

**Town of Hamden**  
Planning and Zoning Department

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**March 19, 2013, revised 5/7/13**

**MINUTES: THE PLANNING & ZONING COMMISSION**, Town of Hamden, held a Public Hearing and Regular Meeting on Tuesday, March 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:

Brack Poitier, Vice Chair  
Robert Roscow  
Peter Reynolds  
Liborio Campo  
Michelle Mastropetre  
Jennifer Cutrali  
Ryszrd Szczypek  
Myron Hul  
Robert Cocciaro, Alternate

Staff in attendance:

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

Mr. Poitier called the meeting to order at 7:06 p.m.

Mr. Poitier informed those attendance that the stenographer was not present so they would start with the Regular Meeting and go to the Public Hearing when the stenographer arrived.

The Clerk read the Public Hearing items into the record. Mr. Poitier introduced the panel and reviewed the Public Hearing procedures.

**A. Public Hearing**

**1. 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***

***Withdrawn at the request of the applicant***

**2. Special Permit & Site Plan 13-1212**

1409 Dixwell Avenue, T-5 zone

Fuel Tank

Joe Natale, Applicant

***Deadline to open Public Hearing 5/2/13***

**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. Lee said this was postponed at the last meeting to allow the Commission time to make a decision. Mr. Lee said the project was not built as approved by the Commission. Mr. Lee said site conditions caused the applicant to make changes. He said at the last meeting the idea was raised that the applicant could make a donation to an open space entity as a contingency fund. Mr. Lee said it would be necessary to decide what would be an appropriate amount for the donation. He added that a \$5,000 donation to an open space fund had been discussed at the last meeting.

Commissioner Mastropetre asked for clarification regarding the open space fund, and if the applicant had agreed. Mr. Lee said he feels that if the Commission made this a condition of approval the applicant would accept.

Commissioner Cutrali asked Mr. Lee what would happen if the applicant did not accept the condition of approval. Mr. Lee said he was sure the applicant would accept. Ms. Cutrali also asked how the donation would be handled. Mr. Lee said the Town would hold the funds in an escrow account, and it could possibly be used for an open space purchase.

**In regard to Major Amendment to Special Permit 11-1180, Ms. Cutrali motioned to accept a \$5,000 donation from the applicant, the proceeds to go to an Open Space Fund, and with the conditions as recommended by Ms. Leslie Creane, Town Planner, 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.

**Commissioner Campo seconded the motion that passed unanimously.**

**2. Special Permit & Site Plan 13-1212**

1409 Dixwell Avenue, T-5 zone  
Fuel Tank  
Joe Natale, Applicant

Moved to April Meeting.

**3. Minor Amendment to Special Permit and Site Plan 03-1000**

30 Gilles Road  
St. Rita Day Care  
Remodeling and expansion of the number of children from 40 to 55  
St. Rita Church, Applicant

Ms. Creane said this is a Minor Amendment. She further explained that there are minor amendments that she can sign off on, but wanted to bring this to the Commission. The applicant is asking to add 15 children to the day care facility. There is no site work to be done, and Ms. Creane has no problem with this application. She added that there is enough parking,

and the applicant is adding a handicap ramp. Mr. Campo asked if there is enough room to add the 15 children. Ms. Creane said there would be some interior work done that will provide enough room for the added children. Mr. Hul asked about the nature of the work to be done. Ms. Creane said it is all interior work.

Ms. Mastropetre asked why Ms. Creane was bringing this before the Commission. Ms. Creane explained that she has no issues with the application, but the site is in a neighborhood that has mistrusted her opinion in the past.

Paul Fiore addressed the Commission on behalf of the applicant, Saint Rita's Day Care. He distributed the proposed plans to the Commissioners. He said the first floor is being altered to use as a day care, and explained the interior work. He said the parking is adequate to handle the existing and proposed addition of 15 children. He further explained the entrance and exit, adding that nothing will change; the hours and drop will be the same.

Ms. Cutrali said many day care facilities had been opened in the community during the last year. She said the State has rigorous standards, and visit the sites to do spot checks. She asked if the plans for this expansion have been approved by the State. Mr. Fiore explained that once this Commission approves the plans, they would go to the Archdioceses and the State for approval. He said they would need State approval before they can begin.

