



Town of Hamden

Planning and Zoning Department

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October 15, 2013, revised 10/26/13 per Commission review at the October 22, 2013 and November 12 meetings

MINUTES: THE PLANNING & ZONING COMMISSION, Town of Hamden, held a Public Hearing and Regular Meeting on Tuesday, October 8, 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, Acting Chair
 Michele Mastropetre
 Myron W. Hul
 Peter Reynolds
 Ryszard Szczypek
 Bob Roscow
 Lee Campo
 Ralph Marottoli, Alternate, sitting for
 vacancy
 Joe McDonagh, Alternate sitting for
 Jen Cutrali

Staff in attendance:

Leslie Creane, Town Planner
 Dan Kops, Assistant Town Planner
 Mr. Tim Lee, Assistant Town Attorney,
 Stacy Shellard, Clerk
 Genovieve Bertolini, Stenographer

Mr. Poitier opened the meeting at 7:06p.m.. Ms. Genovieve Bertolini apologized to the Commission, the Planning staff and the applicants for her absence at the September 24, 2013 meeting. The Commission and staff introduced themselves. Mr. Poitier reviewed the meeting procedures.

A. Public Hearing

1. 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

Mr. Bernard Pellegrino, Attorney, addressed the Commission and reviewed the history, site and application. He stated that the revised plan is superior to the original one. He noted that a hotel operator has been chosen. Mr. Pellegrino stated that the Town has received a grant to review the traffic signalization on Whitney Avenue and this could benefit this site with regard to the flow of traffic.

Mr. Jay Bunton, Architect, addressed the Commission and stated that the hotel is located in the T-4 and T-5 zone. The site plan has been revised and he referred to a rendering of the site (exhibit 3) and the relocation of the hotel. Mr. Bunton reviewed the mixed use building (exhibit 4) also referred to as the Club, and the hotel floor plan (exhibit 5). The result of the revisions to the hotel is that there will be an entry in both the front and rear of the building which will mean less pedestrian traffic from the parking areas which will promote synchronicity between the three buildings. The hotel guest room footprints have been reduced and the hotel raised up one floor. Mr. Bunton reviewed the architectural materials being used for the building. The view as you enter from Whitney Avenue (exhibit 6) was shown and an older version (exhibit 7) showing the materiality and character of the building. Mr. Bunton feels that the proposed plan complies and embodies smart growth.

Mr. Pellegrino reviewed the parking available on the site and the zoning regulations parking requirements. Mr. Pellegrino is comfortable with the amount of parking that is available and that there will be plenty of parking for ancillary uses.

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

“Site Development Plan Prepared for NU Development,” LLC, 2300-233- Whitney Avenue, Hamden, Connecticut,” dated March 15, 2013, as revised September 5, 2013, prepared by Godfrey Hoffman Associates, LLC, sheets 1 of 1, C-1.0-1.2, C-2.0, C-3.0-3.1, C-4.0-4.1.

Architectural Plans, dated April 15, 2013, revised August 30, 2013, prepared by Apicella + Bunton, sheets A100, A200, A201, A202, A300, A301.

Mr. Szczypek feels that the revised plans are an improvement and asked Mr. Burton to clarify how the height of the building is measured. Mr. Burton stated that the height is from grade and reviewed the height of the building with the Commission. Mr. Szczypek asked if there will be screening around the mechanicals and Mr. Burton replied yes. Mr. Szczypek asked if the entrance into the site is considered a driveway or a street. The proposed curbs and sidewalks give the appearance of a street and in the site's current condition the entrance appears to be a driveway. Mr. Pellegrino stated that the proposed driveway is legal because it is located off of Whitney Ave and the site is allowed to have access on and off the site as a right of way. Mr. Szczypek and Mr. Pellegrino further discussed the entrance, sidewalks and handicapped ramps being pedestrian friendly. Mr. Szczypek would like the crosswalk to have a change in texture.

Ms. Leslie Creane, Town Planner, agreed with the need to have texture and color for the crosswalk. She explained that the reason the driveway appears to be street like is because it is actually more pedestrian friendly. It is beneficial where the hotel will be located because it gives a terminating vista, and when walking to the hotel it gives the feeling of an enclosed room or space. It also has the feel and effect of being public space, even though it is private.

Mr. Szczypek stated that it is noted that there is a catch basin located at the driveway and Whitney Avenue with a note that it was changed from type CL. He is not sure what this means because it is not located on the drawing. Mr. Jason Tediellbaum, Geoffrey-Hoffman Associates, addressed the Commission and reviewed the catch basin with the Commission.

Mr. Pellegrino stated that he has no objections to the conditions as stated by Mr. Kops.

Ms. Mastropetre questioned snow removal for the site. Mr. Pellegrino stated that he snow removal will be professionally done by a contractor who will be hired to manage and removed the snow. For an average snow fall there is sufficient space for the snow. There is a parking island that the plantings will be perennial in nature and can be used to for the plowing and maintaining of snow on the site. If there is a large snow fall the company will take the snow off the site.

