

October 20, 2008

MINUTES: PLANNING & ZONING COMMISSION, Town of Hamden, held a Special Meeting on Wednesday October 15, 2008 at 7:00 p.m. in the Hamden Middle School Auditorium, 2761 Dixwell Avenue,, Hamden, CT and the following was reviewed:

Commissioners in attendance:

Ann Altman, Acting Chair
 Ed Grant, Planning Section Chair
 Robert Roscow
 Peter Reynolds
 Ralph Riccio
 Lesley DeNardis
 Don Moses
 Ralph Marotolli, Alternate
 Greg Tignor, Alternate
 Len Grabowski

Staff in attendance:

Leslie Creane, Town Planner
 Daniel W. Kops, Jr., Assistant Town Planner
 Tim Lee, Assistant Town Attorney
 Stacy Shellard, Clerk

Ms. Altman called the meeting to order at 7:05 p.m. She reviewed the agenda and advised that the meeting was not a public hearing. She advised the public that Mr. Kroop, Director of Economic and Community Development would be giving a short presentation and Ms. Leslie Creane, Town Planner would be giving a presentation on the comments for the proposed zoning regulations received at the September 24, 2008 Special Meeting. The public would then be invited to comment on the proposed zoning regulations

A. Special Meeting:

1. An informational meeting of the proposed Zoning Regulations

Mr. Kroop addressed the Commission and reviewed the zoned commercial areas and the tax base grand list. He explained that the fastest growing industry is recruiting for business retention and how to help businesses succeed. He advised the members that the areas growing are health care, manufacturing, retail and professional services. These are impacted by the demographics, proximity to highways, the speed permitted and traffic counts at major intersections. He advised the Commission that developers have no interest in property located in village like areas. Most investors are Hamden residents who have invested in real estate. There is a need to create opportunity for Hamden's

economy based on its reputation. There needs to be flexibility for turning existing houses into small businesses.

Ms. Creane reviewed the input received from the public at the September 24, 2008 Special Meeting. She reviewed the changes that were made to the proposed regulations based on the input received from the public. Ms. Creane explained that the next step would be to receive additional input from the public regarding the changes made and a further refining of the draft. Once this process is completed public hearings will be held.

Ms. Altman asked for public comment:

Ms. Marion D'Albis asked how the large parking structure for the proposed police department and the use of the old middle school will be affected with the proposed zoning regulations. Ms. Creane advised that the police station would be zoned a T5. The old middle school is zoned as a special district because of the existing conditions on the site. The surrounding residential area would not be affected

Mr. Josh Milrad addressed the Commission and feels that he is not receiving full disclosure for the proposed zoning regulations and how it affects his property. Ms. Creane advised him and the public that they could make an appointment with her during regular business hours and she could address concerns that are not reviewed at this meeting. He reviewed with the Commission an issue that will appear on the ballot at the upcoming election. He expressed concern that this will help to finance private development. Ms. Creane advised that it would not affect the proposed zoning regulations and would not influence the Planning & Zoning Commission.

Ms. Patricia Shultz addressed the Commission and asked where addition businesses in Whitneyville would be built. She advised the members that there is not a need for additional buildings, and there would be a concern for noise in the area. She is also concerned that homes will be sold in the area of Lake Whitney and large buildings would be allowed to go in with the proposed regulations. Ms. Creane advised Ms. Shultz that the proposed regulations are to protect the existing homes and strengthen the village characteristics of Whitneyville and Spring Glen.

Mr. David Hennigan asked what the difference of maximum lot coverage is for R4 and T3 zone. Ms. Creane advised that the existing coverage is for buildings on the lot. The proposed coverage is for impervious surface.

Ms. Elizabeth Hayes asked if the proposed regulations include any changes to the Newhallville area. Ms. Creane advised her that there were no changes for that area. Ms. Hayes asked if there was a development plan for the Stone Academy to locate to the old Middle School or would it be supportive housing. She advised the residents in the area are against supportive housing and would prefer mix used housing for more revenue, which would improve property values in the neighborhood.