**Commission Szczypek motioned to approve Minor Amendment to Special Permit and Site Plan 03-1000. Commissioner Mastropetre seconded the motion that passed unanimously.**

#### **4. Special Permit & Site Plan 84-692**

2331 Dixwell Avenue, T-5 Zone

Request for Bond Release: \$1,653,333.00

Stop & Shop Supermarket Co. & Fusco/Gottlieb, Applicants

Mr. Kops said this came before the Commission two months ago and he recommended tabling. He said the Zoning Enforcement Officer has sent a memorandum recommending against releasing the bond. He said there is an issue regarding the retention basin that is not resolved. He said there is a need for more information. He added that although the work may have been done there is no documentation showing that they have met the conditions of approval.

Mr. Hul asked if the applicant has been notified that there is work to be done. Mr. Kops said he is not sure if they have been contacted recently, but they were contacted years ago.

Mr. Hul asked if it is a hazard to health or safety. Mr. Kops said it is part of the work that should have been done as part of bonding. Mr. Hul asked if the Commission could pull the bond and do the work. Mr. Kops said this would be the last resort.

Mr. Poitier asked what the basis is for denying the bond release. Mr. Kops will report back on this.

Ms. Cutrali asked if the Town involves legal counsel, and if there are legal proceedings.

Mr. Lee said normally the applicant is the one to try to get the bond back. He said it usually doesn't work that the Town asks them to come get their bond back.

Mr. Poitier asked if the applicant knows that they have a bond. Mr. Lee said someone submitted a request for release, so he believes they know. Mr. Kops said they may not know. He said the Zoning Enforcement Officer is working with them.

Mr. Szczypek said he would like to know the nature of the work. He suggested waiting.

**Mr. Szczypek moved to table Special Permit & Site Plan 84-692. Ms. Cutrali seconded the motion that passed unanimously.**

### **5. Special Permit & Site Plan 01-935**

10 Hamden Hill Drive  
 Cardio Prevention Center  
 Request for bond Release: \$77,280.00  
 Richard Dalby, Applicant

Mr. Kops said the memorandum from the Zoning Enforcement Officer explained that the Special Permit expired, and the applicant never went ahead with the work.

**Mr. Szczypek moved to approve the request for bond release for Special Permit & Site Plan 01-935. Commissioner Mastropetre seconded the motion that passed unanimously.**

**Commissioner Lee moved to amend the motion by adding that the Special Permit & Site Plan 01-935 be terminated. Ms. Mastropetre seconded the amendment to the motion. The vote was unanimously in favor.**

### **6. Review per C.G.S. 8-24 (# 12-340)**

1067 and 1071 Winchester Avenue  
 Acceptance of Land by the Town of Hamden  
 Town of Hamden, Applicant

Mr. Szczypek said the # should be #13-340 not #12-340

Mr. Kops explained the Department's recommendations that are:

The Planning and Zoning Department therefore recommends that the Commission vote in favor of acceptance of the two parcels, thereby issuing a "favorable report" to the Legislative Council, with the following provisos.

- The Legislative Council should delay accepting the property until the property description discrepancy has been resolved.
- Unless the Town wishes to construct two single-family homes, the lots should be combined.
- The Town should consider merging the lots with the Mill Rock Park property.
- If the two parcels are to be used as a stand-alone parking lot, the two should be merged and a use variance will be required.
- Both a stand-alone parking lot and a parking lot integrated into the park property will require Special Permit Approval from the Planning and Zoning Commission.

Mr. Hul asked if the recommendations are binding on the Council. Mr. Kops said they are not conditions they are caveats recommended from the Commission to the Council. Ms. Cutrali asked who currently owns the property. Mr. Kops said the Hamden Economic Development Corporation owns the properties that were purchased from the owners.

Mr. Kops was asked what the Hamden Economic Development Corporation is. He explained that it is a corporation set up through the Economic Development Department. He further explained their goals. Mr. Szczypek asked why the Corporation is getting rid of the parcels. Mr. Lee said he doesn't know.

Mr. Hul said he doesn't understand this, and it doesn't flow for him. He said he would vote no. He added that he doesn't see the purpose of the Town taking these vacant lots. He said the houses have been knocked down and the properties remediated. He added that they should sell the properties.

Mr. Kops said this is just a referral to the Town to purchase the parcels; it doesn't settle the issue of the disposition of the properties. He said the Corporation has indicated that the Town could use the parcels for parking. If used for parking it would come to the Commission as an 8-24.

Mr. Lee said the question right now is should the Town acquire these properties or not, and should they give their recommendations to the Town. He added that once the Town owns the properties they can then decide what to do with them.