Ms. Mastropetre asked how many parking spaces are on the site and Mr. Pellegrino replied 242. Ms. Mastropetre asked what the occupancy of the conference area and the restaurant would be. Mr. Pellegrino responded that it would depend on the type of event. Ms. Mastropetre asked what the maximum occupancy is and questioned if there would be enough parking if it were a large event held with the hotel being filled separately. Mr. Pellegrino was unsure of the maximum occupancy allowed. Mr. Bunton stated that the restaurant is 3,000 square feet with an additional space for events that is 3,000 square feet.

Ms. Mastropetre asked if the applicant has spoken with the abutting property owners to see if an exit on to Worth Avenue is possible. Mr. Pellegrino said that he has had discussions with the owners of the Beecher and Bennett Funeral Home. He has also contacted the main office of the "AAA" in charge of site development for potential access through their parcel because it abuts their site on Worth Avenue. "AAA" is non-committal because they are in the midst of their own project and will be relocating employees back to the new building, and they are not sure what the future will be for the site. Mr. Pellegrino stated that he will continue to have discussions about a possible second accessway. Ms. Mastropetre stated that she likes the proposed plan.

Mr. Roscow asked if there is any possibility if the former Centerville Lumber Building that is being referred to as the "Club" will be used for a health club. He feels if it was going to be used as a health club it would create more night time traffic. Mr. Pellegrino responded that the proposed plan is for an office and it would be unlikely that it be used as a health club.

Mr. Roscow discussed with Mr. Pellegrino his concerns about entering and exiting the site and the need for a traffic signal. Mr. Roscow stated that Mr. Reynolds had recused himself because he is an abutting property owner.

Ms. Mastropetre feels that it would be difficult for a handicapped individual to cross the street at the site. They would need to go a distance from the site and then come back. She feels that a signal and a crosswalk would be beneficial. Mr. Pellegrino replied that he will go to the Office of the State Traffic Administration (OSTA) for a review.

Mr. Kops stated that condition 1.c. should read : File on the Land Record a deed restriction with language approved by the Town Attorney in compliance with the affordable housing provisions of the Hamden Zoning Regulations.

Mr. Kops reviewed the options to exit on to Worth Avenue: 1. Create an exit that is on "AAA" or "Beecher & Bennett Funeral Home" property, or both properties. 2. Create an exit partially on the property of "AAA" and the applicant's property, 3) Create an exit entirely on the applicant's property. This would require the applicant to go back to IWC. Mr. Pellegrino said that a driveway on the applicant's property would have a direct impact on the wetlands.

Mr. Pellegrino stated the conditions of approval as stated are acceptable. However, page one of Mr. Kops' comments refers to a three story wing, Mr. Pellegrino noted that though it appears to be three stories it is only one floor with the height of three. He feels that the mixed uses of the site will make enter/exit to the site easier.

Mr. Hul stated that the initial presentation talked about a light signalization study and he asked Mr. Pellegrino what he hoped the outcome of the study would be.

Mr. Kermit Hua, Traffic Engineer, addressed the Commission and stated that money was made available to Hamden for the replacement of traffic signals along Whitney Avenue for efficiency and safety. Mr. Hul asked if the replacement of the signals would benefit this site and Mr. Hua replied yes. Mr. Hua discussed the existing traffic signals and the traffic study. He said that OSTA will make the final determination on the signals that needed to be replaced and if there should be a signal placed at this site. Mr. Hul described his observations of the traffic in the area and near the site and the entrance/exit to the Merritt Parkway and up to Whitney and Dixwell Avenue. He feels that people utilizing the site may get frustrated with the traffic in the area and it could become a hazardous situation.

Mr. Hul asked if the pool is only a three month facility and Mr. Pellegrino replied yes. Mr. Hul asked Mr. Pellegrino how he feels about a percentage of apartments needing to be considered affordable housing. Mr. Pellegrino replied that his client must comply with the regulation. Mr. Hul referred to condition 1.c in Mr. Kops' recommended conditions of approval and he questioned is necessary because it already exists in the regulations. Mr. Tim Lee, Assistant Town Attorney, said that the applicant submits the language to record on the land records.

Mr. Pellegrino clarified the OSTA will review the approved application and then determine what will be required for the entrance/exit on to the site. Mr. Pellegrino described his experiences entering and exiting the site.

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 submitted pictures (Exhibit 8) of business in the area that are for sale and for lease. He discussed his concerns and reasons that the application should not be approved.

Ms. Mastropetre asked Ms. Creane if the Commission had no discretion to the placement of a building because of the zoning regulations. Ms. Creane discussed the zoning regulations and that the applicant's placement of the building is an as of right. Ms. Mastropetre asked if during heavy construction if the applicant would work with the funeral home to reduce the amount of disturbance. Mr. Pellegrino stated that Mr. John Maturo, NU Development, has met with Mr. Erickson and has agreed to work with Mr. Erickson to reduce the amount of disturbance as much as possible.

Ms. Mastropetre asked how long it will take for the construction of the project. Mr. John Maturo, NU Development, addressed the Commission and stated that the estimated time to complete the project is approximately 24 months, but it may possibly be done in 18 months.

Mr. Hul asked if there is a plan for the signage at the site. Mr. Pellegrino stated that the signage was not submitted, but it will comply with the zoning regulations

Mr. Poitier closed the Public Hearing.

