



# Town of Hamden

## Planning and Zoning Department

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**December 21, 2012**

**MINUTES: THE PLANNING & ZONING COMMISSION**, Town of Hamden, held a Public Hearing and Regular Meeting on Tuesday, December 18, 2012 at 7:00 pm. in the Thornton Wilder Hall, Miller Memorial Library Complex, 2901 Dixwell Avenue, Hamden with the following results:

Commissioners in attendance:

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

Staff in attendance:

Leslie Creane, Town Planner  
 Dan Kops, Assistant Town Planner  
 Mr. Tim Lee, Assistant Town Attorney,  
 arrived at 7:23  
 Stacy Shellard, Clerk  
 Lisa Raccio, Stenographer

Ms. Altman called the meeting to order at 7:00 p.m.

Ms. Altman asked for a moment of silence for the victims of the Sandy Hook Elementary School tragedy in Newtown and their families.

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. Major Amendment to Special Permit 10-1173**

295 Treadwell Street, T-4 zone  
 Expansion  
 Steve Rodgers, Applicant

(Please ignore incidental underlining-problem with computer software)

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

“Outer Space 295 Treadwell St, Hamden, CT, Preliminary Plan – Expansion,” prepared by EMS Design, received November 8, 2012 and “Site Plan,” received November 8, 2012.

Mr. Steve Rodgers, Owner, addressed the Commission and stated that over the last 10 years his business has brought music and the arts to the Town of Hamden. The audiences from his businesses have also supported other businesses in the Town.

Ms. Cutrali asked Mr. Rodgers to clarify the difference between "The Outer Space" and "The Space". She also asked why he is expanding "The Outer Space" and what type of entertainment there is. Mr. Rodgers explained that "The Space" is an all ages, alcohol free, performance space. It gives a chance for young artists and musicians to have a place to perform. Many teens have found it to be a place of safety, and since opening 10 years ago, no incidents have occurred. "The Outer Space" is located across the parking lot. Mr. Rodgers found that when the attendees turned 21 they no longer wanted to go to "The Space". "The Outer Space" does serve beer and wine.

Mr. Rodgers said that the capacity of the existing space allows for 79 people. The expansion would allow him to bring in bigger named artists, and it will bring commerce to the restaurants and other businesses in the Town. In the past, parents dropping their children off at "The Space" have asked Mr. Rodgers where they can go while waiting to pick up their children. This was one reason why he decided to open the “Outer Space”. Many parents have looked at "The Outer Space" as reverse babysitting for themselves.

Ms. Altman asked for comments in favor of the application:

Ms. Mimsie Coleman, Hamden's Director of Art's, Recreation and Culture, addressed the Commission and stated that Connecticut has a painful shortage of venues that are devoted to live, contemporary original music. Currently, there are only seven venues in the State that are recognized by Music Industry Journals. This includes "The Space" and “The Outer Space”. In New Haven County there is no mid-size music venue for presenting contemporary music or opportunities for local musicians. Ms. Coleman stated that Mr. Rodgers is filling the void and making a meaningful contribution to the lives of the artists. In addition, Mr. Rodgers is creating an arts district in the Town of Hamden. She asked that the Commission support this application.

Ms. Altman asked for comments against the application. There was none.

Ms. Altman closed the public hearing.

## **2. Special Permit & Site Plan 12-1208/WS**

2805 Whitney Avenue, T-3 zone  
Addition & expansion of parking area  
Westcott & Mapes, Inc., Applicant

Mr. Raymond Paier, Chief Engineer, Westcott & Mapes, Inc., addressed the Commission and stated that the location is used as a law office. Mr. Paier reviewed the site plan for the proposed addition and the expansion of the parking area.. He also described the changes that would be made to the existing outside lighting.

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

Property Topographic Survey dated 7/1/12, Site Plan sheet C1 and Grading, Soil and Erosion Control Plan, dated 11/12/12, prepared by Wescott and Mapes; Office Addition, sheet 1, dated 11/12/12, prepared by Thomas A. Torrenti

(Please ignore incidental underlining-problem with computer software)

Ms. Altman asked Mr. Paier if he accepts the recommended conditions as stated by Mr. Kops. Mr. Paier replied yes.

