



Town of Hamden
Planning and Zoning Department

**Hamden Government
Center
2750 Dixwell Avenue
Hamden, CT 06518
Tel: (203) 287-7070
Fax: (203) 287-7075**

December 4, 2009

MINUTES: THE PLANNING & ZONING COMMISSION, Town of Hamden, held Public Hearing and a Special Meeting on Tuesday, December 1, 2009 at 7:00 p.m. at the Hamden Middle School Auditorium, 2761 Dixwell Avenue, Hamden, CT and the following items were reviewed:

Commissioners in attendance:

Joe McDonagh, Chairman
Ann Altman
Don Moses
Ralph Riccio
Ed Grant
Peter Reynolds
Bob Roscow
Jerry Dimenstein
Ralph Marottoli, alternate sitting for the vacancy

Staff in attendance:

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

Mr. McDonagh called the meeting to order at 7:00 p.m. The clerk read the Public Hearing items into the record. Mr. McDonagh introduced the panel and reviewed the Public Hearing procedures.

Public Hearing:

Mr. McDonagh explained that major changes cannot be made to the proposed zoning regulations or the proposed zoning map applications. If the applications are approved by the Commission then any major changes will be done as amendments to the Zoning Regulations. Mr. McDonagh stated that the Commission is not considering the widening of Route 10 or the use of trolleys, and the changes to the zoning regulations would only have impact on the applications that come before the Planning & Zoning Commission. Mr. McDonagh said that he would like both items on the agenda to be combined and asked for a motion.

Ms. Altman made a motion to combine the public hearings for Application 09-914 and Application 09-915. Mr. Reynolds seconded the motion. The motion passed unanimously.

1. Proposed Amendment to the Hamden Zoning Regulations 09-914

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

2. Proposed Amendment to the Hamden Zoning Map 09-915

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

Ms. Leslie Creane, Town Planner, reviewed the process that was used to get to the final draft for the Proposed Zoning Regulations. She stated that an amendment to the Plans of Conservation and Development was adopted by the Planning & Zoning Commission. The POCD recommended that the zoning regulations should be reviewed and revised. The formal application for the amendment to the zoning regulations and the zoning map was formally filed September 28, 2009. Ms. Creane reviewed the meetings that took place with the public, civic groups, neighborhood associations, Town Commissions, State and Public Agencies, and the different departments within the Town and State Government. She said that abutter letters were sent out to property owners and abutting properties that would be affected by the changes in the zoning regulations. The required legal notifications were done, and drafts of the proposed zoning regulations and zoning map were made available to the public.

Ms. Creane said that the zoning regulations can regulate uses and form, but cannot regulate aesthetics and style. She explained that the zoning regulations cannot regulate behavior or traffic. The proposed zoning regulations are blending two different types zoning. They combine traditional zoning with Smart Code which is a type of form based zoning. There have been only a few changes to the residential zones. Ms. Creane stated that R Zones 1-5 not located on a major thoroughfare have not changed. The proposed regulations are being used to strengthen the neighborhood centers. They provide for strategic development along the major corridors to help increase the commercial tax base and take the burden off the residential tax burden. Ms Creane showed diagrams and charts that explain how form based zoning can be controlled and not controlled. Ms. Creane explained how Smart Code has been integrated with use based zoning which helps create and maintain walkable neighborhoods and control and preserve open space. Smart Code regulates lot size, setbacks, placement and size of building, location and size of signage. The transect zones are T-1 is natural and untouched space, T-2 is rural with some intervention by humans such as farms, cemeteries, and golf courses, T-3 is a typical suburban area, T-4 is a typical village node with a center, commercial area and residential area, T-5 is a concentrated commercial area, office buildings, apartment building, and civic buildings.

Ms. Creane stated that there are misconceptions about the proposed zoning regulations. The regulations do not allow for the widening of Whitney Avenue. The regulations do not provide for the addition of low income housing, or trolley lines on the major corridors of Hamden. The regulations do not have a requirement for properties to increase their density. She explained that the Town of Hamden does not have the authority to widen or place trolleys on state highways. The proposed zoning regulations do not grant permission to build multi-family housing without a Public Hearing. Ms. Creane explained that the format of the proposed zoning regulations will be similar but not identical to the current regulations.

Mr. Dan Kops, Assistant Town Planner and Ms. Creane read as a formal report to the Commission the comments and recommendations made by the Planning & Zoning Office.

Overview

The Planning and Zoning Commission is proposing to amend both its Zoning Regulations and the Zoning Map, in the first major overhaul since 1982. The proposed changes are a hybrid, utilizing both a traditional “Euclidean” approach to zoning and a contemporary, form-based approach known as SmartCode. It is important to state at the outset that much of the Town – the vast majority of the properties in residential zones not on major thoroughfares, will remain largely untouched by the proposed changes to Zoning Regulations and Zoning Map.

The parcel size and setback requirements for most homes in residential zones will not change under the proposed regulations. These residential properties will be subject to a new impervious surface coverage restriction and various procedural changes, while being better protected by greater environmental controls, expanded notification requirements and the elimination of such unwelcome uses as landfills and sand and gravel mining operations.

Properties in currently zoned non-residential areas, as well as those along major corridors will become part of new zones known as T-Zones (transects), subject to different zoning requirements that pull buildings closer to the street, encourage mixed use development and special districts with enhanced pedestrian access, and take building form and public spaces into consideration. The encouragement of more intensive development in limited areas increases commercial and mix-use opportunities, while protecting residential zones and existing open space. At the same time it offers the potential of an expanded tax base that can reduce the financial strain posed by property taxes on homeowners.

The process to get to this point has been a long one. Numerous citizens, businesses and neighborhood associations have reviewed various drafts during public and meetings with staff in the office and provided comments that have led to significant improvements in the proposed text and map. Given the magnitude of the proposed changes it is certainly appropriate that all affected parties provide input that helps determine the final product. The proposed amendments have undergone a rigorous review.

Proposed Changes to the Zoning Regulations

The proposed Zoning Regulations consist of nine sections, called Articles. Article I, formerly named Purpose, Authority and Application, has been re-titled “Introduction.” It expands somewhat on the previous text, providing an extended Purpose section. Environmental and natural resource protection are elaborated more than previously. The text also lists a number of purposes relevant to future growth and development. And it expands transportation into a section titled “Circulation.” The specific purposes described are a mix of traditional ones and those reflecting the influence of SmartCode, as evidenced by the increased attention paid to pedestrian and bicycle accessibility.

It also incorporates the Conformance as well as Interpretation of Zoning Boundaries sections, previously placed in Article III. One notable change will affect parcels containing two zoning designations. Currently a use in one zone is allowed to extend fifty feet into the other zone, subject to Special Permit approval. In the proposed text the first 100 feet or one-third of the property must be the same zone as the parcels across the street.

Article II, Residential Zones, contains much of the material found in the current Article IV but displays it in a series of comparative tables and figures that should simplify the task for those seeking information on residential zoning requirements. Lot size, building coverage and setback requirements remain unchanged.