2. Special Permit & Site Plan 13-1217/WS

135 & 145 Sanford St, T-4 zone
Multi-Family-Affordable Housing
New Haven Home Recovery, Applicant

Mr. Greg Burton, Attorney, submitted to the clerk resumes (Exhibit 1) for Mr. Stephen Ulman, Professional Engineer, and Mr. Robert Doane, Professional Engineer. Also submitted was the Town of Hamden Consolidated Plan 2010-2014 (Exhibit 2). He reviewed the site, approvals received from the IWC and ZBA. Also reviewed was the application and the requirements of the Affordable Housing Act. Mr. Burton stated that he accepts the recommended condition of approval, except for the condition addressing the number of affordable units and the monitoring enforcement recording. He said that two site plans have been submitted and Mr. Burton explained that an application for a Conditional Letter of Map Amendment(CLOMA) was submitted to FEMA. All condition of approval by the IWC will be met. Mr. Burton feels that the zoning compliance requirements will be met except for 652.1.i because putting balconies/patios on the units will limit the ability to manage, maintain and control access to the building. He stated that balconies/patios are aesthetic and do not present a health or safety issue and should not be a reason for denial. Referring to condition 2.E, Mr. Burton said all 33 units will be affordable housing. The application is under the assisted housing sections and will be receiving governmental financing and the state agencies will monitor and oversee the affordable housing enforcement. Mr. Burton agrees to provide annual reporting to the Town.

Mr. Robert Doane, Professional Engineer, addressed the Commission and reviewed the existing site and existing storm drainage system located on the site. The proposed site will have less impervious surface than what exists today. Mr. Doane stated that the proposed stormwater management plan has been reviewed by the Town Engineer and all the concerns have been addressed. There is two corrugated pipes that runs through the property and the applicant has agreed to have them video inspected. If there is a need to replace the pipes, they will be replaced prior to the parking lot being completed. Mr. Doane reviewed the landscaping plan-sheet L1.0 (Exhibit 3).

Mr. Szczypek referred to the alternative site plan with an elevation of 99 and he asked if the only difference between the site plans is the elevation because the topography requires steps. Mr. Doane replied yes and said the only difference between the plans is the handicapped ramp that will be located in the front of the building.

Mr. Paul Bailey, Architect, addressed the Commission and gave an overview of the highlights of the plan and the elevations. He reviewed the following exhibits: Exhibit 4- first floor floor plan, Exhibit 5, second floor floor plan, exhibit 6-third floor floor plan, Exhibit 8-beginning of the elevations, and Exhibit 9- final elevations and the architectural plan.

Mr. Roscow asked where the handicapped ramp will be located. Mr. Bailey reviewed the location(Exhibit 4).

Mr. Doane reviewed the handicapped ramp. Mr. Roscow is concerned that someone using the ramp could look into the unit located near it. Mr. Doane said that the first floor elevation is at 99 and the ramp will be below the first floor window. Mr. Bailey does not feel that the ramp will enable someone to look in a window.

Mr. Szczypek said there is an alternative site plan but not an alternative elevation plan. There is no change in the topography other than the ramp. One plan shows an elevation of 96.5 and the other one shows an elevation of 99. Mr. Szczypek asked how the height is measured. Mr. Bailey said the height of the elevation is the average grade. The height of the building in the alternate plan has not been verified, but Mr. Bailey said he would check it. Mr. Szczypek asked if the outside terrace will be elevated. Mr. Doane said the grade changes in the front of the building and was brought up in the back of the building as shown on plans 1.2 and 1.2a. The contour 98 has a 98.9 at the terrace and matches into the sidewalks. Mr. Szczypek asked if it encroaches into the sanitary sewer easement and Mr. Doane said in one corner it encroaches. Mr. Burton stated that the encroachment of the terrace was not an issue.

Ms. Mastropetre referred to the private open space per dwelling unit and asked why it does not have to comply with the zoning regulations. She feels it would be nice for a resident to have the private space. Mr. Burton said it is important to maintain the site and access to the site. The site will be managed by a professional management company. Affordable housing must have verification of the persons who are renting the apartments and control of who is coming and going from the site.

Mr. McDonagh asked how this site is any different than any other project that has 33 units and a professional management company. Mr. Burton said that when there is exterior access to the units it is harder to control and secure the site. Ms. Mastropetre feels that the apartments will be tiny and it would be nice for the residents to have their own area instead of a common area and feels it will be a disservice to the residents if balconies are not allowed. Mr. Burton said that there will be more community space than what is required in the zoning regulations.

Mr. Marotolli asked what safety precautions are being taken near the pond and if there are children living in the apartments. Mr. Burton explained that they do not anticipate a lot of children living in the building because the apartments are one bedroom. The IWC suggested that there be a fence line.

Mr. Doane reviewed the conservation area. Mr. Burton explained when approved by the IWC it was noted if the P&Z Commission determined a fence was necessary it should not be a chain link fence.

The Commission further discussed the units having balconies and the proposed open space amenities. Mr. Bailey reviewed the floor plan for the first floor and the amenities that will be available. He noted that the outdoor space has a scenic view and is large.

