



Town of Hamden

Planning and Zoning Department

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July 12, 2013

MINUTES: THE PLANNING & ZONING COMMISSION, Town of Hamden, held a Public Hearing and Special Meeting on Tuesday, July 2, 2013 at 7:00 pm. in the 3rd Floor Conference Room, Hamden Government Center, 2750 Dixwell Avenue, Hamden, Ct with the following results:

Commissioners in attendance:

Brack Poitier, Acting Chairperson
Ryszard Szczypek
Michele Mastropetre
Myron W. Hul
Peter Reynolds
Bob Roscow
Jennifer Cutrali
Joe McDonagh, Alternate
Ralph Marottoli, Alternate

Staff in attendance:

Leslie Creane, Town Planner
Dan Kops, Assistant Town Planner
Stacy Shellard, Clerk

Mr. Poitier opened the meeting at 7:01p.m.. He apologized on behalf of the Commission that there had not been a stenographer at the meeting on June 25, 2013. The Commission and Staff introduced themselves.

A. Public Hearing

1. Proposed Amendment to Zoning Regulations 13-938

Flood Plain Zones & Special Flood Hazard Areas

Amend the language in Section 430.1-Applicability, Section 830

Defined Terms

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

Town of Hamden, Applicant

Public Hearing continued from June 25, 2013 meeting

Mr. Dan Kops, Assistant Town Planner, read his comments which recommend approval with an effective date of July 8, 2013.

Mr. Poitier asked for comments in favor and against the application. There were none.

Mr. Reynolds said that in the past if a certain percentage of the structure was damaged then the owner was compelled to make all the repairs to be flood or storm resistant and this could cost more then \$30,000.00. He asked

if the home was damaged two times, more than 25 percent, would all the improvements have to be conforming to the flood regulations. Mr. Kops said that it would allow the homeowner to access accelerated funding for the repairs. Mr. Reynolds stated if the regulation triggered the mandatory improvements he would be against the amendment to the regulations.

Mr. Ryszard Szczypek is under the impression if the homeowner exceeds certain amount of damage to the property you would be compelled to do the repairs to meet the FEMA regulations. Mr. Kops explained that what the program does is allows accelerated access to funds up to \$30,000 and if there is damage twice in 10 years and it exceeds 50 percent. Mr. Szczypek stated that he is reluctant to approve this amendment with the proposed text for substantial damage. He asked if the paragraph is a suggestion or mandatory. Mr. Kops explained that the paragraph was requested by towns along the coast to allow them to access funds quicker and is not a required change. Mr. Szczypek stated if it is a good idea then why is it not mandatory like the required changes.

Mr. Poitier asked what happens if the amendment is not approved. Mr. Kops explained that the amendment can be approved without the Substantial Damage clause, however, if the proposed amendment in general is not approved the residents would not be able to participate in the national flood insurance program. Mr. Szczypek said he does not have a problem with the amendment in general, just the substantial damage section. He asked what obligation would be placed on the homeowner in the 10 year period. Mr. Reynolds said how many properties in Hamden would face exposure to catastrophic storm damage.

Ms. Mastropetre asked if the phase is removed from the regulations, does it mean that the homeowners would not get the extra money. Mr. Kops said the phrase would allow for accelerated funds. Ms. Mastropetre asked if the phase is not approved people would not be able to get the money or the insurance. Mr. Kops explained that does not affect the amount of money, but the speed in which the homeowner would get it.

Mr. McDonagh asked if a burden would be placed on the homeowner with the language proposed and Mr. Kops replied he did not think so. Mr. Reynolds said along the coast line it is a burden because when over 50 percent of the structure plus what the flood insurance requires. He said \$30,000.00 dollars is not a lot of money when it is what is required by the insurance company to make your house flood proof.

Ms. Cutrali asked for examples of where and what kind of damage has occurred historically. Mr. Kops said in 1982 and early 1990's there was damage. Ms. Creane said that flooding has occurred on School Street, Worth Avenue, Thorpe Street and Lane Street.