Mr. Bob Patterson advised the Commission that he agrees with Smart Code. He was involved in the Charrette which was brought about by residents wanting to improve the neighborhoods. Smart Growth is not in the regulations. The new regulations are for the use of Smart Code. The commercial buildings now in place were put in under the current regulations.

Mr. Kops, Assistant Town Planner explained if a property zone is changed, the use can continue as a legally non conforming building and is protected.

Christine Monroe addressed the Commission and asked if zoning is changed how do you increase the safety of pedestrian traffic. She advised the members that she is concerned if more businesses are brought in, Spring Glen would not have the small town feeling. Ms. Creane advised that Spring Glen was the model for Smart Code in town and other neighborhoods would like to embrace its village-like atmosphere. She advised that the only section that would change if there is development is between Gillies and Haverford Street and it would have to conform to Smart Code. The Commission wants the proposed regulations to control what is being built.

Helen Blitzer advised that smart growth takes communities such as Northern Hamden and gives amenities that other areas have. Why are there no changes to the T1 and T2 areas. Ms. Creane advised that Whitney Avenue from Cheshire to New Haven are being rezoned T zones. They are proposing Smart Code not Smart Growth. She advised that they are only changing residential areas along the major corridors.

Mr. Al Dobie asked what the definition is for LEED program. Ms. Creane advised that LEED is a standard used by architects and a number system that give points for environmental sensitive aspects of a building. It is an attempt to ensure buildings are sustainable and will last and are more energy efficient. Ms. Creane advised that there is a new state statute that requires LEED certification for any building over 5 million dollars, so it may not be necessary to put into the new regulations.

Azalea Mitch advised that she is in favor of Smart Code. With Smart Code the walkability in neighborhoods can be enhanced. She asked the Commission what is being done for a comprehensive traffic study. Ms. Creane advised that zoning regulations can not regulate traffic on any road. You can try to encourage buildings and street width that would encourage slower traffic. This can not take the place of speed limit enforcement.

Sandra Bohan advised that when someone wants to build they must go to Planning & Zoning and feels that the Smart Code is not going to protect the residents of Spring Glen. Ms. Creane advised that the commission is part of the safe guard. When reviewing an applications, the proposed regulation would protect the characteristics of a building. She feels that the current regulations have failed and gave an example of a shopping center that was considered unsafe but the current regulations did not allow the commission to request a change in the plans.

Mr. Mike Shwartz advised the Commission that he agreed with the proposed bike rack regulation. He asked how the boundaries were determined for the zones. Ms. Creane advised that the existing regulations for residents is not changing. Only the major corridors would change. The Commission is looking at one parcel deep in on each corridor. They are looking at what is there and what they would like to be there.

Mr. Bernard Brennan asked what extent of the Smart code is being motivated by livable mixed use zoning. Ms. Creane advised that Smart Code addresses livable mixed use and the Commission is developing it in each neighborhood.

Ms. Martha Knapstead advised the Commission that in Mt. Carmel there is street construction on Whitney Avenue that is making the street wider and making it more dangerous. She does not feel that the neighborhood will be more walkable. She advised that Quinnipiac was suppose to have additional parking that was never done. She asked how the motel on West Woods Road would impact the community and how is it zoned. Ms. Creane advised that Whitney Avenue(rte 10) is a State road and

the Town does not have jurisdiction. The Town has met with the D.O.T. Quarterly for 3 years. The parking for Quinnipiac at the York Hill Campus is now being built. Walkability is an issue and is harder in Mt. Carmel because of the lack of sidewalks. The inn at 55 West Woods will be a T4 zone and is currently a business zone.

Ms. Christine DeLucia advised the Commission that she would like to be able to have a visual aid of a Smart Code community that has been in existence for more than 3 years. Ms. Creane advised that the first Smart Code was adopted in Peteluma California in 2003. The Smart Code started in the South when the storm Katrina destroyed entire towns and is currently being adopted in Jamestown, Coopertown and Saratoga New York.

