The correct revision date.
    - ii. A fire lane approved by the Assistant Fire Marshal.
    - iii. Adjustment of the crosswalk to provide complete access at the north end.
    - iv. All conditions of approval.
2. At least three days prior to the commencement of any site work the applicant should notify the RWA.
3. 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.
4. The maximum number of children attending the daycare center remains at 84.
5. Each new use of office space will require Zoning Permit approval from the Zoning Enforcement Officer.
6. **A list of tenants, the amount of the square footage and use of the space should be submitted to the Planning Office on an annual basis on or close to January 1<sup>st</sup>.**
7. All work must be completed by December 13, 2017.

***Ms. Cutrali seconded the motion.***

Mr. Reynolds asked if the Town does not monitor the uses of a building would the Zoning Enforcement Officer monitor what the use of the offices is. Ms. Creane said that the Zoning Enforcement Officer has many responsibilities, but she may be able to check every 6 months or a year to determine use.

Mr. Roscow asked if the owner could put in the leases a requirement that a tenant be required to get a zoning permit. Mr. Tim Lee, Assistant Town Attorney explained that the Town does not get involved in private contracts. Ms. Creane said that If there is a problem with parking it would allow the Zoning Enforcement officer to determine what type of uses there are in the building.

Ms. Altman feels if the tenants do not have enough parking they might complain to the Planning Office.

Ms. Mastropetre said that the Commission could ask that the owner be required to submit the leases to the Planning Office on an annual basis. Ms. Altman feels this would be a tool to use if there is a problem at the site. Ms. Mastropetre feels that the owner of the building should submit a list of the tenants on an annual basis. Ms. Creane stated that a list of the tenant, the square footage of the space being used and the required parking could be sent to the Planning Office on an annual basis.

***Ms. Mastropetre amended the motion to include condition #6: A list of tenants, the amount of the square footage and use of the space should be submitted to the Planning Office on an annual basis on or close to January 1<sup>st</sup>. Condition #6 becomes #7. Mr. Cesare seconded the amendment to the motion.***

***Ms. Mastropetre, Mr. Cesare, Mr. Roscow, Ms. Cutrali, Mr. Poitier, Mr. Campo and Mr. Reynolds voted in favor of the amendment. Mr. Hul voted against the amendment. The motion passed 7-1-0.***

***Ms. Altman asked for the vote with the conditions of approval as amended. The motion passed unanimously.***

## **2. Sub-Division 04-1333**

484 Shepard Ave

Request to release bond in the amount of \$335,455.00

***Coppola Construction Co.,Inc.***

Mr. Tim Lee, Assistant Town Attorney, reviewed the history of the sub-division and the default of obligation by the original applicant. He advised the Commission that Coppola Construction Company had posted the bond and has completed all the work required under the bond and is trying to get the road accepted by the Legislative Council. Mr. Lee said that the Legislative Council will not approve the road because there are outstanding issues with a detention basin and the cul-de-sac. The Council wants insurance that the homeowners will be responsible for the basin and the cul-de-sac. Coppola Construction sent the residents a letter requesting that they accept responsibility for the maintenance of the basin and the cul-de-sac and were asked to sign and return it. To date only two have

been returned. Ms. Gruen, Town Attorney, will send another letter to the homeowners explaining the situation to try to get them to sign off on the obligation so that the Council will accept the road. Mr. Lee explained that a subdivision bond cannot be released without prior acceptance of the road, and the attorney for Coppola Construction is asking that the bond be reduced.

Ms. Altman asked Mr. Lee if he recommends that the bond be lowered. Mr. Lee replied that he recommends that the bond be reduced, but the Commission has the discretion as to the amount by which it would be reduced. He does not recommend that the bond be reduced to \$1.00 because then there would be no incentive for the applicant to assist with getting the issues resolved.

Mr. Lou Wise, Attorney, addressed the Commission and reviewed Coppola Construction's responsibility for the bond. He stated that his client was not the developer and reviewed the history of the site. Mr. Wise reviewed the State Statutes and Subdivision Regulations and he said that the responsibility of his client has been met because the road and utilities have been completed as required under the bond. Mr. Wise feels that Coppola Construction has gone beyond their responsibility of completing the required work under the C.G.S. The Commission had recommended the acceptance of the road with the amended condition of approval that the Homeowners Association be responsible for the maintenance of the basin and cul-de-sac, because the association was never formed. Mr. Wise further stated that his client has sent out letters outlining the current situation and asked that the homeowners sign and return the letter. To date only two of 13 letters have been returned and Mr. Wise stated that he cannot force the homeowners to accept the responsibility of the basin and the cul-de-sac. Mr. Wise is asking that the bond be reduced because the required work has been completed.