Mr. Poitier asked if the homeowner corrected the problem but then another problem was created from somewhere else they may still have a problem. If you correct something it does not guarantee it will not happen again.

Mr. Kops explained if the Commission does not like the clause, he recommends they strike it and approve the amendment without the change to the definition of substantial damage. Mr. Kops reminded the commission that FEMA spends money on the homes that are damaged. The money comes from all taxpayers. There are homes in special flood areas that are not damaged and homes that are not in special flood areas that are damaged. Mr. Kops explained that the program is meant to help everyone. The section that the Commission is objecting to in Section 830, the definition Substantial Damage.

Mr. Kops recommended that the Commission approve the proposed amendment with the exception of the proposed text for Substantial Damage. Ms. Mastropetre asked if can add later and Mr. Kops replied yes.

Mr. Poitier said most times people buy homes and that floods do not come every year, but then there is a bad rain storm and they flood out.

Mr. Hul says the argument of support for the proposed language says "we will correct", but also is hearing that the language is only in the amendment to accelerate funding. Mr. Hul does not have a clear understanding of what the paragraph in the amendment means. If the only reason for the change is acceleration of funds, it is separate from

protection of the property of storm damage. If it is acceleration of money Mr. Hul is for it. If it a requirement to approve the proposed language, Mr. Hul feels it is a back door attempt to impose regulations on a current regulation condition that has existed but was not contrary to the regulations when it was created.

Mr. Poitier closed the Public Hearing.

2. Special Permit & Site Plan 13-1216/WS

2300R,2308,2320 & 2330R Whitney Ave, T4/T5 zone

Hotel/Retail/Multi-Family/Office

NU Development, LLC, Applicant

Public Hearing continued from June 25, 2013 meeting

Mr. Reynolds stated that he is an abutting property owner and recused himself.

Mr. Bernard Pellegrino, Attorney, attorney addressed the Commission and reviewed the history of the site, the proposed site and the proposed buildings on the site. He advised the Commission that a small portion of the property has wetlands and the applicant received IWC approval. The proposed project meets the requirements set forth in the amended regulations and will benefit the center of Hamden. It will also help with the economic development of Hamden.

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

Mr. Kermit Hua, Traffic Engineer, addressed the Commission and reviewed the traffic study report. He said that he has reviewed Mr. Dan Kops', Assistant Town Planner, comments and Mr. Hua feels that the traffic impact will be reasonable given the history of the site and the design of proposed driveway. Mr. Hua submitted corrected Build Condition Table 7/2/13(exhibit 1).

Mr. Mark Papa, Architect, addressed the Commission and the landscaping plan & the planting plan. The applicant received IWC approval. Mr. Papa reviewed the upland portion of the of the site and reviewed the planting plan for this area. Mr. Papa referred to a comment received from Mr. Kops addressing the entrance and the planting plan was relabeled MPF and will be crab apple trees that are 15-20 ft in height. Mr. Papa reviewed the planting plan for the parking area. In Mr. Kops comments addressing the median, Mr. Papa said will modify the proposed plan to include plantings for this area.

Mr. Jay Bunton, Architect, addressed the Commission and stated that he has been a Hamden resident since 1991. He feel that Hamden needs this type of development because it will promote civic, institutional and increases commercial activity. Mr. Bunton reviewed the site and the locations of the different buildings and the proposed uses on the site. Mr. Bunton noted reviewed the elevation drawings, building materials and the architecture of the buildings.

Ms. Mastropetre asked Mr. Bunton what his comment for mixed use building upper floor use "for now" meant. Mr. Bunton said that the top floor will be residential, three floors will be offices and the bottom floor will be retail. Mr. Hul said the quote from Mr. Bunton was "six residential units for now" and he asked if that number of units would change. Mr. Bunton said that the number of units could change, however, the proposed plan is for six, 2000 square feet units with exterior terraces. The amount of units could change if the size of the units change. If the units get smaller and more are added additional parking would be needed.

