



Town of Hamden

Planning and Zoning Department

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February 25, 2013

MINUTES: THE PLANNING & ZONING COMMISSION, Town of Hamden, held a Public Hearing and Regular Meeting on Tuesday, February 19, 2013 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
Myron W. Hul
Jennifer Cutrali
Peter Reynolds
Bob Roscow, arrived at 7:04
Rob Cocciaro, Alternate sitting for
Ryszard Szczypek

Staff in attendance:

Leslie Creane, Town Planner
Dan Kops, Assistant Town Planner
Mr. 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. Ms. Altman welcomed Mr. Rob Cocciaro to the Commission as an alternate.

A. Public Hearing

1. Major Amendment to Special Permit 11-1180

190 Pine Rock Avenue, M zone
Changes in topographical elevations & grading
Modification to parking tables
Bernard Pellegrino, Applicant

Public Hearing continued from the 12/11/12 meeting

Ms. Leslie Creane, Town Planner, stated that this location is a 30 unit multi-family housing complex located near SCSU which houses students. It was completed in the summer of 2012 and is properly permitted for students. Because the site and building deviate from the approved plan, the applicant is seeking a major amendment to the Special Permit for changes to the topography, and clarification to the parking. The applicant has received approval from the Traffic Commission for on-street parking.

Mr. Bernard Pellegrino, Attorney, addressed the Commission and reviewed the history and location of the site. He stated that the site and the completed building are assessed and taxed by the Town at 6.5 million dollars.

Ms. Altman advised Mr. Pellegrino that the Commission cannot consider money issues. Mr. Pellegrino disagreed and said that what has been developed is a large improvement to the site and the Town.

Ms. Mastropetre stated that she does not want to hear testimony about assessments or taxes, because the Commission cannot use when considering an application. Mr. Pellegrino said that the Planning & Zoning Commission when considering the rehabilitation or development of a site can consider the value of the site.

Mr. Pellegrino explained that during the development of the site there were field revisions that created changes to the elevation and regrading to the drainage areas on the site. The changes were reviewed with the Town Engineer. Mr. Pellegrino noted that the changes made are within the zoning regulations and he suggested that none of the issues have any impact on the surrounding properties. He feels that the changes to the site when being developed are insignificant compared to the overall progress and success that the redevelopment has had upon the site. Mr. Pellegrino understands that issues on the site should have been brought before the Commission earlier. Mr. Pellegrino reviewed the changes to the elevations and said that they were necessary because of materials found below the surface.

Mr. Pellegrino verified the changes made to the open space calculations. The revised calculations and the revised plans show what is useable open space vs. passive open space and is within the required amount necessary to comply with the zoning regulations. Because some of the areas have steep slopes, fences have been installed. The community room is now operational and is part of the useable open space.

Mr. Pellegrino reviewed the amended parking plan. He said that the Hamden Traffic Commission approved 15 on street parking spaces and they are for public use.

Ms. Leslie Creane, Town Planner, read her comments which recommend approval the following plans:

Open Space Plan EX-1 (dated 01/11/13; received on January 30, 2013), As-Built versus Planning & Zoning Comparison Exhibit EX-2 (dated 10/15/12; received on January 18, 2013), and C-6 (dated 04/15/11, rev. October 10, 2012; received on February 19, 2013)

and the following conditions:

1. A retaining wall was installed between buildings D and E, but is not shown on the as-built drawing. Grading and erosion control (vegetation, stone, etc.) behind the wall needs to be completed.
2. Erosion is occurring on the steep slopes at each end of the swale behind building E. Rip rap should be installed in these areas.
3. All conditions of approval associated with the initial approval of this project, unless modified by this application or the approval of a minor amendment are still in full force and effect.

She noted that the correct number of parking spaces do exist on the site.

Ms. Cutrali asked Ms. Creane to clarify if the total of parking spaces include the on-street parking. Also, Ms. Cutrali asked how many students are residing on the site vs. the amount of parking spaces available on the site.