The most significant changes proposed are as follows:

- A new requirement, maximum impervious surface, has been added. The limit applies to the combined footprint of all structures plus the area of paved driveways and the like. A reduction in impervious surface will increase on-site absorption of rainwater and reduce runoff. It will also help in improving water quality.
- The requirement of a minimal square is eliminated because it is redundant and overly restrictive.
- Accessory structures located in the rear yard may be within three feet of the side and rear property boundaries. The proposed change creates more usable rear yards, especially in R-4 and R-5 zones, where yards tend to be smaller.

Article III, Transect Zones T1-T5 and Special Districts, replaces Article V, Non-Residential District Regulations. Business Districts B1 and B2, and Controlled Development Districts 1-4 have been re-zoned using a blend of “use-based” and “form-based” zoning. The Transect Zones (T-Zones) are primarily located along the three major commercial corridors, Whitney and Dixwell Avenues and State Street. Development within a Transect zone will consider not just the proposed use on a single parcel but also:

1. Compact, pedestrian oriented and mixed-use as appropriate;
2. Activities of daily living within walking distance of most dwellings, allowing independence to those who do not, or do not wish to drive;
3. Interconnected public and private street networks designed to disperse traffic and reduce the length of automobile trips;
4. Allowing for a range of housing types and price levels to accommodate diverse ages and incomes;
5. Integration of civic, institutional and commercial activities in downtown areas and not as isolated and remote single-use complexes;
6. Locating schools to enable children to walk or bicycle to them;
7. Distribution of parks, squares and playgrounds between neighborhoods.

The location and orientation of buildings to the street, building setbacks, building massing, façade elements (including the minimum required percentage of glazing for shopfronts), screening of rooftop mechanical units and the encouragement of sloped roofs have been incorporated into the regulations in Article III.

It has long been acknowledged that the parking requirements in the current zoning regulations mandate more paving and more spaces than are necessary. One need look no farther than at the Hamden Plaza and the Hamden Mart even on the heaviest of shopping days. Spaces are easily found. The negative environmental impacts of excess paving on stormwater management, area heat gain and unnecessary restrictions on developable taxable land have resulted in several changes to the current requirements. The proposed regulations allow for shared parking, the counting of on-street parking, reduced parking requirements for mixed-use projects and Transit Oriented Developments. The proposed regulations also, for the first time, require the installation of bicycle racks.

In addition to regulating the form of buildings, Article III includes design criteria for roadways that are internal to a project. The design requirements are well-established dimensions that will calm traffic and help create a unified development. These design requirements include travel lane and parking lane width, effective turning radii and length of block perimeters.

Requirements for open civic space have been added and are determined by the acreage of a parcel on which development is occurring.

In addition to the T-Zones, the proposed zoning regulations identify three Special Districts. The first is the Manufacturing Zone. This zone includes the current Manufacturing Zone and incorporates many of the areas that have been designated as CDD zones. Very few changes to the requirements for the Manufacturing Zone have been made.

Second, is the Newhall Center Zone. This zone contains two parcels; the parcel that contains the old middle school and the adjacent parcel that contains the old community center. The purpose of this zone has been taken directly from the report generated out of the Newhall charrette. The bulk requirements for this zone remain unchanged.

Third, is the Town Green District. With the exception of the addition of side and rear yard setbacks, the requirements for this zone remain unchanged.

The proposed Article IV, Overlay Zones, expands on material currently found in Article VI, Special Zones and Regulations, including Coastal Area Management zones, Special Flood Hazard Areas, Open Space Development Zones and the Spring Glen Village District. The overlay zones impose a second set of requirements that must be met in addition to the standard ones governing the particular zoning district. No substantive changes have been made to the text of any of these overlays.

Article V covers the Basic Standards for the use of land, buildings and structures. Of particular note are the new standards for nuisance factors. These include the establishment of hours of outdoor construction, clear standards regarding environmental protection, sediment and erosion control and stormwater management measures during construction, long term stormwater management and the location of dumpsters and trash compactors.

A list of recommended street-trees has been incorporated in the proposed regulations.

Signage standards have been changed to require that the address number be attached to buildings in proximity to the principal entrance, at a mailbox or displayed on a freestanding sign or canopy. Sponsors' signs at public ball fields will be permitted for the duration of a single sporting season. A-frame signs are permitted. They are, however, prohibited from obstructing sidewalks as well as street access and are also limited to a maximum of four square feet on each of two sides of frame.

The current section on shopping center signs will only apply to the existing buildings in a shopping center constructed prior to the effective date of the proposed regulations. Shopping centers built or substantially altered after this date shall be subject to the new sign regulations of the appropriate zone.

Outdoor lighting regulations are included in the proposed regulations. Minimum and maximum foot-candles standards are listed by use. Full cut-off exterior light fixtures are required and any unnecessary lighting shall be reduced after the close of business.

Drive-through window services will now be regulated. They will be allowed by Special Permit and shall be designed and located to minimize conflict between pedestrian, bicycle and vehicular traffic. Queuing standards have also been established.

Article VI, Special Provisions, deals primarily with allowed uses in town. A revised Use Table, Table 6.1, identifies new uses to be regulated and prohibits previously allowed uses such as gravel mining. Several uses have been broken down by size. For instance, retail, office and personal services require a different level of commission review depending upon their size. Table 6.1 has been reviewed and footnoted extensively based upon conversations with area civic and neighborhood associations, businesses, and the economic development office among others.

Some of the uses proposed to be regulated and/or clarified include animal day care, animal training facilities, community gardens, adult day care, and bed and breakfasts.

Big box retail and parking garages will be required to have liner buildings on at least the street level. These liner buildings will enhance the economic viability of a site, improve the safety of the area and ensure a pedestrian scale to an otherwise vehicular-scale structure.

The section on adult entertainment remains now includes the added ability to regulate of tattoo parlors.

The section on telecommunication facilities has been changed to comply with State statutes.

The section on affordable housing remains unchanged.

The proposed Article VII, Application Standards, Procedures and Zoning Enforcement, contains the requirements currently located in Section VIII. Although the basic requirements remain generally the same, there are some key differences. In the proposed regulations:

- The person responsible for any application requiring a Public Hearing must post a sign provided by the Planning and Zoning Department, announcing the public hearing, for at least ten days prior to the public hearing. Hearings affected by the proposed change include Special Permits, Amendments to the Zoning Map and Variances.
- The information required has been expanded to ensure that reviewing departments and agencies have sufficient information with which to evaluate an application and advise the Commission.
- Special Permit and Site Plan applications for parcels within T-zones must be accompanied by Conceptual Master Plan or Comprehensive Master Plan, depending on the proposed change, showing the plan for full build-out of the parcel or the general intent for future development.
- Applications for Certificates of Zoning Compliance must be accompanied by a digital file in one of the acceptable formats, for use in updating the Town's GIS system.

The proposed Article VIII contains a significantly expanded set of abbreviations and definitions. It includes new diagrams as well. Article IX offers the unchanged appendix regulating Planned Unit Developments.