Mr. Pellegrino submitted a reduced size copy of the development (exhibit 2).

Ms. Cutrali asked about signage. Mr. Pellegrino said that the signage has not be addressed yet, but it will meet the zoning regulations. Ms. Cutrali noted that the hotel will be located close to the road and asked if it will obstruct the use of the motel that is located near the site. Mr. Burton explained that the zoning regulations require that the buildings be placed 12 feet from the road in a T-5 zone. The signage will be placed relative to the buildings and

tenants of the buildings. Mr. Pellegrino said the signage will be placed according to the zoning regulations. Ms. Cutrali asked what hotel chain would occupy the site.

Mr. John Maturo, NU Development, LLC, addressed the Commission and stated that they are not formally in a contract with a specific hotel chain. The signage will be a contemporary design and will be tastefully done.

Ms. Cutrali asked what the purpose of the recreation area and bike path was and if it would be restricted to hotel guest and employees. Mr. Pellegrino said that the site will be amenity for the hotel, employees, and mixed use buildings. However, they will not discourage or restrict public use.

Mr. Marottoli asked who would maintain the path and play area. Mr. Pellegrino stated the owner of the site.

The Commission and Planning Staff had a discussion with Mr. Hua with regard to the accuracy of some of the numbers in the Traffic Study. Also, the potential impact from additional traffic and the possibility of installing a traffic light.

Mr. McDonagh questioned if the restaurant would be directed for use by the hotel guest or is a larger restaurant proposed. Mr. Pellegrino said that there is limited space for the restaurant so it will be for hotel guests. Mr. McDonagh asked if a market study was done for a hotel and motel located close to each other. Mr. Pellegrino said that the hotel and motel will draw different clientele and many times you will see hotels and motels close together. The market study showed that a hotel in this location is ideal.

Mr. Szczypek questioned the photometric plan for this location because there is a residential area located to the rear of the building. Mr. Bunton said that the foot candles could be as low as .1, but areas with .2 and .5 foot candles. Mr. Kops said that there should be 0 foot candles at the property boundary. Mr. Bunton replied he would adjust the lighting plan.

Ms. Leslie Creane, Town Planner, asked if the utilities would be above ground and Mr. Rotondo replied they would be located below ground. Ms. Creane discussed the pervious vs. impervious materials for the parking area and advised Mr. Rotondo that they must receive approval from the Commission or the Planning Staff. Also, use changes must come before the Commission. Ms. Creane noted a word of caution, that the purpose of zoning regulations for the T-5 zone was to encourage people to park and walk. The traffic study addresses the amount of cars, but the point in part is to allow people to park their cars and walk. One can agree that the worse the intersection the better for pedestrians. When the regulations were amended it was with the concept that places would be made pedestrian friendly, not make them worse.

Mr. Roscow discussed with Mr. Hua the use of traffic lights and pedestrian cross walks.

Mr. Roscow discussed the roof material to be used on the building known as "The Club" with Mr. Bunton.

Ms. Mastropetre would like a separate dumpster for each building. She asked what type of fencing would be used around the pool and Mr. Bunton was not sure. Mr. Maturo that the materials used would be characteristic with the area.

Mr. Kops said that he has not generated a report. The applicant was provided two sets of comments and once those are addressed Mr. Kops would provide a report. Mr. Kops explained to the Commission what areas of the traffic study he would like reexamined, and what he would like addressed with the architectural design. Mr. Bunton reviewed the revised plans (exhibit 2) submitted.

Ms. Mastropetre asked if the Commission can have their own traffic study done. Mr. Kops suggested that the revised study should be reviewed before making that decision.

Mr. McDonagh asked if the applicant must get approval from the State with regard to the traffic and Mr. Kops replied yes.

Mr. Poitier asked for comments in favor of the application. There were none.