Mr. Pellegrino explained that there are 120 students living on the site with 137 parking spaces available, and this amount does not include the 15 parking spaces located on the street. Ms. Cutrali reviewed the parking spaces in the garage and she feels that the moving of vehicles will be complicated. Ms. Altman said that the garage parking was approved with the original application.

Mr. Poitier stated that there is still work that is not completed on the site and it was not noted in Ms. Creane's recommendations. Ms. Creane advised the Commission that this application is for the parking and the topographic changes on the site. The applicant has five years to complete the work approved with the Special Permit. Mr. Pellegrino said that the issues not completed will be completed when the weather is better.

Ms. Mastropetre asked that the open space issues be clarified. She feels that the open space requirements and elevation requirements were ignored.

Mr. Tim Lee, Assistant Town Attorney, agreed that the project was not built as it was approved by the Commission. The amendment issues are with the topography of the site and the useable open space on the site. If the Commission approves the Major Amendment it would legalize what exists on the site. If the application is not approved, the Town would need to take enforcement action.

The Commission discussed their concerns with the Planning Staff and Mr. Pellegrino about the amount of useable open space that was shown and approved on the Special Permit application vs. what is shown on the Major Amendment Application. The Commissioners expressed their frustrations that the applicant did not come before them with the changes made to the site prior to carrying out the work, and that this could set a precedent. Concerns were also stated with regard to the public safety, health and welfare of the students who live in the complex.

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

The Public Hearing was closed.

2. Special Permit & Site Plan 12-1210/WS

75, 81 & 87 Benham Street, R-4 zone

Place of Worship

Bernard Pellegrino, Applicant

Deadline to open public hearing 2/21/13

Ms. Altman said that a packet from Mr. Robert Gnida, resident, was submitted and distributed to the commissioners. She stated that the Public Hearing will be continued and asked that the members review the packets prior to the February 26, 2013 meeting. Mr. Pellegrino also received a packet.

Mr. Bernard Pellegrino, Attorney, addressed the Commission and reviewed the application and the site. He said that he had met with the neighbors and responded to their concerns. Mr. Pellegrino described the proposed stormwater management plan.

Mr. Jim Rotondo, Professional Engineer, addressed the Commission and reviewed the proposed site plan, parking plan, sediment and erosion control plan and stormwater management plan.

Ms. Altman stated that with the recent storm events the proposed stormwater management plan for a 100 year storm event may not be sufficient enough to handle larger storms.

Mr. Rotondo said he reviewed the stormwater management plan with the Town Engineer. He noted if the system is over- designed for large storm events, storage can be provided to capture the flow of water, but that the water

would have problems entering the system. Mr. Pellegrino advised the Commission that the experts determine what the design should be for large storm events.

Mr. Cocciaro discussed with Mr. Rotondo the location of the guardrail and the retaining wall parking area and if there is a large snow event where the snow would be placed. Mr. Rotondo stated that snow removal is an operational function of the church.

Ms. Cutrali asked what the hours of worship will be and if the building will be house other uses.

Father Abraham Azmy, Priest, addressed the Commission and stated that the church will be used mainly on Sunday with preparation for the Sunday services being done on Saturday. The building will not be used for daycare or a preschool.

Ms. Cutrali asked what the two existing dwellings are used for. Father Abraham Azmy said that the priest currently lives in one house and will be relocated. Ms. Cutrali asked if the expansion of the church is to allow for additional members. Father Abraham Azmy replied yes and that the new members would be relocating from overseas. Father Abraham Azmy said that churches in Waterford and Waterbury have recently expanded and many of the members have left his church, and with the expansion he hopes to rebuild the membership.

Ms. Cutrali asked if there will be a kitchen on the premises and if dinners will be served. Father Abraham Azmy replied that food is offered on Sunday, but that the food will be catered.

Ms. Altman stated that the Commission must consider the interest of the residents of the Town and the Church. Mr. Rotonda reviewed the proposed lighting plan.

Mr. Pellegrino advised the Commission that revised floor plans will be submitted.

Mr. Dan Kops, Assistant Town Planner, read his comments which recommend the Public Hearing be continued to allow applicant time comment and provide additional information. Mr. Kops noted that the existing condition survey leaves out several trees.