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

Ms. Altman closed the public hearing.

### **3. Special Permit & Site Plan 12-1209/WS**

3540 Whitney Avenue, T-3.5 zone

Liquor Store

Joshua Hetland, Applicant

Mr. Dan Kops, Assistant Town Planner, read his comments which recommend approval with the conditions stated in his report.

Mr. Joshua Hetland, Applicant, addressed the Commission and stated that the location of the proposed business is close to his home. He will be engraving liquor bottles. Mr. Hetland noted that he has received comments from people that the proposed business is a good idea.

Mr. McDonagh commented that the proposed location is small. Mr. Hetland explained that the focus of his sales will be done over the internet, however, the location is necessary to receive his State Liquor License.

Mr. McDonagh stated that the proposed location for the liquor store is only a half block from Quinnipiac University. He asked Mr. Hetland if he is anticipating if Quinnipiac would be part of his customer base. Mr. Hetland replied that he does anticipate some of his customers will be from the University. However, he is not expecting it to be a large amount because his prices will be higher. Mr. McDonagh asked what type of liquor will be sold. Mr. Hetland explained that to keep the doors open he will need to sell beer, wine and spirits. However, he noted that his focus will be on the internet aspect of the business.

Ms. Cutrali asked what business was previously located at this site. Mr. Hetland stated it was a dress shop.

Ms. Mastropetre asked Mr. Hetland to elaborate on the engraving portion of the business. Mr. Hetland described the process used to engrave the bottles and noted the types of functions that will utilize the giving of the bottles.

Mr. Hetland presented a sample of an engraved product that he will be selling.

Ms. Altman asked for comments in favor of the application. There was none.

Ms. Altman asked for comments against the application:

Ms. Gail Traester, 156 Brooksvale Road, addressed the Commission and stated that she has concerns for the public's health and safety because of the proximity to Quinnipiac University. She feels that there are only 15 parking spaces for multiple businesses located on the site. There is a safety concern because there are no sidewalks and the students in the area will be walking from the campus. She feels that the location of the proposed liquor store will be a danger to the area, especially with the students. Ms. Traester is against the application.

Mr. Kops stated that he did not find any significant adverse impacts with the application. There are no criteria in the Zoning Regulations evaluating liquor stores.

Ms. Altman closed the public hearing.

### **B. Regular Meeting**

(Please ignore incidental underlining-problem with computer software)

Ms. Altman asked for a motion to add the request for a bond release for Site Plan 96-0806.

***Mr. McDonagh made the motion to add the request for a bond release for Site Plan 96-0806. Ms. Mastropetre seconded the motion. The motion passed unanimously.***

**1. Major Amendment to Special Permit 10-1173**

295 Treadwell Street, T-4 zone  
Expansion  
Steve Rodgers, Applicant

***Mr. Poitier made the motion to approve the Major Amendment to Special Permit 10-1173 as recommended by Mr. Dan Kops, Assistant Town Planner, 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. A note stating that the legal occupancy of The Outer Space is limited to 290 people.
    - ii. All Conditions of Approval.
  - b. Provide a performance bond in an amount approved by the Town Planner and Town Engineer.
2. During construction:
  - a. any waste materials should be disposed of in accordance with local, state and federal regulations. Any hazardous materials should be recycled or properly disposed of by a licensed waste hauler.
  - b. All oil, paint, and other hazardous materials should be stored in a secondary container and placed in a locked indoor area with an impervious floor during non-work hours.
3. All work should be completed by December 18, 2017.