Proposed Changes to the Zoning Map

In general, with the exception of properties located on the key corridors, zoning designations in residential (R) zones remain the same, untouched by the proposed changes to the Zoning Map. The designations CDD1 through 4, as well as B-1 and B-2 zones are replaced with new zoning designations. The new zones added include T1, T2, T3, T3.5, T4 and T5 "Transect" zones as well as the Special Districts. Most of the zoning designations along the major corridors are changed to T-Zones. However those currently zoned Residential are typically already used for some non-residential purpose at the present time.

The proposed T-5 Zones are the ones that will permit the greatest density of development. The largest of these corresponds to what is known as the "Magic Mile" on Dixwell Avenue, followed by a smaller one in the area around Memorial Town Hall. Two smaller ones are proposed for both lower Dixwell Avenue and State Street. There is a broad spectrum of zones on Whitney Avenue, ranging from T-2 to T-5 at the intersection of Whitney and Dixwell Avenues. But much of Whitney Avenue is proposed as T-3 or 3.5. In terms of frontage on major roads, the dominant zone is the T-4 General Urban Zone.

The proposed map expands the area zoned Manufacturing on the east side of State Street. It also converts the area occupied by the Hamden Industrial Park and two other areas in Southern Hamden to manufacturing zones.

Agency, Department and Commission Reviews

The Commission has received several reviews of the proposed amendments to the Zoning Regulations and Zoning Map. The Regional Planning Commission sent a letter dated November 13, 2009, stating that the RPC had met on November 12, 2009 and determined that the proposed amendments would have no inter-municipal impacts or adverse impacts on the habitat and ecosystems of Long Island Sound.

In note dated November 20, 2009 the Police department indicated it has no objections to the proposed amendments.

In a letter dated October 20, 2009 the GNHWPCA stated it had no comments but that any proposed development must meet its requirements.

In a memorandum dated November 11, 2009 the Economic Development Director, Dale Kroop, noted that the proposed regulations respond in large measure to his previous comments. He made the following recommendations:

1. Allow all types of health care facilities in manufacturing zones.
2. Require no minimum lot size for a civic club, lodge or association.
3. Increase the allowable retail space at a conference center from five percent to ten percent.
4. Permit home occupations to sell goods or commodities under appropriate conditions.
5. Allow each tenant in a strip center or plaza a minimum amount of linear signage that can be seen from street level.

In a memorandum dated November 25, 2009 the Economic Development Commission expressed its appreciation for the cooperation it received and indicated it was kept well informed of the proposed changes. Most of the Commission's comments have been addressed by Mr. Kroop. However the EDC remains concerned about the lack of commercial property and the backlog of residential projects. With only six percent of the property zoned for commercial use, the burden on residential tax payers is increased and Hamden's competitiveness in the region is weakened. The EDC believes the proposed changes to the regulations may increase the amount of commercial space on larger parcels, but the benefit is offset by current residential projects.

In a memo dated November 18, 2009 the Town Engineer stated he had no comments regarding the proposed changes to the Zoning Map. In a memo dated November 19, 2009, attached to this report, he provided a series of comments regarding the proposed changes to the Zoning Regulations. Most are quite minor and have been included in the staff recommendation to the Commission, as minor changes to be approved.

In a letter dated November 30, 2009 the RWA states, "Overall, we believe the proposed regulations will significantly strengthen the protection of our public water supply sources in Hamden." The letter notes:

- The exclusion of areas containing steep slopes and wetlands from lot size calculations.
- The proposed cap on impervious surface.
- The reduction in parking space requirements in order to reduce unnecessary paving.
- The expanded stormwater management section.

The State Department of Public Health sent an unofficial copy reviewing the proposed amendments that was received too late to be included in this review. Commissioners have been given copies. DEP is intended to email a review but had not done so at 4:30 today.

Planning Department Comments

As previously noted, the proposed changes to both the Zoning Regulations and Zoning Map follow directly from the goals expressed in the 2004 Plan of Conservation and Development. The recent amendment to the POCD makes the connections even more explicit. The proposed changes are therefore consistent with the 2004 POCD.

The proposed changes to the Zoning Map are the result of extensive citizen input, especially along the entire Whitney Avenue corridor, as reflected in the numerous changes in proposed zones along the avenue. The same is also true of the proposed changes to the Zoning Regulations. In fact a new category, the T 3.5 Zone, was created to address specific concerns raised by residents. The types of uses allowed and approval required in each zone are the result of the numerous meetings where residential and commercial property owners voiced their concerns.

Mr. Kroop's comments have merit and the Commission should consider making most of the changes he recommends in the near future. The request for more signage, however, needs to be studied further. The EDC's concerns about the limited amount of commercial land are quite valid. Hamden has a limited amount

of such property and several commercial parcels are currently approved for residential projects. There is however, no backlog of applications. The proposed regulations offer a new model for development promote that which encourages denser and mixed use development. They will raise the potential value of the properties and make investment more profitable.

The Commission has also heard criticisms of the proposed T-5 designation for the “Magic Mile” on Dixwell Avenue. The argument presented is that the density is too high and that there will be too much traffic and demand for the Town's services. However that argument is flawed for several reasons.

First, the development allowed under the proposed regulations will probably take a considerable amount of time – perhaps twenty years, to occur. There will be no sudden increase in traffic or demand for public services. Moreover the typical tenants of the apartments are in age-cohort groups that do not contain large numbers of school-age children. Furthermore, the development of pedestrian-friendly, mixed-use projects will reduce the amount of traffic growth in the coming years. Public transportation is also available.

And without permitting denser development, there is no way for Hamden to increase its commercial sector. The costs of providing municipal services will continue to rise and without commercial growth the tax burden will continue to fall on homeowners. The denser development permitted along the “Magic Mile” will not create a monolithic behemoth. SmartCode is predicated on creating attractive environments in which people want to live, work and shop. Scales are carefully calibrated. Public spaces for children and adults are also an integral component. The standards employed in SmartCode and proposed for Hamden in the Zoning Regulations create a very different scale of development that attendees of the 2007 Charrette applauded.

However there is one critical difference between the generic SmartCode and the hybrid adapted for Hamden. The former provides an accelerated review and approval process. The proposed regulations for Hamden require Special Permits for any significant development project, ensuring a thorough review by the Commission and protecting citizens' rights to comment at the hearing. As an additional safeguard, developers who wish to begin with smaller projects on larger parcels will be required to provide a comprehensive plan for the long term development so that the Commission can be satisfied that the traffic circulation pattern is acceptable and that the plan provides sufficient and appropriate public spaces.

The Commission has received correspondence criticizing the designation of the Newhall Center as spot zoning. The area in question contains a substantial area of land and its prior and current uses as well as infrastructure are significantly different than the surrounding properties. The proposed changes will allow some flexibility in how the properties are developed yet at the same time offer residents the opportunity to influence development through public hearings.

There are a few minor changes that should be made in addition to the ones suggested by the Town Engineer and mentioned earlier.