Ms. Cutrali asked if the Planning Office has received formal complaints about property maintenance. Mr. Kops did not know and stated that the Commission can address the issue of property maintenance, but it cannot be an issue used to deny the application.

Mr. Roscow said a neighbor had submitted a packet that indicates there is red rock where the proposed detention chamber will be, and he asked what the depth between the chamber and the red rock will be.

Mr. Rotondo reviewed the perc test and discussed what was found. Mr. Roscow asked if Mr. Rotondo is concerned with the water near the retaining wall will be located. Mr. Rotondo stated that he will need to review the material submitted before commenting.

Mr. Pellegrino stated that an application had been submitted in the fall of 2011 and after hearing the neighbors concerns the application was withdrawn so that perc tests could be done and the stormwater management plan revised. Mr. Pellegrino would like additional time to review the information provided by Mr. Gnida and he will address the issues at the next meeting.

Ms. Altman asked if the Commission should request a report from a professional hydrologist. Mr. Kops did speak with the Town Engineer and he said that a report from a hydrologist is a reasonable request. Mr. Rotondo clarified that the request is for a hydro geologist vs. a hydrologist. Mr. Kops confirmed that the request is for a hydro geologist.

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

Ms. Altman asked for comments against the application.

Mr. Robert Gnida, 20 Norton Avenue, addressed the Commission and stated his resume. Mr. Gnida read the following statement:

The first thing I would like to talk about is the property line dispute. Back in 2001, Anthony Mello surveyed the church property at 87 Benham St., Hamden. I already had my property surveyed in 1998 by Godfrey-Hoffman Associates. Our properties abut each other.

Soon after the Anthony Mello survey, the church, led by Father Abraham, insisted that some of the property I am using is theirs. I spoke with Father Abraham, he said the disputed property is the church's and that he has very good lawyers.

I then spoke with Adam Hoffman, very soon after my talk with Father Abraham, about this issue in person at the Godfrey-Hoffman office on Dixwell Ave. Adam muttered something about not having to go to court about this. I told him I didn't think we had to if he helped clarify the property line. Adam said he was going on vacation and would get back to me when he returned. He never got back to me. I did however bump into Anthony Mello, who did follow through about this disputed property. He acted in a professional way, he came onto my property twice and explained his survey. He insisted he was right.

I then needed a fence for privacy and security, because of the lack of input from Godfrey-Hoffman, I built my fence in its present position in 2010. Automobile headlights, people looking into my window from the parking lot, garbage blowing or thrown into my yard, and children from the church coming into my yard, are some of the main reasons I needed this fence. I tried as best I could to honor the property line drawn by Anthony Mello.

Now the church wants to expand operations with a new survey in hand. This one was drawn by Godfrey-Hoffman. Now there are two distinctly different surveys of the same property in the town files. Which one is right? I talked with Adam Hoffman on the telephone and requested something in writing, but again my request for assistance from Godfrey-Hoffman was apparently ignored.

Which survey is correct?

In a recent proposal site plan drawn June 15, 2012, Sheet GR-1, a ten foot high retaining wall was proposed

(see Section B-B). The fill required to fill in the space behind the retaining wall, to allow the parking lot to be built on top, was 3075ft³. That includes the space occupied by 60 StormTech™ MC-4500 underground chambers. Now in the most recent proposal, there are 107 StormTech™ MC-4500 underground chambers. The retaining wall is dropped down to only six feet high, but the amount of fill required is still 3075ft³.

My rough calculations between the 4ft drop in height of the proposed retaining wall and the void space of the additional 47 StormTech™ MC-4500 chambers predict that at least 1200yd³ less fill will be

required. Perhaps this was an error in the earlier proposal, or this is an oversight on the newest proposal submitted last week. How come the exact amount of 2075yd³ to be trucked in is still needed?