***Ms. Mastropetre seconded the motion. The motion passed unanimously.***

**2. Special Permit & Site Plan 12-1208/WS**

2805 Whitney Avenue, T-3 zone  
Addition & expansion parking area  
Westcott & Mapes, Inc., Applicant

***Ms. Mastropetre made the motion to approve Special Permit & Site Plan 12-1208 as recommended by Mr. Dan Kops, Assistant Town Planner, with the following conditions:***

- I. Prior to the Issuance of a Zoning Permit:
  - A. The applicant must provide for approval by the Town Engineer and Town Planner:
    1. A lighting plan and photometric study confirming that the illumination conforms to what is allowed in the Hamden Zoning Regulations.
    2. A walkway from the parking lot to the building entrance.
    3. A dumpster screened from view, located on a concrete pad. It should be surrounded on three sides by six inches of curbing on three sides.
    4. Specification of the plantings to be used in the vegetated rain garden, including sizing calculations.
    5. Identification of the proposed method for discharging footing drains on the addition.
    6. The location of the existing underground infiltration system if known, and if not, an explanation of how the roof drainage discharge will be handled if the existing system is disturbed by the new addition.
    7. All Conditions of Approval.
  - B. The Zoning Permit must include approval by the GNHWPCA.

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- C. A performance bond in an amount approved by the Town Planner and Town Engineer must be provided.
- II. During the construction phase:
  - A. All erosion controls should be installed prior to the commencement of construction activities.
  - B. RWA should be notified three days prior to the start of any construction activity.
  - C. All erosion controls should be installed prior to the commencement of construction activities.
  - D. Hours of operation are limited to between 8:00 am and 5:00 pm, Monday through Friday.
  - E. All stockpiles of excavated material remaining on-site for more than a month should be temporarily seeded or covered.
  - F. Erosion controls should be inspected regularly and immediately after each rainfall, as well as maintained and modified as necessary.
  - G. All fuel, oil, paint and other hazardous materials stored on-site should be placed in a secondary container and kept in a locked indoor area with an impervious floor when not being used.
  - H. If fuel for construction equipment is stored on-site it should be placed in a secondary containment system in a secured area.
  - I. Any on-site fueling and repairs should be conducted over a portable spill containment system.
  - J. A supply of absorbent spill response material should be kept on-site to clean up any spills of hazardous materials.
  - K. The RWA should be notified of any spills of hazardous materials.
- III. After the completion of construction:
  - A. The applicant must adhere to the stormwater management plan listed in the plans.
  - B. RWA inspectors should be granted access to the site to conduct routine inspections.
- IV. All work must be completed by December 18, 2017.

***Mr. McDonagh seconded the motion.***

**3. Special Permit & Site Plan 12-1209/WS**

3540 Whitney Avenue, T-3.5 zone  
Liquor Store  
Joshua Hetland, Applicant

***Ms. Mastropetre made the motion to approve Special Permit & Site Plan 12-1209 as recommended by Mr. Dan Kops, Assistant Town Planner, with the following conditions:***

1. A Zoning Permit must be obtained.
2. The note regrading the number of required parking spaces must be revised to reflect the current Zoning Regulations.
3. All work must be completed by December 18, 2017.

***Ms. Cutrali seconded the motion. The motion passed unanimously.***

**4. Minor Amendment Subdivision 56-287**

801 Main Street  
Amend condition-removal of easement  
**Anthony Mello, Jr., Applicant**

Mr. Dan Kops, Assistant Town Planner read his comments which recommend approval based on the following:

Amended map for lot 7 titled "Right of Way to be Released' by the Town of Hamden and the Greater New Haven Water Pollution Control Authority on Land Belonging to Yetta Lautenschlager and Ronald Mikolinski," dated October 5, 2012, prepared by Antony Mello.

***Ms. Mastropetre made the motion to approve the Minor Amendment to Subdivision 56-287 as recommended by Mr. Dan Kops, Assistant Town Planner. Ms. Cutrali seconded the motion. The motion passed unanimously.***

Mr. Kops noted that the motion to approve was for the amended map for Lot 7, and, also for removing lot 7 from condition c requiring the easements.

**5. Zoning Permit 09-3312**

0 Downes Road

Request to release bond in the amount of \$15,000.00

Paul Rebesch, Jr., Applicant

Ms. Altman reviewed the request to release the bond in the amount of \$15,000.00. She advised the Commission that Ms. Holly Masi, Zoning Enforcement Officer, recommends that the request be approved.