Mr. Poitier asked for comments against the application:

Mr. Arthur Erickson, Beecher & Bennett Funeral Home, addressed the Commission and stated that they are an abutting neighbor to the proposed site and would like to be considered a good neighbor. He is concerned with a large building in a T-5 zone being placed so close to the road because it blocks the visibility to his building and the entrance to his property. He reviewed the difficulties with traffic in the area at different times of the day, week and year. Mr. Erickson feels that he owns the retaining wall between the properties because he built it. He is against where the building is being placed. He also asked if he needed to do renovations to his building would he not be able to because he would be non-conforming in a T-5 zone. Mr. Erickson welcomes developers. He asked if the restaurant will have a liquor permit or entertainment, because he feels there would not be enough parking.

Mr. Carlton Erickson, Beecher and Bennett, addressed the Commission and stated that the funeral home was established in 1952. He reviewed the location of buildings in the area with the proposed site plan. He is concerned with the traffic in the area enter and exiting the proposed site. He would like the proposed plan to match the placement of the existing buildings in the area. Mr. Erickson reviewed a property located to the rear of his property and the proposed site. He asked if the applicant might be interested in purchasing and putting in a driveway that exits onto Worth Avenue and take advantage of the light at Whitney Avenue. The property in question is owned by AAA. He would like to see the hotel built and he would like to see it include a reception hall. Mr. Erickson noted he would like the building set.

Mr. Pellegrino said that some of the revised plans are completed, but additional plans and information is needed. He agreed to continuing the Public Hearing until the July 23, 2013 meeting.

Mr. Poitier suggested that the applicant have a discussion with the neighbors. Mr. Pellegrino is mindful of being a good neighbor and can look at the triangle-shaped property in the rear. He said that the location of the building to the street is required by the zoning regulations.

Mr. Poitier continued the Public Hearing until the July 23, 2013 meeting.

3. Special Permit & Site Plan 13-1219/WS

1125 Shepard Ave, R-3 zone

Office, vehicle garage, material storage

Town of Hamden, Applicant

Public Hearing continued from June 25, 2013 meeting

Mr. Kops read his comments which recommends approval with the conditions as stated. Mr. Kops read a letter in opposition from Elizabeth Shailor, 19 Timberwood Trail.

Mr. Bob Brinton, Town Engineer, addressed the commission and reviewed the existing site and its location. He explained that approval was received from the IWC and reviewed the proposed site plan, elevation plan and proposed addition. Mr. Brinton explained that the purpose of the storage area addition is to have inside storage for the Parks Department vehicles and equipment currently stored outside. Floor drains will be put in and vehicles will be washed inside.

The Commission discussed the proposed storage area and the proposed addition with Mr. Brinton. Mr. Brinton explained that a condition of the IWC is to have the outside storage improvements done first.

Mr. McDonagh asked where the addition would be in respect to Timberwood Trail.

Mr. Craig Cesare, Public Works Director, addressed the Commission and stated that the building addition would be set back of the corner of the building by 12 feet and this would bring the storage area 12 feet further back from Timberwood Trail.

Ms. Mastropetre asked when looking at the building from Shepard Avenue what is located behind it. Mr. Brinton stated there is a wooded lot and a stream.

Mr. Szczypek questioned the proposed site plan and said there are no indications of the property line. Mr. Brinton reviewed the property. Mr. Szczypek feels the entire parcel should be shown to show the minimal impact to the abutting properties. The missing sheet was shown to him.

Mr. Poitier asked for comments in favor or against the application:

Ms. Michele Brojeski, 1035 & 1075 Shepard Avenue, addressed the Commission and stated that she is not opposed to the project and supports the building of the addition for the crews to do their job. She said that they use the stream to help feed her farm and does not want it polluted. She is concerned about the well located on her property and drainage. Mr. Kops explained that IWC had similar concerns. The IWC walked the site and there have been significant improvements to the outside storage area because it has been pulled away from the stream. Concrete blocks are being used as partitions and there will be an oil/water separator and a sewer pipe to improve the impact on the environment. Ms. Brojeski asked if in the event of a spill would she be notified and asked if she is responsible for any testing of her well. Mr. Kops replied as far as spill she would probably not be notified and he advised that QVHD should be notified regarding testing of her well. Mr. Kops explained that if the application is approved there are conditions of approval what would help with the impact during construction and any long term impacts. Mr. Poitier stated that in case of a contamination spill the DEEP would be notified.