The Commission and Planning Staff had a lengthy discussion to determine what amount the bond should be reduced by. The members were advised that the Town will be meeting with the homeowners to discuss the situation and explain their rights and obligations and that the basin and cul-de-sac are located on private property that the Town cannot maintain them.

Mr. Hul asked if the bond can be called if Coppola Construction does not maintain the basin and cul-de-sac and Mr. Lee replied yes.

***Mr. Campo made the motion to reduce the bond to \$20,000.00. Mr. Cesare seconded the motion. Mr. Campo, Mr. Cesare, Mr. Reynolds, Ms. Altman, Mr. Hul and Mr. Roscow voted in favor of the motion. Mr. Poitier, Ms. Mastropetre and Ms. Cutrali voted against the motion. The motion passed 6-3-0.***

### **3. C.G.S. 8-24 12-329**

17 Dest Drive  
Sale of Property  
Town of Hamden, Applicant 2.

Mr. Dan Kops, Assistant Town Planner, reviewed his comments and recommended that the Planning & Zoning Commission vote in favor of the sale of the property at 17 Dest Drive and issue a favorable report to the Legislative Council.

Ms. Cutrali asked how much the town will net on the sale of the property. Mr. Kops replied he was unsure but the sale prices include \$5,000.00 for administrative costs.

Ms. Mastropetre asked if there would be a requirement in the purchase agreement that the house must be demolished. Ms. Creane stated that the agreement will require that the house be demolished or rehabbed.

***Ms. Mastropetre made the motion to refer the C.G.S. 8-24 12-329 for the sale of the property at 17 Dest Drive with a favorable report. Ms. Catrali seconded the motion. The motion passed unanimously.***

### **4. Special Permit & Site Plan 01-941**

905-945 Whitney Avenue  
 Request to release bond in the amount of \$23,560.00  
 Eli Whitney Museum, Applicant

Ms. Altman reviewed the request to release the bond in the amount of \$23,560.00. She advised the Commission that Ms. Holly Masi, Zoning Enforcement Officer, recommends that the request be approved.

*Ms. Mastropetre made the motion to approve the request to release the bond in the amount of \$23,560.00 as recommended by Ms. Holly Masi, Zoning Enforcement Officer. Mr. Campo seconded the motion. The motion passed unanimously.*

#### **5. Location Approval 12-030**

2575 State Street, T-4 Zone  
 Used Car Dealer  
 David Taylor, Applicant

Ms. Altman reviewed Mr. Dan Kops, Assistant Town Planner, comments which recommend approval with the conditions stated and based on the following plans:

“Department of Motor Vehicles Permit Survey Map Prepared for Bernardo Motors 2575 State Street,” prepared by Gordon Bilides, dated March 4, 2003, revised June 4, 2003.

Ms. Mastropetre made the motion to approve Location Approval 12-030 with the following conditions:

1. All catch basins with sumps should be inspected at least three times a year. Sediment and debris should be removed at least twice a year or as soon as deposits are within six inches of the outlet.
2. Deposits should be removed immediately after a contaminant spill, when sediment is a foot deep, or at least once a year.
3. All hazardous materials and waste chemicals should be stored inside or on an impervious floor with some form of secondary containment.
4. Scrap metal or other parts in contact with petroleum products should be stored in a watertight container.
5. Solid waste material should be placed in an appropriately sized, covered solid waste dumpster. The dumpsters should be plugged
6. All vehicle washing should be conducted indoors.
7. All servicing of vehicles, including oil changes, transmission work, radiator flushing and repairs, parts and engine cleaning and part stripping from junked vehicles should be conducted indoors on an impervious surface.
8. There should be absolutely no discharges of motor vehicle fluids or detergent chemicals to the environment.
9. All damaged vehicles should be stored indoors.

Mr. Reynolds seconded the motion. The motion passed unanimously.

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

1. Review minutes of May 22, 2012

*Ms. Mastropetre made the motion to approve the minutes of the May 22, 2012 meeting. Mr. Campo seconded the motion. Ms. Altman, Ms. Mastropetre, Mr. Campo, Mr. Reynolds, Mr. Poitier, Mr. Roscow and Ms. Cutrali voted in favor of the motion. The motion passed.*

2. Minor Amendment – 225 Skiff Street

Ms. Leslie Creane, Town Planner reviewed the application and advised the Commission that she had signed it.

**D. Adjournment**

*Ms. Cutrali made the motion to adjourn. Ms. Mastropetre seconded the motion. There was no further discussion.*

*The meeting adjourned at 8:06 p.m.*

Submitted by: \_\_\_\_\_  
Stacy Shellard, Clerk of the Commission