***Mr. McDonagh made the motion to approve the request to release the bond in the amount of \$15,000.00 as recommended by Ms. Holly Masi, Zoning Enforcement Officer. Mr. Campo seconded the motion. The motion passed unanimously.***

**6. Site Plan 96-0806**

6 Hamden Park Drive

Request to release bond in the amount of 11,704.98

Sprint Spectrum, Applicant

Ms. Altman reviewed the request to release the bond in the amount of \$11,704.98. She advised the Commission that Ms. Holly Masi, Zoning Enforcement Officer, recommends that the request be approved.

***Mr. McDonagh made the motion to approve the request to release the bond in the amount of \$11,704.98 as recommended by Ms. Holly Masi, Zoning Enforcement Officer. Ms. Mastropetre seconded the motion. The motion passed unanimously.***

**7. Proposed Amendment to the Hamden Zoning Regulations 12-930**

55 West Woods Road

Mixed Income Housing (MIH) District

File available for review in the Planning Office & the Office of the Town Clerk

Westwoods Properties, LLC, Applicant

Ms. Altman explained that the Public Hearing for items 7 & 8 (originally listed on the agenda as 6 & 7) have been closed and no further testimony or comments from the public will be heard. Items 7, 8 & 9 (originally listed on the agenda as 8) will be discussed simultaneously.

Ms. Altman asked for a motion to approve the proposed amendment to the Proposed Amendment to the Zoning Regulations (item 7). When discussions are completed, separate motions and votes then will be made for items 7, 8 and 9.

***Mr. McDonagh made the motion to approve the Amendment to the Zoning Regulations 12-930. Mr. Campo seconded the motion. The motion passed unanimously.***

Mr. Roscow stated that the bonding for the proposed project is limited. He referenced bonding for previous projects in Hamden. The amount of fill to be removed for this project is 51,000 cubic yards of material, to be taken of site by 3,200 truckloads. Mr. Roscow stated that if the project is not completed the site will be left with retaining walls with fences and a property that is similar to a ravine. Also, he is concerned with the possibility that people will use the retaining walls to practice wall climbing. Mr. Roscow described the proposed access to the

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building and the path to the Farmington Canal. He does not feel that the site will be in compliance with the recently revised ADA requirements.

Mr. Reynolds stated his comments are directed at the Proposed Amendment to the Zoning Regulations 12-930. Mr. Reynolds does not feel that what was said by the applicant has convinced him of the need to have a specific zone in the regulations for this project. The Town has a professional Planning Office and the zoning regulations were recently amended. When the zoning regulations were amended concern was given for the welfare of the citizens. Mr. Reynolds does not feel that the welfare of the residents was considered with this application. He stated that the existing regulations would address the proposed project, other than the proposed location does not allow what is being requested. There is nothing in the 830.g Statute that says the Town must change its zoning regulations to allow the proposed project. Mr. Reynolds feels that approving this application will set a precedent by allowing a regulation that fits only one property.

Ms. Mastropetre asked if the proposed project would meet the ADA regulations that were effective March, 2012. She said that the site would look aesthetically better if chain links were not used on the site. Ms. Mastropetre is concerned about the hazards that may be created with trucks entering and leaving the site. She would like the hours of operation to be modified so that the trucks are not traveling at peak traffic hours or have a police presence when the trucks or entering and exiting the site.

Ms. Cutrali expressed concern with the letter from the Department of Public Health addressing the affects that the project will have on the drinking water and the public watershed. She also has concerns if the building and the site will be in ADA compliance. She does not feel that the proposed plan works with the Town's POCD.

Mr. Poitier reviewed the proposed Section 380.4.5.e.6 and he would like the language changed so that the word "processing" is removed and replaced with "blasting, digging & removing". He is concerned that the word "processing" will allow the applicant to do more than just move the material.

Mr. McDonagh stated that Mr. Roscow's comments are appropriate to the site plan. He feels that a model for affordable housing would be created for other parts of Town. Significant progress was made so that the regulation would be appropriate with the recommended changes by the Planning Staff and Mr. Poitier's requested change about the processing of the material.

Mr. Reynolds clarified that the Town Planner has done a tremendous amount of work to reshape the application so that the use of the 830.g Statute would be as close as possible to the existing regulations. However, he does feel that the work needed should have been the responsibility of the applicant to make the proposed regulation be closer to the existing regulation. Mr. Reynolds stated that the use of the 830.g Statute should not be allowed every time someone wants to propose a new project in the Town.