There is a discrepancy between the title of the Zoning Map and the title of the Zoning map referred to on page .7. The Title of the Zoning Map should be “Zoning District Map Town of Hamden, CT. Section 150 a. should be revised to use this title. The map should also be revised to display this title.

There are a small number of properties, notably those near Forest on Whitney Avenue, that are shown with split zones. The proposed new zone should apply to the entire property. However a change of this magnitude must be done as an amendment, once the two applications now before the Commission are approved.

Section 120.3.o refers to developing “... in accordance with the POCD Neighborhood Plans.” It should say “... in accordance with the POCD Conceptual Plans.”

Table 2.2 shows the required area per dwelling unit in an R-4 zone as one per 10,000 sf. This is correct for a single family home but is inconsistent with Section 652 governing multi-family properties. A footnote should be added to clarify the difference.

In Table 2.5 the title of the second column, “Min. Side Yard,” should be changed to “Min Front Yard.”

Section 5502.12 is missing a period. It should read “550.2.13.”

Section 702.4.g -- is missing the section reference number. The section referred to is 700.

Section 781.1 The first sentence, “The Commission, on its motion or on petition, may amend these Regulations or the Zoning Map, after public notice and hearing, in accordance with the General Statutes of the State of Connecticut,” should be deleted.

Section 718 f.i. The phrase “any proposed increase to existing building coverage” should be changed to “any proposed substantial changes to building coverage”

Section 718 f.ii. The phrase “any proposed increase to building coverage” should be changed to “any proposed minor changes to building coverage”

Applicants should be required to provide traffic or hydrology studies as well as other information if needed by staff or the Commission to evaluate the plans, for both Special Permits, Section 718.2.c.12, and Site Plans (Section 720.4.1).

Given the number and complexity of the changes it is not surprising that they are not perfect. Based on feedback already received, the Commission will need to make changes in the coming months. However the applications before the Commission merit passage, with minor adjustments. They provide a sensible approach to both development and environmental protection to guide Hamden over the next twenty years.

Recommendation

The Planning and Zoning Department therefore recommend approval of the proposed amendment of the Zoning Regulations, 09-914, with an effective date of....., with the following list of minor changes:

The title page should include Scott Jackson, Mayor and Craig Henrici, Former Mayor.

Section 120.3.o should say “...in accordance with the POCD Conceptual Plans.”

Section 150 a. should be revised to use this title. The map should also be revised to display this title, “Zoning District Map Town of Hamden, CT.”

Table 2.2 should contain a footnote stating “The density of dwelling units in a multifamily property is governed by Section 652.

In Table 2.5 the title of the second column, “Min. Side Yard,” should be changed to “Min Front Yard.”

Section 430.5(b) Replace “the 'Rational' method” with “standard hydrology and hydraulics methods such as those described in the Connecticut Department of Transportation Drainage Manual 2000, as amended,” and replace “residential development” with “development in accordance with the Zoning Map.”

Section 520.9.5(c) Replace “Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (2002)” with “the Connecticut Department of Transportation Drainage Manual 2000” and “Commission” with “Town Engineer.”

Section 520.10.1(c) Replace “Driveways require a blend, or vertical transition curve, not to exceed 6%.” with “Changes in driveway grades require vertical transition curves.”

Section 520.11.2 Add the word “significantly” before “alter hydrologic conditions.”

Section 520.11.3(l)(ii) and (iii) Replace “Soil Conservation Service” with “Natural Resources Conservation Service” and delete the reference to New Haven County.

Section 520.11.3 (last paragraph) Add the 25 and 50 year frequency storms to the list of those required to be analyzed, add “,as set forth in this section” after “sound engineering practice”, and replace “one thousand (1,000) acres.” with “two hundred (200) acres, and shall not be used to compute drainage volumes or to design detention facilities.”

Section 520.11.4(f) Delete this section.

Section 520.11.5 Add “a” in front of “sensitive surface water” and add “which is” in front of “impaired.”

Section 520.11.9(a)(ii)(a) Add “pre-development” before “magnitude” and “or less” after “magnitude.”

Section 520.11.9(a)(ii)(b) Delete “activity of a” after “post-construction”, delete “a” before “2-year”, and replace “design post proposal or activity” with “pre-development.”

Section 520.11.11 Delete the extra “s” in “standards.”

Section 520.11.12 Replace “registered” with “Connecticut licensed.”

Section 520.11.13(a)(Engineering Data)(i) Replace “National Geodetic Vertical Datum of 1929” with “North American Vertical Datum of 1988 (NAVD 88)” and add a period before “Benchmark(s)” and “should also be shown.” after “Benchmark(s).”

Section 520.11.13(a)(Hydrological and Soil Data)(iii, iv, and v) Replace “Soil Conservation Service” with “Natural Resources Conservation Service” and delete the reference to New Haven County.

Section 520.11.14(a) Delete “technically” before “feasible”, and add “or prudent” after “feasible.”

Section 520.11.16 Re-order the list of items to be included in the Maintenance Covenants “a,b and c” rather than “c, d, and e.”

Section 5502.12 A period should be inserted so that it reads as “550.2.13.”

Section 560.1(b) Replace “4-1/2” with “5”, to comply with the Americans with Disabilities Act (ADA) compliance guidelines.

Section 591.1.7(a) Replace “Traffic” with “Town” and add “and sight lines.” after “locations.”

Section 591.1.7(Table 5.6) The one-way aisle width for parallel parking should be 12 feet.

Section 591.1.10(b) Replace “4-1/2” with “5”, to comply with the Americans with Disabilities Act (ADA) compliance guidelines.

Section 591.2.1 Delete “(top of curb)”.

591.7 Table 5.6 Change the parking aisle width for a one-way aisle with parallel parking to 12 feet instead of 24 feet.

Section 702.4.g The missing section reference number, 700, should be added.

Section 718.1 Delete the first sentence, “The Commission, on its motion or on petition, may amend these Regulations or the Zoning Map, after public notice and hearing, in accordance with the General Statutes of the State of Connecticut.”

Add “Section 718.2.c.12 “Any other information, such as a traffic or hydrology study deemed necessary by the Commission or staff to be necessary to determine conformity with the intent of these regulations.”

Add “Section 720.4.1 “Any other information, such as a traffic or hydrology study deemed necessary by the Commission or staff to be necessary to determine conformity with the intent of these regulations.”

Section 718 f.i. Change the phrase “any proposed increase to existing building coverage” to “any proposed substantial changes to building coverage”.

Section 718 f.ii. Change the phrase “any proposed increase to building coverage” to “any proposed minor changes to building coverage”.

Section 720.4(v) Add “the Hamden Traffic Authority or” before “Police.”

Section 730.2 Replace “a” with “an” before “Improvement” and adding “(“As-Built”)” after “Survey.”

Section 732 Replace the list of acceptable digital formats with:

- a. AutoCAD dwg or dxf
- b. ESRI shapefile or geodatabase

Delete “CADD” after “tiled”, after “Line work in”, and before “layers for buildings.”