Ms. Jennifer Whitfield asked for an explanation of the chart that was given out this evening. Ms. Creane advised that sections of Whitney Avenue would remain residential uses and would show her the map and an explanation at the end of the meeting.

A Hamden resident asked what the protection would be for homes that become a commercial zone and if with the new state regulation could take it by eminent domain. Ms. Creane advised that the worse case scenario could be a developer who chooses to spend money and buy out residential properties. The right for a municipality to take a piece of property by eminent domain could happen but Ms. Creane doesn't envision it happening. She advised that there is no zone strictly commercial, but mixed use zones. Ms. Creane advised that she would review with her at a later time to explain the difference between the current zones and the proposed zones.

Mr. David Erin advised the Commission that south of the Wilbur Cross is still a corridor of T4 zoning. He feels that more businesses need to be encouraged to come into this area. The village idea should have more centers created on Dixwell Avenue. He asked how the Smart Code would address curb cuts that the current regulations does not. How would this impact traffic? He asked what the impact for the T4 zone around lakes and green areas would keep developers from building around the water fronts. Ms. Creane advised that the characteristics on Dixwell Avenue were looked at as super blocks and breaking them down to increase the ability to invest and develop around Putnam Avenue. The state roads have to go to the D.O.T. for approval. The Town's Police and Traffic Department review any work being done. She advised that the RWA owns the property around the lakes and has no intention of developing. Any development with 200 feet of a wetland area must go to the Inland Wetland Commission.

Ms. Sara Clark would like clarification on how northern Whitney Avenue would be zoned. Ms. Creane advised that it will be primarily a T3 but may have some T4. Ms. Clark asked how historic structures will be protected with Smart Code. Ms. Creane Smart Code will not protect historic structures and that any changes or demolition will need a permit.

Ms. Christine Esposito asked how her residents at 1742 Whitney Avenue will be zoned. Ms. Creane offered to look at the map with her after the meeting Mr. Kroop had commented on houses becoming offices and this would be concern for parking. The traffic and speed limit is an issue and she does not feel that locating building close to the street will correct the problem. She is concerned with the buildings for lodging uses. Would prefer to see the Spring Gen corridor completely remain a T3. Ms. Creane advised if there is not enough parking available for a house to be used as a medical office then they would not get a Zoning Permit. Ms. Creane referred the residents to the Police Department for issues regarding the cars not observing the speed limit. The zoning regulations can not regulate speed on streets. Hotels and lodging in T4 is allowed and must apply for a special permit. Ms. Esposito feels

a developer could buy homes and develop. Ms. Creane advised that the residential areas are zoned T3 which would not allow for hotels/motels.

Mr. John Morrison asked if Haverford Street to Thornton Street is a T3 zone. Ms. Creane advised that all but 3 parcels are T3. Mr. Morrison submitted handouts for review of the Whitney Avenue Corridor and the Village District act passed in 1999. He read the Village District Act and feels it can be written into the proposed regulations. He asked why the taxes are different between resident and commercial. He asked how the changes came about for the corridors and the lot coverage that will be allowed. He asked if in the proposed regulations that 3 parcels can not be brought at the same time. Ms. Creane advised that the regulations can not prohibit the amount of property that can be purchased and combed unless it would be a less conforming lot. The Planning and Zoning Department has no legal authority not to sign off on such a lot line revision. She advised that Restricted Commercial Development section 727 does not apply to Spring Glen and the proposed regulations section 723 apply to the neighborhoods. The Smart Code coverage would be for total impervious surface. Mr. Morrison asked about the restriction of motels/hotels and Section 739 being deleted that was just added to the regulations. Ms. Creane explained the editing process and the section has been relocated and is still in the regulations.

Mr. Mike Horn asked when the proposed draft will be on website. Ms. Creane advised the proposed draft is on the website.

Mr. John Gottlieb stated that the Smart Code has been explained this evening in a way that allows for a better understanding. He gave suggestions that would help in the residents understanding and the process for the meetings and public comments. He advised the Commission that the LEED should not have bonuses in the regulations.