Ms. Mastropetre asked if there would be a picnic area and a playground. Mr. Mark Fisher, Landscape Architect, reviewed the site plan and landscaping plan.

Mr. McDonagh stated that the meeting room is only three feet larger than the size of the apartments. There are no amenities other than two granite benches by the bio retention pond. He asked how big the outside terrace will be. Mr. Bailey stated the will not be very large. Mr. McDonagh feels that the tenants are only getting a tiny room. Mr. McDonagh stated that in condition 2.c should state 33 apartments will be affordable. Mr. Burton stated that the all 33 units will be assisted living and affordable.

Mr. Tim Lee, Assistant Town Attorney, said that the applicant will record the restrictive covenant indicating it is assisted living as required as defined by the affordable housing statute prior to the issuance of a zoning permit. Mr. McDonagh asked what the applicant is required to do and how long it would be considered as affordable housing. Mr. Lee explained the difference between a set aside housing development and assisted housing.

Mr. Burton stated that meetings were held to address the concerns of the neighbors. An updated traffic study was done because the residents were concerned about the increase in the amount of traffic in the area.

Mr. Steve Ulman, Professional Engineer, addressed the Commission and reviewed the traffic study.

Mr. Burton emphasized that the standard under the 830.g is for the need for affordable housing. He reviewed Hamden's affordable housing and Hamden's Consolidated Plan. Mr. Burton stated that affordable housing is for people who have an income level at or below 60 percent of the median income. He reviewed the median income levels as determined by CHFA. Mr. Burton said there is apprehension and prejudice about affordable housing and that the reality is that affordable housing is the often the best run and managed property in a community. He feels that the trepidation stems from uncertainty and misunderstanding and problems of large scale housing projects that have been addressed. He asked that the Commission set aside prejudice, speculation, and exaggeration, stereo types and fears and focus on the facts and evidence presented. This housing development will be 33 units of high quality, well maintained, and managed property that will to meet substantial need for affordable housing in the community.

Mr. Reynolds asked if this application is accepted as an assisted housing does it have the 40 year component. Mr. Lee explained if the funding received is for assisted housing then there is no time component and would be for the life of the building. Mr. Burton said that time is not perpetual and it is set for typically for 30 years and set by the state funding program.

Mr. Reynolds asked what the average cost is for a one bedroom apartment in Hamden and Mr. Burton replied he did not know. Mr. Reynolds asked if a need was determined because of the percentage of designated affordable housing in Hamden. Mr. Burton stated that the State Legislature has determined that 10 percent of the housing should be affordable. Affordable housing means that people don't spend 30 percent of their income for housing and the determination of need is the words in Hamden's Consolidated Plan. CHFA determines the median and there is a formula applied.

Mr. Hul stated that he takes exception to Mr. Burton's statement about setting aside prejudice and discriminatory thinking. He will be judging the application based on the project.

Mr. Hul asked how the conservation area will be safeguarded with a split rail fence. Mr. Doane reviewed condition #9 of the IWC's approval. Mr. Hul asked what the purpose of the fence is. Mr. Doane stated that it would be to delineate the area open to the residents and the area that will be restricted. The IWC was also concerned with residents near the dam and if the P&Z Commission found a fence to be necessary it could be installed.

Mr. Poitier asked if it would be better to put in stakes. Mr. Doane said there will be stakes placed every 25 feet. Mr. Poitier feels that young children will be protected. Mr. Doane stated they would accept a fence as a condition of approval.

Mr. Szczypek asked if the units would be air conditioned and Mr. Bailey replied yes. Mr. Bailey reviewed the location of the air conditioning mechanicals. Mr. Szczypek feels the units are small in size. Mr. Doane stated that the units are the minimum size allowed by CHFA and noted that the units are small because they will be affordable housing.

Mr. Szczypek questioned the placement of the building and the flood elevations. Mr. Doane explained that the Town's regulation requires the building be placed two feet above the flood elevation. He reviewed the FEMA map. He stated that a topographic study that includes calculations analyzing the water shed and noting when the dam was modified. The applicant has filed a CLOMA with FEMA. Mr. Doane reviewed the FEMA map (exhibit 10) with the Commission. Mr. Burton stated that the outcome of the FEMA application will determine which plan will be used as noted in Mr. Kops' comments.

Ms. Mastropetre stated that she would like to know which site plan she will be approving. Mr. Burton stated that the Affordable Housing standards apply and need to base a decision on health and safety concerns.