Will this retaining wall hold the 88,604 gallons of storm water the underground StormTech™ system is designed to retain and dissipate into the earth. This area directly uphill from several residences, has a slope of roughly 12-13% grade. The underlying bedrock very likely has the same slope. There is underlying bedrock, despite what the engineers at Godfrey-Hoffman state in their test pit results. The underlying bedrock in this area, in my approximation lies about 8-10ft under the topsoil surface. Look at the exposed bedrock in the road cut at northbound exit 60 getting of the Wilbur Cross Parkway, on your right. This exposed bedrock is a few hundred feet from the proposed underground StormTech™ system. Notice the overlying soil on this recently exposed bedrock (when the new parkway exit ramp was constructed). It is about 8-10ft thick. This bedrock is a restrictive layer. The test pits only were dug 80-84 inches deep, probably just above the hydraulically non-conductive bedrock below. About 7feet deep. Test pit #1 shows evidence of being near the top of bedrock, red compact silty sand with cobbles. The cobbles may be saprolite, an overlying layer of decomposing bedrock. It is decomposing due to carbonic and organic acids, created by the mixing of rainwater, CO₂ and organic materials in the soil, seeping down and reacting with the surface of the bedrock. For engineering simplicity, it is called cobbles; engineers do not classify rock types except by size.

Will the wall hold up under the wet soil conditions prevalent throughout this neighborhood. Most of us already get water in our basements due to storm water, not being able to pass through the surface of the bedrock and percolate down into the ground water. All the storm water on this site will be concentrated and diverted underground into these 107 StormTech™ chambers, 88,604 gallons, about 1600 55gallon drums, behind this retaining wall. Add the weight of this water, fill, and cars behind this retaining wall, on a slope, on a thin layer of soil, and tell me an engineered design for this wall is not necessary at this point. I cite the retaining wall collapse in Montville, CT in Oct 2005 (Montville Commons, Podurgiel Lane). It was due to a poorly designed retaining wall, with a water retention system behind it, that caused catastrophic damage to the neighborhood downslope from the collapse. This wall needs an engineered design now, not after the Hamden Planning and Zoning Commission approval, as stated in the proposal. I don't believe that during a heavy rain event of several inches, these system will work along a 120ft wide discharge outlet underground.

The StormTech™ system needs biannual maintenance. A JetVac truck is required to be used to clean this system, especially in the isolation chamber (see the StormTech™ Inspection and Maintenance instructions). The people in charge at Virgin Mary/St. Mickhael Coptic church have never maintained their property above ground (see my report regarding the dumpster, blight, rats and flies). There is very little new information than what I have witnessed over the last twenty years that would lead me to believe they will perform subterranean maintenance on this system, which is vital to the safety and security of the people and property in this neighborhood. I talked to StormTech™ representatives on the phone and

described the situation, one of them suggested that a geotechnician or someone with a hydrology background look at this project. Why isn't there an Isolator Row™ in their proposal for this system? Will the large voids underground present a new form of rat haven for the vermin that are already established on this property?

After 20 years of living next door to someone, or some church, or business, you get to learn of their tendencies, especially for property maintenance outdoors that is right next to your own property. You learn of a property owner's tendencies to take shortcuts or bypass regulations, such as paving a 29 space parking lot, that was not presented before the Hamden Planning and Zoning Commission on a previous application in 2002. Now there is a lawsuit regarding that illegally constructed parking area. What regulations are going to be ignored or misinterpreted by these property owners? I have had a serious issue with their dumpster for 15 years now resulting in a rat infestation problem involving this whole neighborhood (see my report). It was suggested by Ron Walters of the RWA that they move this dumpster. It appears they did, until you look closely at sheet GR-1. Right next to my name for the owner of my property is the location of the dumpster enclosure. I hope this is merely an oversight. I hope the lack of a fence on top of the retaining wall is also an oversight, their children love to explore, and I know some kind of security fence is necessary for the church to prevent some child from falling off the wall. After this whole property is built on and paved with no grass area for the children to play outdoors on, who is going to suffer? The children and the neighbors.

I know my report is lengthy and wordy. I feel I need to tell this commission about what the many issues are that this church presents to this neighborhood. I feel our property values have decreased after the church continues to not clean up the blight and garbage in this neighborhood. The maintenance of fencing, and some lawn areas, is virtually non-existent, especially in the back areas of their property where it may be thought that no-one sees it. I wish the owners would show their neighbors the respect and consideration we deserve.