Ms. Eileen O'Neil advised the Commission that she was unable to open the information on the website because it was not done in an open format. She advised the Commission that the residents need more time to get the information and another meeting should be scheduled. She feels that she should be able to contact the Planning & Zoning Commissioners to have her questions answered. Ms. Creane advised that the proposed regulations are available on line and if they have any trouble accessing them they should contact the Planning & Zoning office. Mr. Lee, Assistant Town Attorney advised it is inappropriate to contact the individual commission members. The meetings are where concerns should be presented. The commissioners are able to address questions at the meetings. Ms. Creane advised that packets are given to the Commissioners every month for meetings which include residents comments that are sent to the Planning Office.

Mr. Wayne Chorney, ZBA Commissioner would like the process to be recommendations in writing for laying down the planning perspectives for the board to review. He feels that Quinnipiac has only a reporting method with no dialogue. He feels that the regulations should have requirements that all students are to be housed on premise. Ms. Creane advised that when the dorms are completed a requirement is that a bed be available for each full time student. The regulations are not allowed to mandate that the student must stay on campus. Mr. Chorney asked if the zone changes what modification for residential zone or commercial zone would have to be met if a legal non conforming resident was in a commercial zone. He also asked if the height of a building would be taken from the grade or the placement. Ms. Creane advised they would consider these issues.

Hamden resident advised the Commission that if Dixwell Avenue is designed properly it could be a very nice area. She asked if the referendum item on the November ballot is a coincidence with the new

regulations. She also questioned if refurbishing of the old Town Hall would allow the public to voice their concerns. Mr. Kops advised that the project to rewrite the regulations started over a year ago and the referendum was not part of the regulations. There must be public hearings before the Commission can make a decision on the new regulations. There could not be a referendum for the proposed regulations because it is governed by State Statute.

Mr. Peter Villano advised the Commission that he is pleased with some of the changes from the September 24, 2008 meeting. He feels that there is still a lack of information and is unable to make a sound judgment. Mr. Villano reviewed the Plan of Conservation and Development that was adopted in 2004. He thought after the Charrette that he would receive information and the effects it would have on the neighborhoods. He feels that the public should have copies of the regulations before making decisions at a public hearing. Ms. Creane advised that the information from the Charrette and the Proposed Regulations are on line. She advised Mr. Villano that this was a public meeting and not a Public Hearing, and that it was a continuation of the public process. The draft is available to the public, but the cost to the taxpayer for individual copies would be great.

Mr. Bernie Pelligrino asked if zoning parcels as civic spaces or public park zones and if the parcels can be taken by eminent domain from the owner. Mr. Pelligrino asked if the Planning Section of the Planning & Zoning Commission is conforming with the enabling act. He feels there should be a proposal for site specific safeguards and how the code would define what someone builds. Ms. Creane advised if the applicant submits all the necessary documents needed the decision would not be held up. Mr. Kops advised that the sensitivity to allow building in many areas of Hamden must consider the abutting residents.

Mr. Steve Mongillo asked if the proposed zoning regulations address the image of a community. He feels the corridor of the northern section of Whitney Avenue which has 27 traffic lights from Filbert Street to the Cheshire Town Line should have another Village Center to reduce traffic. Ms. Creane advised the neighborhood development plans create a street network off to the side.

Mr. Logan likes the T4 being changed to a T3 zone and asked if the T3 protect the stately older homes and if the T zones are for mixed use. Ms. Creane advised that T1 preserve areas and there will be no development, T2 is for rural development, T3 exclusively residential, T4 and T5 is mixed use.

Gail Traester asked if Smart Code makes it easier for Quinnipiac to get site plans. Ms. Creane advised that the process would be the same.

Mr. Tim Lee, Assistant Town Attorney advised the public that it is important for the Commission not to discuss items with individuals prior to a public meeting so that they all receive the same information together.

Ms. Altman asked for any further comments. There were none. Ms. Altman thanked the speakers for their comments. He reviewed the process for how the comments would be incorporated and that they will be presented at a future meeting.

B. Adjournment

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

The meeting closed at 10:39 p.m.

Stacy Shellard, Commission Clerk