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

“135 Sanford Street,” sheets L1.0, L2.0, P1.0, SP 1.0, SP 1.1, SP 1.2, SP 2.0, SP 3.0, SP1, A1.1, A1.2, A1.3, A 1.4, A2.1, A2.2, dated May 15, 2013, revised August 29, 2013 prepared by Paul. B. Bailey Architect, Diane Collins and TO Design, LLC.

and the following conditions:

1. The applicant must obtain a Zoning Permit signed by the Town Engineer, Fire Marshal and Greater New Haven Water Pollution Control Authority, in addition to the Zoning Enforcement Officer.
2. Prior to the Issuance of a Zoning Permit, the applicant must:
 - a. File a lot line revision merging the two lots, approved by the Town Planner and the Town Engineer, at the Town Clerk's Office.
 - b. File an access agreement approved by the Town Attorney in the Town Clerk's Office, granting the Town the right to carry out emergency maintenance and repairs on the sump, 36"x48" culverts and associated infrastructure in the event the property owner fails to do so.
 - c. Conduct a thorough inspection of the two 36"x48" culverts using a TV camera. A copy of the inspection video must be provided to the Town Engineer for review. The Town Engineer will determine if any replacement or repair of the culverts is necessary. If significant amounts of sediment are found they must be removed at the appropriate time during the construction process.
 - d. Submit a revised site plan for approval by the Town Planner and Town Engineer, containing:
 - i. Site changes required as Conditions of Approval by the Inland Wetlands Commission including conservation areas and changes to the planting plan.
 - ii. Replacement of the proposed sugar maples with another appropriate tree. Replacement of the proposed Bloodgood London Plane tree with Scarlet Oaks or other acceptable trees.
 - iii. Plans for the repair or replacement of the 36" x48" culverts if deemed necessary by the Town Engineer or applicant.
 - iv. On sheet SP 1.2 an explanation of what the “removal” of catch basins 24-27 entails.
 - v. Adjustment of the SPFA boundary line if FEMA has approved a **conditional** Letter of Map Amendment.
 - vi. Clear, descriptive titles that distinguish between sheets SP1.1. And SP1.1.A. Sheet SP1.1A is the approved plan unless the applicant submits proof of a Letter of Map

- Amendment clearly removing the building from the Special Flood Hazard Area, granted by FEMA.
- vii. A note on sheet SP1.1.A identifying the changes made to differentiate it from sheet SP1.1.
 - viii. A Utilities sheet showing all of the utilities. The electrical, telephone and cable connections should be underground and the sanitary sewer connection should have a clean-out within five feet of the building and every 100 feet thereafter.
 - ix. Six inch high asphalt curbing around three sides of the dumpster pad.
 - x. Elimination or restoration of the material blacked out on the engineering plans.
 - xi. Any safety fencing other than chain link desired.
 - xii. All Conditions of Approval.
- e. File in the Town Clerk's Office a deed restriction with language approved by the Town Attorney, that requires at least 11 apartments to remain affordable, per § 8-30g for 40 years.
 - f. Submit a Development Permit application per Section **430 through 430.7** of the Zoning Regulations unless the applicant submits proof of a Letter of Map Amendment clearly removing the building from the Special Flood Hazard Area, granted by FEMA.
 - g. Provide a performance bond in an amount approved by the Town Planner and Town Engineer.
3. During the construction phase:
 - A. All sedimentation and erosion controls should be installed and the RWA should be given at least three days prior notice to to allow for inspection, prior to the start of any other construction activity.
 - B. There should be absolutely no discharges of fluids or dry chemicals to the environment;
 - C. Any hazardous materials should be recycled or properly disposed of by a licensed waste hauler.
 - D. Erosion controls should be inspected regularly and immediately after rainfall, and maintained and modified as necessary to ensure optimum performance. Erosion controls should be installed around the base of all stockpiles of excavated materials and the pile should be temporarily seeded or covered if it will remain at the site for longer than one month.
 - E. 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.
 - F. 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.
 - G. All work must comply with GNHWPCA standards and specifications.
 - H. The applicant must comply with Section 430.7 of the Zoning Regulations regarding verification of the as-built lowest floor elevation unless the applicant submits proof of a Letter of Map Amendment clearly removing the building from the Special Flood Hazard Area, granted by FEMA.
 - I. Hours of construction shall be limited to between 7:00 am and 7:00 pm Monday through Friday and 7:00 am to 5:00 pm Saturday.
 4. All work must be completed by October 8, 2018.
 5. After the completion of the project:
 - A. All components of the stormwater management system should be inspected on a monthly basis.
 - B. The catch-basins and sumps should be cleaned of sediment and debris at least once a year and whenever the sumps are more than half full.
 - C. The large sump where the stream enters the property should be cleaned at least once annually during the dry season and anytime the sediment reaches within 18 inches of the top of the block spillway.
 - D. The RWA must be given access to inspect the property on an annual basis.
 - E. Annual reports demonstrating the degree of compliance with the Affordability Plan, as well as § 8-30g in general, must be provided to the Zoning Enforcement Officer.

Mr. Kops stated that he spoke with the Building Department and they do not require a fence near the dam. However, he feels that it would be prudent thing to do for safety. The split rail fence was suggested by the IWC to keep people out of the conservation area.

Mr. Kops provided substitutions for conditions 2.e & 5.e: 2.e File in the town clerks office a descriptive covenant or a deed restriction in favor of the Ct Housing Finance Authority or the State of CT of Department of Housing or Department of Economic Community & Development containing affordability covenants and restrictions sufficient for the proposed development to constitute “assisted housing” as defined in CGS 830.g. 5.e Annual reports in a form required by the CT Housing Finance Authority or the State of CT Department of Housing or Department of Economic Community & Development as appropriate demonstrating compliance with the affordability restriction covenant or deed restriction must be supplied to the Zoning Enforcement Officer.