I feel our properties will be degraded further and our property values will be lowered even more if this project is approved. I feel our security and privacy will be jeopardized with the Walmart style parking lot that will loom over our heads, all lit up with street lights and headlights. This is zoned R-4, and I feel this project will destroy what is left of a residential look to this neighborhood.

I ask you, the Hamden Planning and Zoning Commission to reject this proposal as it would detrimentally affect the environment, health, safety and welfare of the residents abutting and downhill from this proposed project.

Mr. Gnida noted that the amount of fill should read: 3,075 cubic yards.

During Mr. Gnida's statement he referred to the following: Grading & Utility Plan-Sheet GR1, dated 6-15-12, Property & Topographic Survey completed by Godfrey-Hoffman Associates, dated 6-15-12, and Dependent-Resurvey done by Anthony Mello, Jr., dated 10-4-2000.

Ms. Altman asked Mr. Gnida if he had reported the issue of rats to the QVHD and Mr. Gnida replied yes.

Ms. Altman advised Mr. Gnida that confirmation of the property line must be handled by the Town Clerk's Office.

Mr. Patrick Wynne, 64 Palmer Ave, addressed the Commission and stated that he does not want a five foot wall located next to his house. He has never seen the applicant do any landscaping. Mr. Wynne feels that the applicant does not care about the neighborhood and cannot be trusted to maintain the parking lot. Mr. Wynne asked if the applicant has a contingency plan for snow removal if another large storm event occurs. He stated that he is against the application.

Mr. Hul asked if the Town Engineer feels that the responses from Godfrey-Hoffman are sufficient, or are there issues that still need to be addressed. Mr. Kops explained that the Town Engineer provided comments that are addressed in his report.

Ms. Mastropetre stated that that the applicant may need longer than a week to address all the remaining issues.

Mr. Pellegrino said he has a conflict and will not be able to attend the February 26, 2013 meeting. He would like this item tabled until the March 12, 2013 meeting.

Ms. Mastropetre said that the dumpster is located near the property line on sheet GR1 of the plans. On sheet SD1, it shows that the dumpster is located in a different location. Ms. Mastropetre would like the sheets revised to show exactly where the dumpster is located, and she feels that the location of the dumpster on sheet SD1 is better because it is farther away from the abutting property. Mr. Pellegrino agreed with Ms. Mastropetre's comments. Ms. Mastropetre asked if an isolation row will be incorporated into the proposed plans. Mr. Kops said that he will discuss this with the Town Engineer.

Ms. Mastropetre asked if a maintenance program for the storm water management plan will be included as a condition of approval and Mr. Kops replied yes. Ms. Mastropetre stated that the amount of fill needs to be clarified.

Ms. Altman stated that the Public Hearing will be continued until the March 12, 2013 meeting.

3. Special Permit & Site Plan 13-1211/WS

109 Sanford Street, T-4 zone

Skating Rink & Restaurant

Hamden Hockey House, Applicant

Deadline to open public hearing 3/14/13

Ms. Erin Carmody, General Manager, introduced herself to the Commission.

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

Modification of the Approved Site Plan No 96-788, Rev. June 1 2007. with new title Site Plan for a Skate Training Facility, rev. January 9, 2009 and undated floor plans received January 8, 2013.

Ms. Cutrali asked Mr. Kops if a liquor permit is needed why it would come before the Commission with an application. Mr. Kops said that the Commission does not issue permits for liquor and the Special Permit & Site Plan is necessary because they are expanding the facility to include a restaurant.

Ms. Cutrali noted that the facility is located in a large mixed use building and she asked if the 117 parking spaces are intended to be used by all the tenants. Mr. Kops explained that there is enough parking to support 117 people although there will probably be a lot less. There is plenty of parking available on the site.

