



Town of Hamden
Planning and Zoning Department

**Hamden Government
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September 28, 2009

MINUTES: THE PLANNING SECTION, PLANNING & ZONING COMMISSION, Town of Hamden, held a Special Meeting and Public Hearing on Tuesday, September 22, 2009 at 7:30 p.m. in the Thornton Wilder Hall, Miller Memorial Library Complex, 2901 Dixwell Avenue, Hamden, CT and the following was reviewed:

Commissioners in attendance:

Joe McDonagh, Planning and Zoning Chair
Ann Altman, Planning Section Chair
Ralph Riccio
Peter Reynolds
Greg Tignor, Alternate sitting for Lesley DeNardis

Staff in attendance:

Leslie Creane, Town Planner
Dan Kops, Assistant Town Planner
Tim Lee, Assistant Town Attorney
Stacy Shellard, Clerk
Lisa Raccio, Stenographer

Ms. Altman called the meeting to order at 7:55 p.m. She introduced the panel and reviewed the procedures.

A. Public Hearing:

1. **Proposed Amendment to the 2004 Plans of Conservation and Development 09-0004**
file available for review in the Planning Office
and the Office of the Town Clerk
Town of Hamden, Applicant

Ms. Leslie Creane, Town Planner reviewed the proposed amendment to the Plans of Conservation and Development and explained that it is not part of the zoning regulations. The POCD adopted in 2004 contained goals and directives for updating the zoning regulations. The amendment that is being put forth for the POCD is more specific in describing the method to be used to reach those goals. The proposed amendment links the existing POCD with changes that have been proposed to the Zoning Regulations. This amendment also incorporates desired changes that are beyond the scope of the Zoning Regulations, such as traffic issues.

Ms. Altman stated that the POCD is not part of the proposed zoning regulations, but discusses the plans and visions of the future.

Ms. Altman asked for comments in favor of the amendment:

Mr. Al Gorman, 270 Willow Street, addressed the Commission and encouraged the support of the Proposed Amendment to the 2004 POCD. He stated that over 18 months has been spent gathering input from individuals, civic groups and neighborhoods. He feels the amendment to the POCD will preserve what is important to the neighborhoods and provides for adaptability. He submitted a letter to the clerk.

Ms. Altman asked for comments against the amendment and there were none.

Ms. Altman asked for comments about the amendment:

Mr. John Morrison, 1692 Whitney Avenue, addressed the Commission and referred to an ordinance in West Haven regarding the removal of historic homes. He had spoken with the Town Historian for Hamden, and was told there is an ordinance that would protect the historical houses on Whitney Avenue. He asked if the POCD could incorporate or stress the importance of protecting the historic buildings.

Ms. Creane stated that the historic buildings were the vision piece of the POCD, and there is an ordinance to protect them. The proposed zoning regulations will require a Special Permit and Site Plan for a historical buildings.

Mr. Dan Kops, Assistant Town Planner read his comments describing the proposed changes and recommending approval.

Ms. Creane reviewed a letter from the State of Connecticut Department of Public Health.

Ms. Altman thanked the public for their participation in the collaborative effort for the POCD with the Commission and the Planning Department.

The Public Hearing closed at 8:10 p.m.

B. Special Meeting:

1. **Subdivision 04-1333**
484 Shepard Avenue
13-Lot subdivision
Request to call the bond
Mark Engengro, Applicant
Continued from 8/11/09 Special Meeting

Ms. Marcie Silverman, Attorney representing Coppola Construction Company, addressed that Commission and stated that Coppola Construction Company had posted the bond. The owner of the property is Mr. Engengro and he has left the area and her client is now responsible for the work that was not completed. Ms. Silverman reviewed with the Commission the steps they have taken to secure a company to complete the road. She explained that due to scheduling conflicts, Mr. Coppola was unable to schedule a meeting with the Town Engineer prior to this meeting. Coppola Construction Company has secured a contract with Arrow Paving to complete the work. Arrow Paving will be meeting with the Town Engineer on September 23, 2009. A letter dated September 22, 2009 from Arrow Paving was sent to the Town Engineer and was submitted to the Planning Office confirming the meeting. Ms. Silverman requested that the Commission not call the bond, because her client is committed to completing the work and is a man of his word.

Ms. Creane, Town Planner stated that Coppola Construction Company was given stern directions at the last meeting and he has spoken with the Town Engineer. She suggested that Mr. Kops, Mr. Lee and herself schedule a site visit on October 5, 2009 and if the work has not begun the bond should be pulled.

Mr. Lee stated that the principal who provided the bond has assured the Commission that the work will be done by early October. The work will not be done quickly if the bond is pulled. If the work has not commenced by October 5, 2009 than the bond should be called.

Mr. Riccio stated that he is unfamiliar with Arrow Paving and the quality of their work. He would like to receive locations that Arrow Paving has completed. Mr. Kops advised the Commission that a decision would be delayed if they wait to receive a resume. It is up to the Town Engineer to be satisfied with Arrow Paving's work when the project is completed. Mr. McDonagh stated that there are other issues with regard to work on the property that has not been completed. Mr. Kops stated that the road must be completed so that it will be ready for the winter and Town can accept the road.

Ms. Altman asked for public comments:

Mr. Paul Murphy, 5 Maplecrest Lane, addressed the Commission and stated that the bond should have been called because of the length of time it has taken for a commitment to complete the work. He is concerned because the meeting with the Town Engineer was scheduled for the day after this meeting. He feels that a passive approach to getting the work completed has been taken, and would like a quality job done.