Mr. Shawn Gibbs, Shultz Farm, addressed the Commission and said that he agrees with the addition to the Public Works Building. He asked if contaminants would be limited during construction to getting to the stream.

Mr. Brinton said the area is protected by an earth berm. The Town has an industrial activity permit from the State. The Town is required to test the water runoff twice a year and the site is inspected quarterly to make sure stormwater best management practices are being used. Mr. Brinton explained that Mr. Gibbs drinking water well is on the other side of Shepard Brook and it is unlikely that it would be affected.

Mr. Marottoli asked if there is any new activity being being proposed. Mr. Brinton the equipment stored outside will be moved inside and washed inside. The operation will be neater with less water runoff.

Mr. Hul asked if there would be enough parking inside for the vehicles parked there overnight. Mr. Cesar said currently the Public Works trucks cannot all park inside and there is an additional eight new trucks. Mr. Hul asked if only the Public Works Vehicles are going to be washed inside or if other Town vehicles will also be washed on site. Mr. Cesare explained that some vehicles will get power washed to get the sand and salt off of the vehicles, but they are not a car wash facility.

Mr. Poitier closed the Public Hearing.

B. Regular Meeting

1. Proposed Amendment to Zoning Regulations 13-938

Flood Plain Zones & Special Flood Hazard Areas

Amend the language in Section 430.1-Applicability, Section 830

Defined Terms

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

Mr. Szczypek made the motion to approve the Proposed Amendment to the Zoning Regulations 13-938. Ms. Mastropetre seconded the motion. Mr. Szczypek amended the motion to delete the proposed text for the definition of Substantial Damage under section 830 Defined Terms.

Mr. Kops noted that the motion should include a reason for the approval and find that the proposed amendment is consistent with the POCD.

Mr. Szczypek amended the motion to add that the proposed amendment is consistent with the POCD and approval is based on the amendment is because of a request from FEMA. Ms. Mastropetre seconded the motion to amend. The motion passed unanimously.

2. Site Plan 13-1485

45 Ives Street
Home Occupation, Yoga Studio
Lauren Henrici, Applicant

Ms. Joan Molloy, Attorney, addressed the Commission and submitted a site plan. She stated that the plan had been electronically submitted to the Planning Office.

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

Ms. Cutrali asked where the parking spaces would be located and if they were all going to be gravel. Ms. Molloy reviewed the parking plan with the Commission.

Mr. Hul asked why on-site parking is required for a home occupation. He said that non-residential locations are allowed to have off-site parking. Mr. Kops explained that non-residential zones have a zoning regulation that allows off-site parking. Mr. Hul did not feel that residential parking regulations should be any different from non-residential parking regulations.

Ms. Mastropetre made the motion to approve Site Plan 13-1485 as recommended by Mr. Kops with the following conditions:

1. A Zoning Permit must be obtained.
2. The Zoning Permit must be signed off by GNHWPCA and QVHD.
3. Any future use of a non-family member as a trainer will require Special Permit approval.
4. All work should be completed by June 25, 2018.

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

3. Special Permit & Site Plan 13-1216/WS

2300R,2308,2320 & 2330R Whitney Ave, T4/T5 zone
Hotel/Retail/Multi-Family/Office
NU Development, LLC, Applicant

This item was tabled until the July 23, 2013 meeting.