Mr. Doane noted that the sump is only 18 inches deep.

Mr. Poitier asked for comments in favor of the application:

Janice Elliott, 32 Ralston Avenue, addressed the Commission and stated that New Haven Home Recovery has a housing project on Treadwell Street. She feels it is an asset to the neighborhood and is well maintained. Another project owned by New Haven Home Recovery have no problems with the tenants or maintenance. Ms. Elliott was impressed with the inside of a building located on Fitch Street in New Haven. She is supports the application.

Ms. Cara Capone, 6 Hillview Avenue, addressed the Commission and stated that she works for New Haven Home Recovery but is speaking as a neighbor. She said that New Haven Home recovery is responsible and accountable as an organization. They are good neighbors and the properties are well run and maintained. Ms. Capone supports the application.

Mr. Poitier asked for comments against the application:

Ms. Diane Perrone, 29 Bromley Court, addressed the Commission and reviewed the CT Housing Finance Authority outline of funding priority for projects vs. the surrounding areas of Sanford Street. She feels that there are more appropriate places in Hamden that would support this project. She feels this project would only provide a shelter for its residents. It does not meet the goals of New Haven Home Recovery. The apartments would be small, no ammenities and would be in a flood zone. Ms. Perrone stated that Hamden supports affordable housing. She is concerned that the residents will not get what they are entitled to. Ms. Perrone is against the application.

Mr. Burton explained that CHFA has a priorities scoring process. The proposed application includes crosswalks and sidewalks. The flooding concerns were addressed when the dam was repaired in 2002 to alleviate the problem.

Mr. Poitier closed the Public Hearing.

3. Special Permit & Site Plan 13-1223/WS

6 Corporate Ridge Rd, M zone
Repair/Used Car Sales
DC Motor Sports, LLC

Mr. Dan Kops, Assistant Town Planner, read his comments for Special Permit & Site Plan 13-1223 and for the Location Approval 13-033 which recommend approval based on the following plans:

“Property Survey/ prepared for DC Motor Sports, LLC, 6 Corporate Ridge and Sherman Avenue,” Sheet 1 of 1, Building Floor Plans, sheet 1 of 1, Building Elevations, sheet 2 of 2, prepared by Godfrey Hoffman, with a revision date of August 6, 2013.

Mr. Joe Porto, Attorney, addressed the Commission and reviewed the application and the site. He stated that he accepts the conditions of approval as stated by Mr. Kops.

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

Mr. Poitier closed the Public Hearing.

4. Special Permit & Site Plan 13-1225/WS

2290 Whitney Avenue
Bank/Drive-Through window
Rockville Bank, Applicant

Mr. Poitier stated that this item is postponed at the applicant's request until the October 22, 2013 meeting

5. Proposed Amendment to the Hamden Zoning Regulations 13-940

Section 380.2.1.i Newhall Center: Purpose & add Light Manufacturing to table 6.1, allowed use.
File available for review in the Planning Office and the Office of the Town Clerk
Hamden Planning & Zoning Commission, Applicant

Mr. Poitier recused himself and appointed Mr. Roscow as temporary chair.

Mr. Dan Kops, Assistant Town Planner, read his comments which recommend approval of the proposed amendment to the Hamden Zoning Regulations with an effective date of October 29, 2013.

Mr. Dale Kroop, Director of Economic Development and the Director of the Hamden Economic Development Corporation. He reviewed the history of the site at the old Middle School and the request for the proposed amendment. The proposed plan is to establish a small business incubator in the building.

Mr Roscow ask for comments in favor or against the application. There was none.

Mr. Roscow closed the Public Hearing.

B. Regular Meeting

1. 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

Ms. Mastropetre made the motion to approve Special Permit & Site Plan 13-1216 recommended by Mr. Dan Kops, Assistant Town Planner and the conditions as stated and include the following conditions: 1.d.11 Change the pavement at the pedestrian crosswalk to visually distinguish it from the adjacent driveway pavement. M. Schedule noisy activities to minimize disruption of funeral services at the Beecher & Bennett Funeral Home.

And the following conditions:

1. Prior to the Issuance of a Zoning Permit, the applicant must:
 - a. File a lot line revision merging the four lots, approved by the Town Planner and the Town Engineer, at the Town Clerk's Office
 - b. Obtain STC approval.
 - c. File on the Land Record a deed restriction with language approved by the Town Attorney in compliance with the affordable housing provisions of the **Hamden Zoning Regulations**.