Commissioner Campo said there is a need for open space in the south part of Town. He feels acquiring these properties would be a good idea.

Mr. Poitier said that the Corporation's job is to develop, not act as landlords. He added that the parks will be redone in the spring and there will be a need for parking.

**Commissioner Cutrali motioned to accept the land at 1067 and 1071 Winchester Avenue owned by the Hamden Economic Development Corporation, and to give favorable approvals with the recommended provisos. The motion was seconded by Commissioner Szczypek and passed unanimously.**

Due to the absence of the stenographer, Mr. Lee said the Public Hearing applicants have agreed to let matters go to the April meeting.

- 2. Minor Amendments:**
- 1732 Dixwell Avenue
  - 1158 Dixwell Avenue
  - 1199 Whitney Avenue
  - 865 Mix Avenue aka 835 Mix Avenue

**Ms. Cutrali motioned to approve Minor Amendments for:**

- 1732 Dixwell Avenue**
- 1158 Dixwell Avenue**
- 1199 Whitney Avenue**
- 865 Mix Avenue aka 835 Mix Avenue**

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

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

1. Review of February 19, 2013 Minutes -  
**Ms. Cutrali motioned to approve the Minutes as presented. Ms. Mastropetre seconded the motion that passed unanimously.**
2. Review of February 26, 2013 Minutes –  
**Commissioner Mastropetre motioned to approve the Minutes as presented. Mr. Roscow seconded the motion. The motion passed. Commissioners Cutrali and Cocciaro abstained.**
3. Review of February 26, 2013 Minutes –  
**Commissioner Mastropetre motioned to approve the Minutes as presented. Mr. Roscow seconded the motion. The motion passed. Commissioners Cutrali abstained.**

Commissioner Mastropetre discussed a Land Use Law Workshop that six of the Commission members attended. The Connecticut Bar Association presented the Workshop. She said it was an interesting presentation on housing programs. She discussed the programs regarding housing in Connecticut and grants that are available. She asked if this is something the Commission should pursue. Ms. Creane said they have already taken advantage of these programs and received a grant about a year ago.

There was a lengthy discussion regarding Affordable Housing. Ms. Creane explained the regulation regarding Affordable Housing.

Mr. Roscow said it was a good workshop in terms of steep slopes, etc. He also discussed Affordable Housing and what the Commission could do if another application came in similar to the one we just had. He asked if there is something we

can do to protect our regulations in regard to the health and safety of Hamden. He discussed parcels of land in the north end of Town where you would come up against steep slopes and ridgeline protection. He also discussed the Quinnipiac University dormitory. He would like to know when this could be talked about. Mr. Kops said the ridgeline is protected by statute.

There was further discussion regarding Affordable Housing. Mr. Lee said the Affordable Housing Act could preempt local regulations. Mr. Kops discussed the former Affordable Housing application. He said the Affordable Housing Act could wreck havoc on regulations. Mr. Poitier also discussed the regulations and what can be done to stop Affordable Housing.

There was continued discussion regarding the Affordable Housing regulations. Ms. Creane pointed out the Affordable Housing is not low income or Section 8 Housing. The income qualifications are 80% of the median income of the area.

Ms. Mastropetre asked if we have an ordinance in place requiring applicants to pay for traffic studies on large projects. Mr. Kops said the regulations now allow the Town to require the applicant to prepare or provide reports to the Commission. He said he would like to see a provision that the Town could hire their own consultants, and the applicant would be required to pay for them. Mr. Kops will look into creating an ordinance that would provide the Town with consultant of their own.

Next, there was a discussion regarding listing all the reasons for a denials of an application. Mr. Lee explained the advantages of not having to provide all the reasons for a denial; if there are no reasons listed then the court can consider all the reasons.

Mr. Poitier said at the workshop there was a discussion regarding having separate Planning and Zoning Commissions. Mr. Lee explained why Planning and Zoning merged. He said that previously there had been separate Commissions. He explained the differences, but said the regulations don't change.

#### **D. Adjournment**

There was no further business to come before the Commission and Mr. Poitier called for a motion to adjourn.

**Ms. Cutrali motioned to adjourn. Ms. Mastropetre seconded the motion that passed unanimously. Mr. Poitier adjourned the meeting at 8:09 p.m.**

Submitted by: \_\_\_\_\_  
Peggy Craft, Acting Commission Clerk