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 11-1180

190 Pine Rock Avenue, M zone
 Changes in topographical elevations & grading
 Modification to parking tables
 Bernard Pellegrino, Applicant

Mr. Tim Lee, Assistant Town Attorney, advised the Commission that he spoke with Mr. Pellegrino and Mr. Lee feels that it would be worthwhile to postpone the deliberations until the March 26, 2013 meeting. Mr. Lee discussed with Mr. Pellegrino suggested resolutions to the issues with regards to this site.

Ms. Altman said the public hearing was closed for this application. Mr. Lee explained that the Commission has 65 days to render a decision.

Ms. Cutrali stated that based on presentation presented by the applicant she is not in favor of approving the application. She feels that it would set a precedent for open space. The applicant knows the process required by the Commission. She noted that the property is unique because it houses 120 students that live a different lifestyle compared to other type of urban residents. Ms. Cutrali said that two couches in a rec room does and two benches for outside do not satisfy the open space requirement. She has been to the site and she does not feel the parking is adequate and is like a jigsaw puzzle. Ms. Cutrali feels that there are safety issues when the tenants may be outside throwing a frisbee or a ball.

Ms. Mastropetre asked how a resolution would affect what was heard during the public hearing. Mr. Lee said the Commission's should be based on the information presented at the public hearing. He has some ideas to resolve the situation because the building has already been completed. Mr. Lee said the Town's position is that the students can not be kicked out or have their building taken down. Mr. Lee noted that one suggestion was to have the applicant make a donation to an open space fund. However, he must speak further with the applicant before he can make a recommendation to the Commission.

Ms. Altman stated that the Planning Staff and Mr. Lee should speak with the applicant and then make a presentation to the Commission about a possible resolution.

Ms. Mastropetre asked if the decision should be tabled until the March 12, 2013 meeting. Mr. Lee said that the application can be tabled until March 12, 2013 meeting.

Ms. Mastropetre made the motion to table this item until the March 12, 2013 meeting. Mr. Poitier seconded the motion. The motion passed unanimously.

2. Special Permit & Site Plan 12-1210/WS

75, 81 & 87 Benham Street, R-4 zone
 Place of Worship
 Bernard Pellegrino, Applicant

This item was tabled until the March 12, 2012 meeting

3. Special Permit & Site Plan 13-1211/WS

109 Sanford Street, T-4 zone
 Skating Rink & Restaurant
 Hamden Hockey House, Applicant

Mr. Campo made the motion to approve Special Permit & Site Plan 13-1211/WS with the conditions as recommended by Mr. Kops, Assistant Town Planner, and the following conditions:

1. Prior to approval of a Zoning Permit the applicant must submit a plan showing any existing or proposed interior floor drains connected to the municipal sanitary sewer.
2. The applicant must obtain a Zoning Permit.
3. The approved plan must be signed by the Town Planner.
4. All work must be completed by February 19, 2018.
5. The maximum occupancy is 117 people, based on the available parking
6. Any maintenance or repair of ice maintaining equipment should be conducted inside the building.

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

4. Special Permit & Site Plan 11-1174 & 11-1175

1378 & 1380 Shepard Ave
 Request for renewal of the Special Permit
 Suzanne Rossotto, Applicant

Mr. Dan Kops, Assistant Town Planner, reviewed his comments which recommend approval to renew the Special Permit with same conditions of approval except with an expiration date of March 22, 2015.

Ms. Suzanne Rossotto, 1640 Sherman Avenue, addressed the Commission and stated that she is acting agent for her parents John and Virginia Rossotto. She stated that no work has been done on the property due to the economy and illness in the family. The property is for sale.