Section 830(Turning Radius) Modify so that the text is not obscured by the drawing.

Staff also recommend approval of the proposed amendment of the Zoning Map, 09-915, with an effective date of..... with the following minor changes:

The Title of the Zoning Map should be changed to “Zoning District Map Town of Hamden, CT.”

Mr. McDonagh asked for questions from the Commission.

Ms. Altman asked for clarification with regard to form based and use based zoning and how much is controlled by the state. Ms. Creane advised that form based and use based zoning are not controlled by the State.

Mr. McDonagh asked for clarification of what would need to happen if major changes to the proposed zoning regulations were needed.

Mr. Tim Lee, Assistant Town Attorney explained that the Commission has a formal application before them. The Commission has the discretion to approve or deny the application, and Mr. Lee gave them examples of minor changes that they could adopt. He explained that minor changes do not change the substance of the application.

Mr. McDonagh asked for public comments in favor of the application.

Mr. Bob Pattison, 26 Augur Street, addressed the Commission and thanked them and the Planning Office Staff for the work that they have done on behalf of the Town. He feels the work they have done on the proposed zoning regulations was done in a bureaucratic fashion. The Commission has done a great service to the residents by allowing them to participate in the meetings that helped to create the proposed zoning regulations. Mr. Patterson feels that the residents have cause to be concerned, but the new zoning regulations will help the Town move forward and the changes will be visible ten to twenty years down the road. Mr. Patterson thanked the Commission, the town and the new Mayor for allowing him to take part in the changes being made to the zoning regulations.

Ms. Diane Switek- Persico, employee of Sherman Heights Bakery, addressed the Commission and stated that the bakery would be economically beneficial to the Town if it were allowed to be located on Whitney Avenue.

Mr. Bernard Pellegrino, Attorney addressed the Commission and stated that he is in favor of the proposed zoning regulations and the process undertaken by all who participated in it. He is hopeful that it will result in greater economic development for mixed- use development. Mr. Pellegrino stated that there were some aspects that he and the Commission did not see eye to eye with. He stated that there are three issues that he would like to see changed, and may or may not be considered minor amendments to the application. Mr. Pellegrino submitted and reviewed letters address to Ms. Creane stating the changes his clients, Whitney Center, Inc (exhibit 1), Partyka Chevrolet, Inc (exhibit 2), and Devonshire, LLC (exhibit 3) would like made to the regulations He explained that he wanted the issues placed on the record and the zoning regulations may have to be amended in the future.

Ms. Cindy Civitello, West Woods Neighborhood Association, addressed the Commission and said that she wanted to thank Ms. Creane and Mr. Kops for the time that they had given to the members of the association. The West Woods Neighborhood Association supports the vision for West Woods and Upper Whitney Conservation District, and the POCD which states “The policy for this area should be to prohibit non-residential development with a focus on natural resource protection as the northern gateway into Hamden”. She stated the proposed zoning regulations will ensure that the POCD vision will be realized and the residential character will be protected.

Mr. Sal Botte, 303 West Todd Street, addressed the Commission and submitted and read a statement (exhibit 4 & 5) with regard to his property located at 2784 Whitney Avenue. The proposed zoning regulations would put this property in a T-3 zone which would not allow him to use the property to expand Sherman Heights Bakery which he owns and operates. Mr. Botte canvassed the area surrounding his property in support of having a bakery and submitted a petition (exhibit 6) to the Commission.

Ms. Jane Bovier, 24 Pinewood Road, addressed the Commission and stated that she is in favor of the proposed regulations. She is not in favor of the area being rezoned for a bakery. She feels that the bakery would increase traffic in the area.

Ms. Jo Migliozi, 15 Pinewood Road, addressed the Commission and stated that she in favor of the restrictions that were added to zoning regulations. She does not want to see additional retail businesses allowed from James Street to the Route 10 Connector. Ms. Migliozi stated that the existing businesses are compatible with the neighborhood.

Mr. Phil Babian, 935 Sherman Ave, addressed the Commission and stated he is a co-owner of Sherman Heights Bakery. He does not feel that traffic would increase or decrease on Whitney Avenue if the bakery where to open at 2784 Whitney Avenue and that the proposed zone does not make sense. He submitted and read a statement (exhibit 7). Ms. Creane stated that regardless of what happens with the proposed zoning regulations changes, if a property is rezoned the existing property can remain in perpetuity.

Ms. Eileen O’Neill, 62 Gordon Street, addressed the Commission and stated that she is in favor of the concept for the Town of Hamden and Smart Code and it is the right way to go. The concept is supported by The United Space Green

Building Council and it is better for the environment and energy consumption. Ms. O'Neill said she is confident that the P&Z Commission and the Planning Office can work with all the neighborhoods to resolve the issues.

Mr. Ray Eramo, Hamden Resident, addressed the Commission and stated that he used to live at 2784 Whitney Avenue. He said that there are college students living in the area and have parties on the weekend, and Whitney Manor has trucks that make deliveries and create noise when entering and exiting. Mr. Eramo said he moved because of the noise and the traffic. Whether it is zoned T-3 or T-4 would not change the amount of noise or traffic.

Mr. McDonagh asked for comments against the application.

Ms. Helen Blitzer, 70 Haverford Street, addressed the Commission and stated that she is the author of the column Senior Spot Light in the Hamden Chronicle for the past ten years. She moved to Spring Glen in 1972. She complimented the Planning & Zoning Commission for meeting with the Spring Glen Civic Association representatives and working with them on the Village District Overlay. She stated that Spring Glen is a special community and it has a long history of being quaint. She asked how many apartments could be built on the Dixwell Avenue Corridor. Ms. Creane stated that there are no proposals for apartments and the changes to the zoning regulations for the Dixwell Avenue area would be for mixed-use. Ms. Blitzer stated that allowing for more apartments would increase the amount of children in the area and increase the need for additional Town services. This would increase the tax burden to the Town residents, and the Educational Budget already takes up over half of the Town Budget. She said that the Hamden Mart and Plaza are easy to maneuver and have plenty of parking. The proposed zoning regulations would reduce the amount of available parking if the parking spaces are converted to housing and office space. She stated that many residents are opposed to any underground or above ground parking garages, because their safety would be a concern. She feels that businesses would leave the area, and this could be the death of the Hamden Mart and Plaza. There are not a lot of existing businesses left in Hamden and if more business were to leave it could cause homes to be abandoned. She would like the Commission to reconsider the proposed zoning and stated "if it aint broke, don't fix it". Ms. Blitzer asked what the ratio of homeowners vs. apartment dwellers is. Mr. Kops stated the information can be found by going to Census Website. He stated that if her question is to determine the owner occupied property vs. renter occupied property, she should understand that a renter does not pay property taxes, but the owner of the property does. Ms. Blitzer said that it is disproportionate to the increase of town services needed and because of the increase of the amount of children and the cost to educate them. She feels that there has been a disproportional method when evaluating the different areas of town to Smart Growth. When Ms. Blitzer attended a presentation given by Dr. Orr she asked why there would be no changes to the northern section of Hamden. Dr. Orr's reply was "because they don't want it. She feels that all areas should be changed. Ms. Blitzer thanked the Commission for their time spent working on the proposed zoning regulations.