- c. Submit revised site plans for approval by the Town Planner and Town Engineer, containing:
 - i. Identification of the T-4 and T-5 Zones on the Survey of Existing Conditions, Site Plan and Bulk Requirements Table.
 - ii. Fencing providing screening on the western property boundary along the parking lot.
 - iii. Directional arrows prior to the pedestrian loading zone in the driving lanes in front of the hotel.
 - iv. Clear indication of how snow removal will be handled.
 - v. Any changes required by the STC.
 - vi. Outside clean-outs to grade within 5 feet of foundation wall.
 - vii. A note indicating that the existing sidewalk along Whitney Avenue will be replaced.
 - viii. A note indicating that the asphalt curbing will be 7.5 inches high and placed its base in the binder course in order to reduce the amount of movement caused by snow plows and other vehicle contact.
 - ix. Pipes connecting the storm water drainage system to Retention System #1, in accordance with the proposed drainage area map submitted with the drainage calculations.
 - x. Illumination reduced to 0 foot-candles at the western property boundary.
 - xi. Change the pavement at the pedestrian crosswalk to visually distinguish it from the adjacent driveway pavement.**
 - xii. All Conditions of Approval.
- 2. The Zoning Permit must include signatures of QVHD, Fire Marshall and GNHWPCA.
- 3. During the demolition phase:
 - A. Existing structures should be checked for hazardous material prior to their demolition and any hazardous and regulated wastes, including mercury switches, florescent lights and asbestos should be recycled or disposed of properly by a licensed waste hauler.
 - B. Non-hazardous demolition material should also be removed and disposed of properly.
 - C. Existing sanitary sewer laterals shall be demolished or abandoned per GNHWPCA Standards. A GNHWPCA Demolition permit will be required.
- 4. During the construction phase:
 - A. No encroachment into a neighboring property is permitted without the consent of the neighboring property owner.
 - B. 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.
 - C. There should be absolutely no discharges of fluids or dry chemicals to the environment;
 - D. Any hazardous materials should be recycled or properly disposed of by a licensed waste hauler.
 - E. Care should be taken to avoid compacting the soil.
 - F. Erosion controls should be inspected regularly and immediately after rainfall, and maintained and modified as necessary to ensure optimum performance. Erosion controls should be installed around the base of all stockpiles of excavated materials and the pile should be temporarily seeded or covered if it will remain at the site for longer than one month.
 - G. 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.
 - H. 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.
 - I. Town and State roads must be kept clean of sand, mud and other material resulting from the construction project.
 - J. All work must comply with GNHWPCA standards and specifications.
 - K. Hours of construction shall be limited to between 7 am and 7 pm Monday through Friday and 7 am and 5 pm Saturday.
 - L. Prior to the issuance of a Certificate of Zoning Compliance for the hotel, a CZC must be issued for the front new building and addition to the former Centerville Lumber Building.
 - M. Schedule noisy activities to minimize disruption of funeral services at the Beecher & Bennett Funeral Home.**

5. All work must be completed by October 8, 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.
 - E. Any discharges from the swimming pool will require DEEP approval of a General Permit for the Discharge of Swimming Pool Wastewater (DEP-WD-GP-005).

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

2. Special Permit & Site Plan 13-1217/WS

135 & 145 Sanford St, T-4 zone
 Multi-Family-Affordable Housing
 New Haven Home Recovery, Applicant

Mr. McDonagh made the motion to approve Special Permit & Site Plan 13-1217/WS with the conditions as recommended and amended by Mr. Dan Kops, Assistant Town Planner.

The Commission had a lengthy discussion with the Planning Staff with regard to the pending FEMA application for this site and the two alternative site plans filed.

Mr. Hul made the motion to table the decision for this application until the October 22, 2013 meeting. Mr. Szczypek seconded the motion. Mr. Hul, Mr. Roscow, Ms. Mastropetre, Mr. Reynolds and Mr. Campo voted in favor of the motion. Mr. McDonagh and Mr. Marottoli voted against the motion. Therefore, the motion passed 5-2-0

3. Special Permit & Site Plan 13-1223/WS

6 Corporate Ridge Rd, M zone
 Repair/Used Car Sales
 DC Motor Sports, LLC

Ms. Mastropetre made the motion to approve Special Permit & Site Plan 13-1223 with the conditions recommended by Mr. Dan Kops, Assistant Town Planner and the following conditions:

1. A Zoning Permit must be obtained prior to opening the business.
2. Prior to obtaining a Zoning Permit the applicant must submit revised plans, for approval by the Town Planner and Town Engineer, containing:
 - A. A revised "Parking Calculator" noting that the sale of a maximum of eight vehicles requires eight spaces for vehicle display and two parking spaces, vehicle repair activity requires two spaces and employee parking for the garage requires two spaces, for a total of 14.
 - B. The location of the eight spaces for the display of vehicles for sale.
 - C. Location of the lift, auto parts/scrap dumpster and vehicle spaces inside the building.
 - D. All Conditions of Approval
3. The Zoning Permit must include the approval of the GNHWPCA.
4. All work must be completed by October 8, 2018.
5. All catch basins with sumps must be inspected at least three times a year. Sediment and debris must be removed at least twice a year or as soon as deposits are within six inches of the outlet.
6. All hazardous materials and waste chemicals should be stored on-site on an impervious floor with some form of secondary containment.