Mr. Robert McClintock, 8 Maplecrest Lane, addressed the Commission and stated that he would like to see all the work completed, but the crucial time frame to complete the paving is for safety reasons. He asked the Commission that when the road is paved would they be able to receive their mail at their homes or would they need to wait for the Town to accept the road. Mr. Kops explained that the Town Administration is looking at having the existing mailboxes moved further from Shepard Avenue if the Post Office is unable to deliver to the individual homes. Mr. McClintock asked if the paving could parallel the remaining work in order to release the bond. Mr. Kops explained that the primary concern is completing the road. The Planning Office will work with Coppola Construction Company to complete the remain work. If it is not done properly the bond can be called. The surety company would have the right to evaluate the property and complete the work if necessary before having the bond called.

Mr. McDonagh stated that the motion made at the previous meeting had a condition stating that all outstanding premiums must be paid. Ms. Altman said that the attorney for Coppola Construction company should address that issue.

Mr. Ken Kirchoff, 10 Maplecrest Lane, addressed the Commission and asked what else would need to be completed so that the road will be accepted and school buses will be allowed to service the students. He stated that the bottom coat of paving that was already put down is destroyed and should be addressed by the new paving company. Mr. Kops explained that the road and the drainage system must be in place and working. He explained that the existing surface of the road will be milled and redone. Mr. Kirchoff explained that he has a child in kindergarten that must walk to Shepard Avenue for the school bus and this will be difficult in the winter. Mr. Kops explained that a road must be in place for one winter season before the Town accepts it. He will talk with the Town administration about school buses and other town services for the road.

Mr. Riccio asked who is responsible for the sidewalks and driveways. Mr. Kops explained that the developer should have done the work. Ms. Creane stated that the Zoning Enforcement Officer and the Town Engineer have put together a list of the work that needs to be completed.

Mr. Phil Lundy, 2 Maplecrest Lane and 484 Shepard Avenue, addressed the Commission and stated that he had started the Maplecrest development. He had made the decision to hire Mr. Engengro and is very disappointed that the work was not completed. He is encouraged that Ms. Silverman, Attorney for Coppola Construction, has stated that the work will be completed.

Ms. Silverman said that she understands the Commission,s and the residents frustrations. She stated that Mr. Coppola is committed to having the road and other necessary work completed. Ms. Altman questioned if the bond premium has been paid. Mr. Kops explained to the Commission that even if Mr. Engengro had failed to make the payments there is a signed agreement by the surety company and the work must be completed. Ms. Altman asked Ms. Silverman if she had any knowledge of Arrow Paving's quality of work. Ms. Silverman advised that she has had no personal experience with their work, but will ask Arrow Paving to supply a work history to the Town Engineer.

The Commission discussed if the road work is not completed then a special meeting on October 6, 2009 should take place.

Ms. Creane stated that she has met with the residents several times and the goal is to get the work done as quickly as possible. She does not hesitate recommending to the Commission that the bond be called if the work has not been started by October 6, 2009.

Mr. McDonagh made the motion to table this item until October 6, 2009 for a special meeting. Mr. Reynolds seconded the motion. The motion passed unanimously.

Mr. Kops asked the Commission if the work on the road has started would the members still want to hold a special meeting. Ms. Altman stated that she feels that a special meeting is necessary to make sure this item is being resolved satisfactorily. Mr. Lee, Assistant Town Attorney, suggested that there be no special meeting on October 6, 2009 if progress is being made on the road, and then table this item until the regular Planning & Zoning meeting on October 13, 2009. Ms. Altman said that the motion had been made and passed.

2. **C.G.S. 8-24 09-285**
4246 rear and 4280 Whitney Avenue
Purchase & designation as open space
Town of Hamden, Applicant

Ms. Altman reviewed the application and asked for comments from the Commission. There were none. Mr. Kops, Assistant Town Planner read his comments and recommendations.

The Commission discussed previous applications that had been presented for open space. The consensus of the members was to have a favorable review sent to the Legislative Council.

Mr. McDonagh made the motion to refer the C.G.S. 8-24 09-285 for the purchase and designation as open space with a favorable review to the Legislative Council. Mr. Reynolds seconded the motion. The motion passed unanimously.

3. **Proposed Amendment to the 2004 Plans of Conservation and Development 09-0004**
file available for review in the Planning Office
and the Office of the Town Clerk
Town of Hamden, Applicant

Ms. Altman asked for comments from the Commission and there were none.

Mr. McDonagh made the motion to approve the Amendment to the 2004 Plans of Conservation and Development with an effective date of October 15, 2009. Mr. Riccio seconded the motion. The motion passed unanimously.

C. Old Business/New Business

1. Review Minutes of June 16, 2009

Ms. Altman stated that on page 6, the 3rd paragraph should read: "Planning Section". Mr. Riccio stated that on page 9, the 3rd paragraph, 1st sentence should read: "Mr. Riccio stated".

Mr. McDonagh made the motion to accept the minutes of June 16, 2009 as amended. Mr. Reynolds seconded the motion. The motion passed unanimously.

2. Review Minutes of August 11, 2009

Mr. McDonagh made the motion to approve the Minutes of August 11, 2009 as written. Mr. Reynolds seconded the motion. The motion passed unanimously.

D. Adjournment

Mr. McDonagh made a motion to adjourn the meeting. Mr. Reynolds seconded the motion. The motion passed unanimously.

The meeting adjourned at 8:50 p.m.

Submitted by: _____
Stacy Shellard, Clerk of the Commission