Ms. Elaine Dove, Spring Glen Civic Association President, addressed the Commission and submitted a handout (exhibit 8). She reviewed the handout which lists the concerns of the Spring Glen Civic Association's with regards to the informational meetings and the proposed zoning regulations. Ms. Dove feels there are major discrepancies to the proposed zoning map and the Commission should vote it down. The Spring Glen Civic Association is concerned about the density issues, and the POCD. She stated that regardless of what the Town Planner says, the Commission cannot move forward without a change to the POCD. The POCD had to be changed before the proposed zoning regulations could be brought to a public hearing. The POCD is important and what is in it is a legal document and should be changed to reflect the truth and what the issues that wants to be seen happen in Hamden. She knows that many people have put in a considerable amount of time, but more time is needed because errors still exist in the document. The process is a democratic process and if issues still exist then more time is needed. Ms. Dove stated that the Spring Glen Civic Association is making a recommendation that the Commission deny the application. The Commission should review the proposed zoning regulations in an organized manor and look at the geographic areas and how the areas would be affected with the proposed changes. She stated that residents living in the northern section of Hamden and traveling to other areas of town will have to pass through main arteries that may have major zoning changes.

Ms. Karen Wawock, 2648 Whitney Avenue, addressed the Commission and stated that she has lived in her home since 1952 and it is located on the corner of Forest Street and Whitney Avenue. She said that she owns the lots where her house and business is located. Ms. Wawock also owns the lot located between her house and the Knights of Columbus. The three lots make up one continuous lot going from Whitney Avenue back to Linden Avenue, and have always been located in one zone. The proposed zone change would change a B-1 zone to a horizontal split zone of T-

4 on Whitney Avenue, with an R-4 on the rear portion facing Linden Avenue. Ms. Wawock feels this is an illogical change and would devalue her property. Ms. Wawock reviewed other properties in the area that face the same problems. She feels that the properties that are split in half with one owners lot facing Whitney Avenue and the other owners lot facing Linden Avenue and their zoning makes sense. Ms. Wawock stated she would like to see single lots, remain single zones or be grandfathered in. She would like a T-4 zone status for each entire lot equal to the current B-1 zone status. Ms Wawock stated that she has never received written communication regarding the changes proposed. The split zone will not expand development in the future.

Mr. John Flanagan, 71 Chester Street, addressed the Commission and commended them for the work that they have done. He stated that Smart Code is based on nostalgia and there are nice neighborhoods that are walkable. There are businesses and manufacturing that no longer exist. He feels that the proposed zoning regulations are trying to reverse the trend and the form being used will not work. The T-5 zone will affect the neighborhood Mr. Flanagan lives in and will lead to excessive density. He would like the Commission to stop and redo the zoning regulations. Mr. Flanagan read the entire POCD and its intentions are what the Commission is trying to implement. He did not attend the earlier meetings because he did not want to interfere with the Commission. Mixed-use buildings in the Hamden Mart and Plaza area will affect the traffic pattern on Dixwell Avenue going south. Mr. Flanagan feels that the Hamden Plains and Wintergreen Civic Associations were skipped for participating in the meetings. The change being proposed reminds Mr. Flanagan of bigger cities such as New York and Boston and does not want to live in that type of area. Mr. Flanagan said that in Hamden there are neighborhoods that are nice and walkable, and there are some that never were and will never be. Mr. Flanagan explained to the Commission that there are developed areas that were to be considered private, yet they receive town services for the roads and trash. The zoning regulations will affect the taxes, and there are only six to seven percent of commercial businesses that are viable. Mr. Flanagan stated that 1/3 of land in Hamden is open space and questioned where taxable property would be developed. He disagrees with the idea that the changes being made to the regulations will not be seen for twenty years, because previous mistakes that have been made are now being dealt with. Mr. Flanagan feels that the Commission should relook at the zoning regulations in their entirety, because the proposed zoning maps do not agree with the proposed regulations. He made reference to Michigan which has a town named Hell with a zip code of 48169 and stated “the road to hell is paved with good intentions” and this road is why the residents are at this meeting.

Ms. Marjorie Shansky, Attorney representing Mr. Perry Hack and Two Brothers of Woodbridge, addressed the Commission and stated that her presentation is similar to Mr. Pellegrino’s comments about Whitney Center, Partyka, and Devonshire becoming non-conforming with the adoption of the proposed regulations. Ms. Shansky would like the proposed maps be redrawn to allow businesses to become conforming, or change the zoning district to one which would permit the existing uses. She submitted and reviewed a letter (exhibit 9) which explains her request to allow her clients Truck Garden business to become a permitted use. Ms. Shansky said that she is in favor of planning and feels that it should be done correctly. There will always be typographical errors or changes in standards that the Town Engineer would like reflected. The number of non-conformities that are being created by the zoning proposal, and the number of map deviations that need to be corrected suggest that this should be addressed and should remain on the drawing board. During this period she would like associate the idea of redrawing the line and leaving Mr. Hack’s property in the R-2 zone so he can continue to operate and be flexible in his operation that is appropriate under the Standards and Use Zoning Regulations and Connecticut Law. Ms. Shansky said that rather than being a hybrid of Smart Code and she sees it as a distortion of Smart Code. The changes made because of neighborhood groups have resulted in something that does not conform to a purpose section of Section 300 of the zoning regulations. She referred to subscript “g” that appears in the use table for T-3 zoning district, and restricts a number of uses that are permitted in the T-3 zone. Ms. Shansky read from the letter she submitted her recommendation for Section 300 sub section “a” and “b”. Ms. Shansky stated that this type of proposed zoning violates the uniformity clause of section 8 hyphen 2 of CT General Statutes which states that you cannot disseminate against uses within a district and treat properties differently within districts. It is well recognized and adopted that zoning districts do not have to share the same entities and you can treat properties differently in different zoning districts. Properties have been carved out differently north of West Woods Road on Whitney Avenue in the T-3 zone district that violates the uniformity clause and denies her client equal protection.

Ms. Florence McBride, 64 Woodlawn Street, addressed the Commission and stated she is concerned about the uses allowed and the density allowed for individual properties. The proposed changes along the major corridor and abutting properties would still affect the neighborhoods. Ms. McBride stated that the proposed changes to the building

coverage uses words such as “substantial” and “minor” words which are subjective and should be changed to percentages or keep the wording needs permission to make changes.

Ms. Jennifer Reynolds, addressed the Commission and stated that her father Sal Botte is the owner of Sherman Heights Bakery. She stated that her father has spent the majority of his life at the bakery and she explained the enjoyment he gets from be a baker which is becoming a lost art. The Bakery has had an impact on the community because of the contributions it has made to the community and the jobs it provides. Ms. Reynolds feels that area around 2784 Whitney Avenue is no longer the quiet neighborhood that she remembers as a child. Ms. Reynolds stated that by allowing the bakery and other small businesses on Whitney Avenue, it would stimulate businesses and the Town’s standing. She asked the Commission to reconsider the proposed zone for 2784 Whitney Avenue.