Mr. Hul asked Mr. Tim Lee, Assistant Town Attorney, if all the applications could be rejected solely based on the public's health, safety and welfare, or just the site plan.

Mr. Lee stated that the public's health, safety and welfare is geared towards the site plan. He does feel that the validity of the proposed zoning regulation makes sense to have it on the books. The town is under the 10 percent affordable housing threshold and will receive more applications in the future. By having an affordable housing template on the books it can be used as a model for future applications. Mr. Lee understands Mr. Reynolds concerns about the process that was used and the amended zoning regulations, but the Town will be better served for future applications with an affordable housing regulation.

Mr. Hul said it was decided as a Town to amend the zoning regulations. He asked if a mixed income housing district was discussed when the amended zoning regulations were being proposed.

Ms. Altman described the process that was used when the zoning regulations were being amended. She stated that it was anticipated that in the future there would need to be additional amendments to the zoning regulations.

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Ms. Creane stated that when the zoning regulations and the zoning map were being amended the concern was not with the level of income of the inhabitants, but whether the use was appropriate for a particular parcel and zone.

The Commission further discussed with Mr. Lee and the Planning Staff their concerns about the applications with regard to ADA regulations, the use of the 830.g Statute, steep slopes, retaining walls, drinking water, public watershed, traffic, the public's health, safety and welfare, and if it would meet the intent of the POCD.

***Mr. McDonagh made the motion to amend Section 380.4.5.e.6 to change the word "processing" to blasting, digging & removing". Mr. Campo seconded the motion. Mr. Poitier, Mr. Campo, Ms. Mastropetre, Mr Hul, Mr. McDonagh and Ms. Cutrali voted in favor of the motion. Mr. Roscow and Mr. Reynolds voted against the motion. Therefore, the motion passed 6-2-0.***

The Commission further discussed with Mr. Lee their concerns with regard to the site and the public's concerns about the applications.

***Ms. Altman asked for a vote to approve the Proposed Amendment to the Hamden Zoning Regulations 12-930 as amended and to find that it is consistent with the POCD.***

***Mr. Poitier, Mr. Campo, Ms. Mastropetre, Mr Hul, Mr. McDonagh and Ms. Cutrali voted in favor of the motion. Mr. Roscow and Mr. Reynolds voted against the motion. Therefore, the motion passed 6-2-0.***

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#### **8. Proposed Amendment to the Hamden Zoning Map 12-931**

55 West Woods Road

Change from a T-4 to MIH zone

File available for review in the Planning Office & the Office of the Town Clerk

Westwoods Properties, LLC, Applicant

***Mr. McDonagh made the motion to approve the Proposed Amendment to the Hamden Zoning Map 12-931. Mr. Poitier, Mr. Campo, Ms. Mastropetre, Mr Hul, Mr. McDonagh and Ms. Cutrali voted in favor of the motion. Mr. Roscow and Mr. Reynolds voted against the motion. Therefore, the motion passed 6-2-0.***

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#### **9. Site Plan 12-1479/WS**

55 West Woods Road

Multi-Family Housing

Westwoods Properties, LLC, Applicant

***Mr. McDonagh made the motion to approve Site Plan 12-1479. Mr. Campo seconded the motion.***

***Mr. McDonagh made the motion to amend condition 2.g: Hours of Operation of trucks carrying fill are limited to between 9:00am and 5:00 pm. Mr. Campo seconded the motion. Mr. McDonagh, Mr. Campo, Ms. Mastropetre, Mr. Hul and Ms. Cutrali voted in favor of the motion. Mr. Poitier, Mr. Reynolds and Mr. Roscow voted against the motion. Therefore, the motion passed 5-3-0.***

Ms. Mastropetre said that she had discussed at the last meeting amending Condition 2.d. to read "the third party monitor would have the qualifications to monitor the sediment and erosion control measure". Mr. Kops said that the third party monitor must be approved by the IW Enforcement Officer and the Planning Staff.