7. Waste material should be disposed of by a licensed waste hauler in accordance with all applicable federal, state and local regulations. If stored outside the containers should be within some form of secondary containment and sheltered from precipitation.
8. Waste oil tanks should be stored above ground on a bermed, impervious surface capable of containing 110% of the volume of the tank. Tanks should be stored indoors, or if outside, protected by a roof.
9. Solid waste material should be stored in an appropriately sized, covered solid waste dumpster or other watertight container that is plugged to prevent the release of any liquids.
10. Any vehicle washing should be conducted indoors.
11. All servicing of vehicles should be conducted indoors on an impervious surface.
12. There should be absolutely no discharges of motor vehicle fluids or detergent chemicals to the environment.
13. All vehicles to be repaired or restored should be stored inside the garage.
14. Scrap metal or other parts in contact with lubricant should be stored in a watertight container to prevent the accumulation and contamination of stormwater.
15. The map submitted to the Connecticut Department of Motor Vehicles should be revised to show all Conditions of Approval.
16. Prior to the issuance of a Zoning Permit a copy of the revised map should be submitted to the Planning and Zoning Department for approval by the Town Planner.
17. There may be no more than two people working at the facility unless approved by the Town Planner or the Commission, as appropriate.
18. There may be no more than eight vehicles for sale on the property at any given time unless approved by the Town Planner or the Commission, as appropriate.
19. There may be no more than one vehicle requiring service or repairs and owned by a third party, on the property at a time unless approved by the Town Planner or the Commission, as appropriate.

Mr. McDonagh seconded the motion the motion passed unanimously.

4. Location Approval 13-033

6 Corporate Ridge Rd, M zone
 Repair/Used Car Sales
 DC Motor Sports, LLC

Ms. Mastropetre made the motion to approve the Location Approval 13-033 with the conditions recommended by Mr. Dan Kops, Assistant Town Planner and the following conditions:

1. Prior to obtaining the Chairman's signature of approval on the K-7 form and survey, the applicant must submit a revised plan for approval by the Town Planner containing:
 - A) A revised "Parking Calculator" noting that the sale of a maximum of eight vehicles requires eight spaces for vehicle display and two parking spaces, vehicle repair activity requires two spaces and employee parking for the garage requires two spaces, for a total of 14.
 - B) The location of the eight spaces for the display of vehicles for sale.
 - C) Location of the lift, auto parts/scrap dumpster and vehicle spaces inside the building.
 - D) All Conditions of Approval
2. All work must be completed by October 8, 2018.
3. All catch basins with sumps must be inspected at least three times a year. Sediment and debris must be removed at least twice a year or as soon as deposits are within six inches of the outlet.
4. All hazardous materials and waste chemicals should be stored on-site on an impervious floor with some form of secondary containment.
5. Waste material should be disposed of by a licensed waste hauler in accordance with all applicable federal, state and local regulations. If stored outside the containers should be within some form of secondary containment and sheltered from precipitation.
6. Waste oil tanks should be stored above ground on a bermed, impervious surface capable of containing 110% of the volume of the tank. Tanks should be stored indoors, or if outside, protected by a roof.

7. Solid waste material should be stored in an appropriately sized, covered solid waste dumpster or other watertight container that is plugged to prevent the release of any liquids.
8. Any vehicle washing should be conducted indoors.
9. All servicing of vehicles should be conducted indoors on an impervious surface.
10. There should be absolutely no discharges of motor vehicle fluids or detergent chemicals to the environment.
11. All vehicles to be repaired or restored should be stored inside the garage.
12. Scrap metal or other parts in contact with lubricant should be stored in a watertight container to prevent the accumulation and contamination of stormwater.
13. There may be no more than two people working at the facility unless approved by the Town Planner or the Commission, as appropriate.
14. There may be no more than eight vehicles for sale on the property at any given time unless approved by the Town Planner of the Commission, as appropriate.
15. There may be no more than one vehicle requiring service or repairs and owned by a third party, on the property at a time unless approved by the Town Planner or the Commission, as appropriate.

Mr. McDonagh seconded the motion the motion passed unanimously.

5. Special Permit & Site Plan 13-1225/WS

2290 Whitney Avenue
Bank/Drive-Through window
Rockville Bank, Applicant

Tabled until the October 22, 2013 meeting.

6. Proposed Amendment to the Hamden Zoning Regulations 13-940

Section 380.2.1.i Newhall Center: Purpose & add Light Manufacturing to table 6.1, allowed use.

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

Mr. McDonagh made the motion to approve the Proposed Amendment to the Zoning Regulations 13-940 with and effective date of 10/29/2013. Ms. Mastropetre seconded the motion. The motion passed unanimously.

Mr. McDonagh made the motion that the application is consistent with the POCD which strongly promotes economic development. Ms. Mastropetre seconded the motion. The motion passed unanimously.

Mr. Poitier resumed the Chair.

C. Old Business/ New Business

Mr. Reynolds made the motion to table the remaining items until the October 22, 2013 meeting. Mr. McDonagh seconded the motion. The motion passed unanimously.

1. Review minutes of September 10, 2013
2. Review minutes of September 24, 2013
3. Minor Amendment - 385-415 Putnam Avenue
4. Minor Amendment - 27 Connolly Parkway

D. Adjournment

Ms. Mastropetre made the motion to adjourn. Mr. Reynolds seconded the motion. The motion passed unanimously.

The meeting adjourned at 11:08 p.m.

Submitted by: _____
Stacy Shellard, Clerk of the Commission