Mr. Richard Resch, 95 Broadfield Road, addressed the Commission and stated that Ms. Creane had previously stated that the density would not impact most residential zones and proposed removal of the buildable square requirement because it was overly restrictive and redundant,. He stated that if the density is not changing in residential areas it is then neither over restrictive or redundant. Mr. Resch advised the Commission that he had previously applied for a variance to develop two lots and the request was denied, and under the proposed zoning regulations it would now be allowed. Mr. Resch feels that in lots with steep slopes you will see in increase in buildings and density if the proposed regulations remain as written.

Mr. Peter Villano, 133 Armory Street, addressed the Commission and stated that he was impressed with Ms. Creane’s presentation on Smart Code and Transect Zoning, and the time that has been given to meeting with the Community. Despite all the meetings with the residents there, Mr. Villano feels the residents are still not at ease because they do not understand the changes despite all the meetings with the public. The public is still not sure of what the meaning of transect zoning is, and do not have enough data regarding the major corridors and Hamden being the first to use this concept. Mr. Villano would like to see information from other areas that have used the Smart Code and Transect Zoning and how it has worked and the lessons they have learned from it. Mr. Villano stated that he is surprised at the lack of use elsewhere, Hamden would be the first community in Connecticut that would have boarder to boarder transect zoning. He said that Simsbury has form based zoning in one area only. He would like Hamden to try transect zoning in a small area for one or two years to see if it works. Mr. Villano said that prudence requires that the Commission take the steps necessary so that the public is served. The public trusts the Commission to do the right thing that reflects the entire attitude of the residents. The State Statues puts the responsibility on the Commission to approve or reject the Application. If the application is approved Hamden will be an anomaly and different from all other towns. He feels that the proposed regulations will blanket the community without adequate information or preparation. He stated that Hamden does not have to be transformed or reinvented, and the Hamdenites like what they currently have. He feels there are three options: 1) The Commission can amend the proposed zoning regulations using Smart Code and transect zoning by going back to the POCD’s goal twenty nine and revising the current regulations to protect the neighborhoods. 2) If the Commission is inclined to move ahead, then pick an area with the cooperation of the community to pilot the changes and see how they work. 3) If there were any doubts put it to a referendum, if that was allowed.

Ms. Nancy Beals, 255 Ridgewood Avenue, addressed the Commission and stated that concurs with the objections stated at this meeting. The issue of permeable surface in the proposed zoning regulations is defined as “allows the absorption of storm water into the land, including green roofs”. She stated that here assumption of what a green roof entails, is it has green plants growing on it, which does not make a permeable surface. Ms. Beals is concerned with the increased density that would be permitted in the T-zones and does not feel it would be good for her neighborhood or Hamden.

Ms. Marsha Walsh, 680 Hartford Turnpike, addressed the Commission and stated that most of the thirty meetings with the Spring Glen Civic Association occurred when she was the President of the Association. She feels that the 7,000 letters sent out to the neighborhoods would not have been sent if she did not make a fuss. She said that the proposed zoning regulations have many discrepancies that must be corrected and changed before the Commission votes to adopt them. She advised the Commission that Peteluma California used Smart Code in a 50 acre area, and Hamden will be using it in the entire community. Ms. Walsh submitted a copy of the proposed map for the Spring Glen Village District (exhibit 10) and stated that it is incorrect. She feels that people are looking to the Commission with trust, and with many things wrong with the proposed zoning regulations and map, it should be looked at it until it is correct. Ms.

Walsh stated that the proposed map looks like a patchwork quilt and would like the Commission to think carefully, because the decisions made by the Commission will affect Hamden long into the future.

Mr. David Hennigan, 64 Waite Street, addressed the Commission and reviewed what was missing on the map Ms. Walsh submitted. The Spring Glen Civic Association was assured when the village district was created the text and map would be included in the proposed zoning regulations. Mr. Hennigan stated that the district lines were not properly drawn and pieces missing on the map, and houses were not put in that were supposed to be in the R-4 zone. He feels that the frustration that the community has is that meetings take place and promises are made, but the problems still exist. Mr. Hennigan submitted and reviewed a statement (exhibit 11).

Mr. John Morrison, addressed the Commission and stated that there is concern what is in 120-23 of the growth and development states "Guide the future growth and development of the town in accordance with the POCD", and this is suppose to guide the regulations. Mr. Morrison commended the Commission and the Planning Office for the work they have done on the proposed zoning regulations, but stated more work is needed. Mr. Morrison stated that the POCD was approved by the Zoning Section on September 28, 2009 and the diagrams that were distributed at the meeting were small and the people who attended the meeting did not know what they were. Mr. Morrison stated that he had spoken with some of the Commissioners who also did not know what they were or what they were voting on. Mr. Morrison submitted and reviewed a handout (exhibit 12). He feels if more time had been taken, there would have been more input and the Commissioner who chaired the hearing for the POCD may not have understood what the diagrams were about. Mr. Morrison feels that the Commission voted on something they could not read or left over from something else. When the Village District was being developed, they found they looking at diagrams for Whitney Avenue that expanded it from 42 feet to 62 feet for the street and the sidewalks were expanded from 66 feet to 86 feet, and this has been cause for concern. He used as an example the placement of gas pumps with the expansion of Whitney Avenue would be affected. Mr. Morrison stated that there are still many problems that need to be addressed before the zoning regulations are passed it will affect the future and what future Commissions will do. He referred to an article in the New Haven Register regarding a statue that was passed for protection against homes being taken by eminent domain. Mr. Morrison feels that people are asking to vote the proposed zoning regulations down, because they need more work. The phrase "business friendly" has been used and feels what exists is in the Hamden Mart is already business friendly. If residences are built in a business zone, it will no longer business friendly. The idea that the parking lots are not being used is incorrect, because on the weekends the lots are 75 percent filled. The Commission needs to take the time to determine what is considered business friendly and what high density would do to destroy where people shop. Mr. Morrison stated that there was an article in the New York Times a number of years ago that stated "Hamden is the future", and Hamden was the future because they had the Hamden Mart and there is parking available. Mr. Morrison urged the Commission to vote down the proposed zoning regulations and map so that more work can be done.