4. Special Permit & Site Plan 13-1219/WS

1125 Shepard Ave, R-3 zone
Office, vehicle garage, material storage
Town of Hamden, Applicant

Ms. Mastropetre made the motion to approve Special Permit & Site Plan 13-1219 with the conditions recommended by Mr. Dan Kops, Assistant Town Planner and the following conditions:

1. The applicant must obtain a Zoning Permit.
2. The Zoning Permit must be approved by GNHWPCA.
3. Prior to the Issuance of a Zoning Permit, the applicant must submit a revised site plan for approval by Town Planner and Town Engineer, containing:
 - A. Outside clean-outs to grade within 5 feet of foundation walls and every 100 feet.
 - B. A backwater valve to grade at the downstream pipe.
 - C. Any changes to the sewer inverts deemed necessary.
 - D. PVC SDR-35 if it meets the design criteria.
 - A) All Conditions of Approval.
4. During the construction phase:
 - A. All sedimentation and erosion controls should be installed and the RWA should be given three days prior notice to inspect them, prior to the start of any other construction activity.
 - B. The sanitary sewer that will be replaced or abandoned must be abandoned per GNHWPCA Standards.
 - C. Any catch basins in paved areas should be properly protected.
 - D. There should be absolutely no discharges of fluids or dry chemicals to the environment;
 - E. Any hazardous materials should be recycled or properly disposed of by a licensed waste hauler.
 - F. Care should be taken to avoid compacting the soil.
 - G. Erosion controls should be inspected regularly and immediately after rainfall, and maintained and modified as necessary to ensure optimum performance.
 - H. 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 no-work hours.
 - I. A supply of absorbent spill response material should be available, especially during refueling, to clean up any spills of hazardous material such as gasoline or oil. The RWA should be notified in the event of a spill.
 - J. All work must comply with GNHWPCA standards and specifications.
 - K. Hours of construction shall be limited to between 7am and 5pm Monday through Friday.
5. All work must be completed by July 2, 2018.
6. After the completion of the project:
 - A. Existing catch basins and all components of the stormwater infiltration system should be inspected at least three times a year.
 - B. Sediment and debris should be removed at least twice a year and more frequently if needed.
 - C. Deposits should be removed immediately after a contaminant spill, when sediment is a foot deep, or at least once a year.
 - D. The RWA must be given access to inspect the property on an annual basis.

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

5. Site Plan 01-1316

2175 Dixwell Ave

Request to release bond in amount of \$92,610.00

Gary Smith, Applicant

Mr. Poitier reviewed the request to release the bond in the amount of \$92,610.00. He advised the Commission that Ms. Holly Masi, Zoning Enforcement Officer, recommends that the request be approved.

Ms. Cutrali made the motion to approve the request to release the bond in the amount of \$92,610.00 as recommended by Ms. Holly Masi, Zoning Enforcement Officer. Mr. McDonagh seconded the motion. The motion passed unanimously.

C. Old Business/ New Business

The Commission discussed with the Planning Staff the need to have a stenographer present at the meetings. Ms. Mastropetre asked that the proposed changes to the Planning & Zoning By-Laws and the minutes of the subcommittee's meeting for the proposed by-laws be added to the September 10, 2013 meeting. The Commission discussed the proposed changes to the By-Laws.

1. Review minutes of June 11, 2013

Ms. Mastropetre asked that the minutes be amended to correct the spelling of her name and Ms. Cutrali's name on page 1. Also, on page to Mr. Hul's name is spelled incorrectly. Mr. Hul asked that the minutes be amended on page 2, 7 paragraph, the words "making of" be removed.

Ms. Mastropetre made the motion to approve the minutes of June 11, 2013 as amended. Ms. Cutrali seconded the motion. The motion passed unanimously.

2. Review minutes of June 25, 2013

Mr. McDonagh made the motion to approve the meeting minutes of June 25, 2013 as written. Ms. Mastropetre seconded the motion. The motion passed unanimously.

D. Adjournment

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

The meeting adjourned at 9:54 p.m.

Submitted by: _____
Stacy Shellard, Clerk of the Commission