Mr. Hul discussed alternate language for Condition 2.a. Mr. Kops said that he reviewed the number of structures that would be affected at 100 feet, 250 feet and 1000 feet. At 250 feet there are approximately 14 properties with structures that are more appropriate for high definition video and pre-blasting surveys. Mr. Kops reviewed the

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conditions of approval for York Hill Campus and high definition video was not required. Therefore, Mr. Kops is recommending the use of high definition video to 250 feet.

*Mr. Hul made the motion to amend 2.a to change “250 feet” to “1,000 feet”.*

*There was no second to the motion. Therefore, the motion failed.*

Mr. Roscow asked what is required by the Fire Marshal and the State. Mr. Kops explained that the Fire Marshal does not require a pre-blast survey and that he could not recommend a distance.

Mr. Hul referred to condition 1.e and asked if by approving the application it will be also approving in favor of an C.G.S. 8-24 vote. Mr. Lee stated no, the request for an C.G.S. 8-24 will need to come back before the Commission.

*Ms. Mastropetre made the motion to amend 1.i.e to read: Placement of all chain link fences with aluminum or iron grill fencing. Ms. Cutrali seconded the motion.*

The Commission discussed with Mr. Kops the locations of the fences and the durability of the different types of fences.

*Ms Mastropetre, Ms. Cutrali, Mr. Hul, Mr. Roscow, Mr. Poitier, Mr. Campo and Mr. McDonagh voted in favor of the motion. Mr. Reynolds abstained. Therefore, the motion passed 7-0-1.*

*Mr. McDonagh made the motion to approve Site Plan 12-1479 with the conditions as amended and the following conditions:*

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1. Prior to the Issuance of a Zoning Permit:
    - (a) The applicant must provide for approval by the Town Engineer and Town Planner:
      - i. Revised plans containing:
        - a) A reduction of the driveway width to 18 feet total. A center area at or near grade, with or without plantings may be added.
        - b) Elimination of all references to rock crushing.
        - c) Internal landscaping for the parking lot that includes at least is one tree for every five spaces.
        - d) Placement of guide rails on the uphill side of the retaining wall between the upper and lower parking lot in areas.
        - e) **Replacement of all chain link fences with aluminum or iron grill fencing.**
        - f) Taller plantings around the screening for the dumpster at the southern end of the building.
        - g) Any changes employing low impact development practices
        - h) Any changes based on the “General Construction Best Management Practices for sites within Public Drinking Water Supply Areas.”
        - i) The Inland Wetlands application 06-1105 Conditions of Approval, as amended on September 5, 2012.
        - j) Formal architectural drawings that include the sound insulation improvements to the community room wall shown in the November 26, 2012 sketch.
        - k) All Conditions of Approval.