Ms. Michele Helou, 114 Woodlawn Street, addressed the Commission and stated that she applauds Ms. Creane and her team for their good intentions. Ms. Helou is in favor of the Smart Code concepts because it does produce increased walkability and preserves open space. She is willing to live with some increase of density to accommodate and broaden the environmental goals. She asked if the plan includes major increase to broaden commercial and residential density square footage, and if the plan matches an economic growth projection study and where it could be found. Ms. Creane advised Ms. Helou that she would supply her with the information requested, but they are not answering questions. Ms. Helou asked the projection is to match the economic growth, how it was affected with the current economic downturn. If more density will be allowed than what will actually be developed, it will create spot development and will be opposite of the original intention to develop cluster development and cluster mixed-use development. She stated if the density projections do not meet economic projections on how Hamden will grow in the future, she suggests that the Commission makes it match to the best that can be predicted. This would create the proposed space that is desired. Ms. Helou feels that with the inconsistency with the proposed regulations and maps that have been overlooked and it brings into question the trust issue which maybe unintentional. Ms. Helou would like to see another round of public education on the proposed zoning regulations because there may be residence at this meeting who should protect their properties. Ms. Helou referred to Robert Moses, New York Planner who had in 1950-1960 had plans to destroy sections of New York for big roadway projects, and *** Jacobs fought to protect the existing neighborhoods. Mr. Moses said "Only make big plans, dream big" and Ms. Jacobs said "take only small steps". Ms. Helou asked the Commission to take only small steps and have a pilot program in the State Street bridge area, lower Dixwell Avenue area, and Whitney Avenue area, and possibly Spring Glen if working closely with the Spring Glen Civic Association.

Mr. Gus Spohn, 4032 Whitney Avenue, officer of the West Woods Neighborhood Association and a member of the Mt. Carmel Environmental Trust, addressed the Commission and stated that on record with the commission are letters from representatives of both organizations objecting to agricultural uses along Whitney Avenue.

Mr. Gus Spohn had a prepared statement he read as follows:

You have heard tonight and at earlier hearings testimony about the Two Guys from Woodbridge agribusiness located on northern Whitney Avenue near the intersection with Brooksvale Avenue. That testimony is valuable as an example of the impact of an agricultural operation on a particular neighborhood, and in painting a picture of what the future might look like if such operations were to proliferate in the neighborhood.

That said, it is my belief that this public hearing should not excessively focus on any one parcel and the particular uses to which it is put but rather focus on the large number of parcels, collectively, that constitute areas designated for zone changes. In this case, for example, that would mean the real question before the commission vis à vis the prohibition of agricultural use in T3 zones is not so much “How will a change to T3 affect the Two Guys operation on Whitney Avenue?” but, rather, something along the lines of “How would it be if agriculture were permitted in T3 zones and if many or even most of those parcels were used for agriculture? Would this serve the community well?”

In my opinion, the answer is “no.” The essential problem relates directly to the geometry and location of the parcels along northern Whitney Avenue:

- A. First, geometry. The parcels in the T zones are extremely shallow – just one lot deep – and are juxtaposed in close proximity to residences. There is simply not enough space to provide adequate shielding from agriculture-related activities whether it be excessive dust, noise from machinery or delivery trucks, or glowing lights from greenhouses. There is a difference between living next to a farm that is 500 feet away and living next to one that is 100 feet away.
- B. Now, location. The T3 lots along northern Whitney Avenue are in areas that are environmentally sensitive because they drain into aquifers that feed public water supplies. As you know, the ability of local authorities such as Inland Wetlands Commissions is extremely limited in the case of farmland. Permitting agriculture in these areas would restrict the ability of Hamden officials to regulate their use and, hence, create the potential for degradation of water quality. It is important to recognize that, as agricultural use is defined in Hamden’s regulation, there is no distinction between traditional farming and organic farming, and so permitting agricultural uses would permit all kinds of farming, not just those that claim to be pesticide-free. I would like to submit for the record an article that appeared in *The New York Times* on Sept. 18 of this year under the headline “Health Ills Abound as Farm Runoff Fouls Wells.” The article says, and I quote, “Yet runoff from all but the largest farms is essentially unregulated by many of the federal laws intended to prevent pollution and protect drinking water sources. The Clean Water Act of 1972 largely regulates only chemicals or contaminants that move through pipes or ditches, which means it does not typically apply to waste that is sprayed on a field and seeps into groundwater. As a result, many of the agricultural pollutants that contaminate drinking water sources are often subject only to state or county regulations. And those laws have failed to protect some residents living nearby.”

In summary, I believe the decisions of the commission should turn on the broad impact of allowing agribusiness in primarily residential areas such as the northern Hamden Whitney Avenue corridor. The fate of the many parcels should not rise and fall with the fortunes of a single parcel. Addressing the status of any particular parcel would best be done in the context of a use variance where the merits of such a request and particularities of the property in question – and the concerns of nearby residents -- could be taken up in appropriate detail.

For these reasons, I wholeheartedly support and applaud the commission’s proposal to exclude agricultural operations from T3 zones in the northern Whitney Avenue corridor.

As a footnote, I would like to respond to the questions raised by Atty. Shansky about the superscript “g” that prohibits agricultural development north of West Woods Road. That is because the town’s Plan of Conservation and Development identifies that part of the corridor as the “Upper Whitney Conservation District.” Goal 6 of the Plan, on

pp. 130-131, says, "From the West Woods Road/Whitney Avenue intersection to the Cheshire town line, protection of natural resources should be the paramount concern. Objective: North of the West Woods Road/Whitney Avenue intersection future land use should focus on low-density development, no extension of non-residential uses, and natural resource protection. Protection of the mill River should be key to this strategy." Therefore, use of the superscript "g" is not arbitrary.

In addition to the copy of the *New York Times* article I cited (exhibit 13), I am including as part of the record Attorney Keith Ainsworth's letter (exhibit 14) and brief (exhibit 15) of August 2009 that support many of the points I have made and an August 2009 letter (exhibit 16) to the Commission from the Mount Carmel Environmental Trust opposing agriculture along the northern Whitney Avenue corridor.

Mr. Perry Hack, owner of Two Brothers of Woodbridge addressed the Commission and explained hydroponic is completely organic and does not affect the environment.

Ms. Mary Glynn, 4 Harmon Street, addressed the Commission and stated that people may not understand the scale of the density concept with an urban center. Ms. Glynn would like the corner of Skiff Street and Whitney Avenue to be addressed and asked why it is designated as an urban center. She also asked what the impact is on the High School because of its size and density. She stated the High School is a large building located on a small parcel with Route 15 located on the side and what the impact would be making it a T-5 zone.

Mr. McDonagh asked for further comments. There were none.

Mr. McDonagh explained that the Public Hearing would be continued on Monday, December 7, 2009. He explained that Ms. Creane and Mr. Kops will address the comments made at this meeting. Mr. McDonagh explained that someone had asked why Mr. Kops read the entire comments and recommendation report. Mr. McDonagh explained that they read to make them part of the official record.

Mr. Grant made the motion to continue the Public Hearing on Monday December 7, 2009. Ms. Atman seconded the motion. The motion passed unanimously.

The meeting adjourned at 10:36 p.m.

Special Meeting:

1. Proposed Amendment to the Hamden Zoning Regulations 09-914
Hamden Planning & Zoning Commission, Applicant

Tabled

2. Proposed Amendment to the Hamden Zoning Map 09-915
Hamden Planning & Zoning Commission, Applicant

Tabled

B. Adjournment

The meeting adjourned at 10:36 p.m.

Submitted by: _____
Stacy Shellard, Clerk of Commissions