Ms. Mastropetre made the motion to approve the request to renewal Special Permit & Site Plan 11-1174 and 11-1175 with a completion date of March 22, 2015 and the following conditions:

- I. Prior to the Issuance of a Zoning Permit, the applicant must:
 - A. Submit revised plans containing:
 - i. A complete zoning permit application for the home, including building elevations and floor plans.
 - ii. An expanded table indicating how much fill will be excavated, used on-site, brought to the site and removed from the site.
 - iii. The number of truckloads of fill to be taken away or brought to the site.
 - iv. Silt socks to be installed in all catch basins.
 - v. Elimination of the reference to a lot subdivision on the Title sheet.
 - vi. The stamp and seal of a licensed land surveyor.
 - vii. Indication that the pins have been set.
 - viii. A post-construction stormwater management plan defining responsible parties and a schedule; Catch basins with dry wells should be inspected at least three times a year. Sediment and debris should be removed at least twice per year or immediately after a contaminant spill.
 - ix. All Conditions of Approval
 - B. Provide a performance bond in an amount approved by the Town Planner and Town Engineer.
- II. Prior to the start of construction:

- A. Provide the GNHWPCA with a complete set of design plans for review and approval and obtain a sewer connection permit.
- B. Notify the RWA at least three days in advance.
- C. Install all erosion controls, including silt fence, anti-tracking pads and hay bales.
- III. During the construction phase:
 - A. The stabilization of the driveways should be completed prior to any other work.
 - B. Town roads must be kept clean of fill debris from trucks.
 - C. 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.
 - D. Any on-site fueling and repairs should be conducted over a portable spill containment system.
 - E. A supply of absorbent spill response material should be kept on-site to clean up any spills of hazardous materials.
 - F. The RWA should be notified of any spills of hazardous materials.
 - G. Sedimentation and erosion controls must be inspected regularly and after major storms, and be properly maintained.
 - H. All stockpiles of excavated materials should be surrounded with erosion controls and seeded or covered if they are to remain on the site for longer than one month.
- IV. RWA inspectors should be granted access to this property during the annual inspection program.
- V. All work on the site must be completed by March 22, 2015.

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

5. C.G.S. 8-24 13-339

2761 Dixwell Ave & 51 Worth Ave
 All Abilities Playground
 Town of Hamden, Applicant

Ms. Leslie Creane, Town Planner, explained that a grant was received from the State of Connecticut to build an “All Abilities” playground. The project will be named “Josh's Jungle” after a young man Josh Tremantano who is wheelchair-bound.

Mr. Dan Kops, Assistant Town Planner, read his comments which recommend that the Planning and Zoning Commission vote in favor of the proposed playground at 2761 Dixwell Avenue and 51 Worth Avenue, issuing a favorable report to the Legislative Council. Mr. Kops reviewed the site plan with the Commission.

Mr. Hul questioned why a drain is not being installed where the proposed grading will leave a low lying area. Mr. Kops explained that the work for the project is being completed by a playground development specialist. Mr. Hul feels if the drainage is not put in at the time of installation that it will be a low priority in the future. Mr. Kops said that the project will need Site Plan approval and the Commission may choose to add the installation of a drain as a condition of approval. Mr. Hul asked where it is documented that there is a flow of water underneath where the proposed playground will be. He is concerned that if in the future the playground design is expanded that it will have been forgotten that there is a pipe. Mr. Kops does not feel that the footings and drainage will not be an issue.

Mr. Campo asked if the residents of the senior housing complex are okay with this project. Mr. Kops said that they signed off on the project. Ms. Altman asked if the seniors were concerned with noise that may come from the playground. Mr. Kops did not feel that noise would be an issue.

Ms. Cutrali made the motion to refer the C.G. S. 8-24 13-339 for the “All Abilities Playground” with a favor report to the Legislative Council. Mr. Campo seconded the motion. The motion passed unanimously.

C. Old Business/ New Business

Ms. Creane reviewed the procedures for the Annual Meeting to be held on February 26, 2013. Also, she will be making a presentation on the POCD that will need to be revised.

Ms. Altman stated that she will be seeking to be re-appointed to the Chair at the Annual meeting to be held on February 26, 2013.

1. Review minutes of January 22, 2013

Mr. Poitier made the motion to approve the minutes of January 22, 2013 as written. Mr. Campo seconded the motion. Mr. Poitier, Mr. Campo, Ms. Mastropetre, Mr. Hul and Ms. Altman voted in favor of the motion. Therefore the motion passed.

D. Adjournment

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

The meeting adjourned at 9:35 p.m.

Submitted by: _____
Stacy Shellard, Clerk of the Commission