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- (b) The applicant must obtain approval from the Town of a Memorandum of Understanding (MOU) for Drinking Water Protection from Stormwater/Drainage Runoff with the Town of Hamden.
  - (c) The applicant must file at the Town Clerk's Office a deed restriction with language approved by the Town Attorney, that requires fifteen apartments to remain affordable, per § 8-30g for 40 years.
  - (d) The applicant must file at the Town Clerk's Office an easement, approved by the Town Attorney, in favor of the Town, permitting Town employees to enter the property to inspect and if necessary repair the stormwater management system in the event the applicant fails to maintain the system. Any costs incurred in making repairs will be charged to the owner of the property.
  - (e) The applicant must obtain approval of the proposed connection to the Farmington Canal Trail by the Legislative Council, per C.G.S. § 8-24.
  - (f) The applicant must provide a performance bond in an amount approved by the Town Planner and Town Engineer.
2. During the construction phase:
- (a) Prior to the commencement of any blasting the contractor must conduct a pre-blast survey containing a written report and high definition video of the interior and exterior of each structure within a minimum of 250 feet of the property boundary and provide a copy to each property owner. The contractor will not be required to survey structures on properties where access is denied by the property owner.
  - (b) All erosion controls shall be installed prior to the commencement of construction activities.
  - (c) RWA shall be notified at least three days prior to the start of any construction activity.
  - (d) The permittee must retain a third-party to monitor the sedimentation and erosion control measures. This third party is subject to approval by the Hamden Inland Wetlands and Watercourses Commission and Planning and Zoning Department staff. Inspections shall be conducted weekly and after one inch of rainfall or more, until the site is stabilized. Reports of said inspections must be forwarded to the Zoning Enforcement Officer within twenty-four (24) hours of inspection(s). Such third-party monitor will also be responsible for reporting on a biweekly basis to the Zoning Enforcement Officer on the progress of excavation, regrading, removal or filling activity, including providing contours and cross sections certified by a civil engineer or land surveyor, as required by Section 380.4.5.e.8.
  - (e) The permittee must provide the Zoning Enforcement Officer with a weekly list noting the weekly and cumulative total of truckloads and cubic yardage removed until the excavation activity has been completed.
  - (f) Hours of operation are limited to between 8:00 am and 5:00 pm, Monday through Friday.
  - (g) Hours of operation of trucks carrying fill are limited to between **9:00 am** and **5:00 pm**.
  - (h) No rock crushing is permitted.
  - (i) The noise level for all construction activity must be maintained below the decibel level allowed by the State – 90 decibels on the "A" weighted scale (dBA) measured at the nearest residence or occupied building. The applicant will be responsible for providing maximum noise level readings prepared by an independent professional once every two weeks until the excavation work has been completed.
  - (j) Public roads traveled by project trucks and equipment should be inspected regularly and cleaned whenever necessary. The applicant will be responsible for cleaning any material tracked or spilled on Town or State roads by trucks removing excavated material from the site.
  - (k) All stockpiles of excavated material remaining on-site for more than a month should be temporarily seeded or covered.
  - (l) Erosion controls should be inspected regularly and immediately after each rainfall, as well as maintained and modified as necessary.

(Please ignore incidental underlining-problem with computer software)

- (m) All fuel, oil, paint and other hazardous materials stored on-site should be placed in a secondary container and kept in a locked indoor area with an impervious floor when not being used.
  - (n) Any on-site fueling and repairs should be conducted over a portable spill containment system.
  - (o) A supply of absorbent spill response material should be kept on-site to clean up any spills of hazardous materials.
  - (p) The RWA should be notified of any spills of hazardous materials.
  - (q) The applicant must provide a maintenance bond covering the continued operation of the detention basin and system, in an amount approved by the Town Planner and Town Engineer. The bond must be provided prior to the issuance of a Certificate of Zoning Compliance.
3. After the completion of construction:
- (a) No rentals to undergraduate students are permitted.
  - (b) No rentals to graduate students are permitted without a determination by the Zoning Enforcement Officer that there is adequate parking and full compliance with Section 670.4 of the Zoning Regulations.
  - (c) The applicant must adhere to the stormwater management plan listed in the plans.
  - (d) No waste water shall be dumped outside the building.
  - (e) The dumpsters shall be plugged and covered at all times.
  - (f) RWA inspectors shall be granted access to the site to conduct routine inspections.
  - (g) The vegetation along West Woods Road must be maintained to ensure adequate visibility in both directions.
  - (h) Annual reports demonstrating the degree of compliance with the Affordability Plan, as well as § 8-30g in general, must be provided.
4. All work must be completed by December 18, 2017.

***Mr. Campo seconded the motion. Mr. Poitier, Mr. Campo, Ms. Mastropetre, Mr Hul, Mr. McDonagh and Ms. Cutrali voted in favor of the motion. Mr. Roscow and Mr. Reynolds voted against the motion. Therefore, the motion passed 6-2-0.***

Ms. Altman thanked the Public for their input and patience, and asked that it understand the restraints the Commission had with regard to the applications. She also thanked the Applicant and the Planning Staff for the work they had done.

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

#### **1. Review minutes of December 11, 2012**

Tabled until the January 11, 2013 meeting

Mr. Roscow stated that he would like at a future meeting to address the issues related to steep slopes.

Mr. Kops advised the Commission that applications have been submitted to amend the zoning map and the Commission would be receive them via email.

### **D. Adjournment**

***Ms. Cutrali made the motion to adjourn. Mr. Campo seconded the motion. The motion passed unanimously.***

***The meeting adjourned at 9:00 p.m.***

(Please ignore incidental underlining-problem with computer software)

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