



Town of Hamden
Planning and Zoning Department

**Hamden Government
Center
2750 Dixwell Avenue
Hamden, CT 06518**

Tel: (203) 287-7070

Fax: (203) 287-7075

March 15, 2010

MINUTES: THE PLANNING & ZONING COMMISSION, Town of Hamden, held a Public Hearing and Regular Meeting on Tuesday, March 9, 2010, at 7:00 p.m. in the Thornton Wilder Hall, Miller Memorial Library Complex, 2901 Dixwell Avenue, Hamden and the following items were reviewed:

Commissioners in attendance:

Joe McDonagh, Chairman
Ann Altman
Don Moses
Gerald Dimenstein
Ed Sullivan
Jon Cesare
Greg Tignor, Alternate sitting for Ed Grant

Staff in attendance:

Leslie Creane, Town Planner
Dan Kops, Assistant Town Planner
Tim Lee, Assistant Town Attorney
Stacy Shellard, Clerk
Dee Ann Rich, 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 meeting procedures.

A. Public Hearing:

1. **Special Permit & Site Plan 09-1159/WS**
3139 Whitney Avenue
Multi-family housing
Bernard Pellegrino, Attorney
Deadline to open Public Hearing 4/17/10
Postponed at the request of the Applicant

2. **Special Permit & Site Plan 09-1160/WS**
20 & 36 Todd Street, R-2, B-2 Zone
Assisted Living Community-Phase III
The Ravenswood Co, LLC, Applicant
Deadline to open Public Hearing 3/18/10
Postponed at the request of the Applicant

3. **Major Amendment to Special Permit & Site Plan 06-1082**
2556 to 2566 Dixwell Avenue, CDD-1 Zone
50 & 64 Sanford Street
Medical Office Building
Bernard Pellegrino, Applicant
Deadline to open Public Hearing 3/18/10

Mr. Bernard Pellegrino, Attorney, addressed the Commission and reviewed the original approval for the medical building that is located on the site. The request is for a major amendment for the existing home and driveway on

Sanford Street, and a vacant lot that is being used as a parking area for the existing medical building. Mr. Pellegrino said that the existing house will be demolished and a new 2,500 square foot medical office building will be constructed at the end of the parking lot and the construction of a driveway that will be used as an exit only onto Sanford Street. Mr. Pellegrino explained that currently it is difficult when exiting left onto Dixwell Avenue from the existing building during high traffic periods. The new exit onto Sanford Street would allow people to use the light located at the corner of Sanford Street and Dixwell Avenue. Mr. Pellegrino said that the existing medical building has been well received by the Town and is filled with quality medical providers. He explained that because of some miscommunication with Town Staff, there are some comments missing and that the issues raised are not of major concern. These issues will be addressed by Mr. Ryan McEvoy.

Mr. Ryan McEvoy, Professional Engineer, addressed the Commission and stated that the parking expansion that was previously approved as part of the expansion of office space in the building on Dixwell Avenue included parking spaces with the assumption that they would also be used for the existing house on Sanford Street. These parking spaces will be used for the medical building. The proposed building is approximately 2,500 square feet, 1,700 square feet larger than the existing house. The existing parking area has more parking spaces than required by the Zoning Regulations. Mr. McEvoy explained that the parking area had to be reconfigured to accommodate the one way exit which will be 12 feet wide. Ms. Altman asked if the proposed driveway would be used exclusively as an exit. Mr. McEvoy said that signs will be posted in the right-of-way stating that it will be used as an exit only. He said that the previous application included underground detention storage and plastic chambers that are located beneath the existing parking area. There will be a minor increase in impervious surfaces, and the underground infiltration chamber will be expanded. Mr. McEvoy reviewed the stormwater management plan with the Commission and said that previous percolation tests show that soils can handle additional runoff. He said that the comments received from the Town Engineer dated March 10, 2010 ask for clarification with regard to the plan notes and calculations. These will be addressed by Mr. McEvoy.

Ms. Altman asked Mr. McEvoy if the new building will be constructed will have an exit. Mr. McEvoy said it has an existing driveway. Ms. Altman would like to see what the current traffic flow is to the large building, the new building, and if the patrons using each building will go out to Dixwell Avenue or Sanford Street. Mr. McEvoy stated that the vast majority of office space will be at the existing building, and that he anticipates that the majority of patients and employees will continue to exit out onto Dixwell Avenue. He reviewed the main entrance that will be used when the new building is completed and anticipates that most people will continue to use the Dixwell Avenue exit as their primary means of egress. Mr. McEvoy feels that the exit on Sanford Street will not be heavily used, but people may use it as a way to avoid turning directly north or south into traffic on Dixwell Avenue. Ms. Altman asked if people will tend to exit at the same location on Dixwell Avenue as they entered the parking area. Mr. McEvoy stated that it is anticipated that the majority of people will enter and exit the facility from Dixwell Avenue. Ms. Altman asked if the nature of the services provided in the two buildings will be approximately equivalent in terms of the generation of traffic. Mr. McEvoy said that the type of use for both buildings will be for medical office space. Mr. McDonagh asked if the same use means it will be devoted to particular specialties in one building.

Dr. Doug Rollins, Owner, addressed the Commission and stated that the new building will be for medical specialties and the providers will use the facilities in the main building for radiology and the blood laboratories. Mr. McDonagh asked if there would be internal traffic on the site. Dr. Rollins said there could be internal traffic on the site and that the egress will be used by the employees when they leave at 4 p.m. or 5 p.m. and traffic is heavy on Dixwell Avenue. Ms. Altman asked if Dr. Rollins anticipates pedestrian traffic between the two buildings. Dr. Rollins said that most patients who need to use the labs in the main building will make appointments that would be on a different day. Ms. Altman asked if there would be a sidewalk to allow pedestrians to walk safely between the two buildings. Mr. McEvoy stated that a sidewalk is not proposed and he does not anticipate a high volume of vehicle traffic. Mr. Dimenstein stated that he uses the main building when going for tests and when he leaves taking a left onto Dixwell Avenue it is difficult at any time of the day. Mr. McDonagh asked if the northern portion of the parking lot is unused. Dr. Rollins said he has never seen anyone park in the northern portion of the parking lot. Mr. McDonagh asked what the size of the existing building is and what size the new building will be. Dr. Rollins said that the existing building is 25,000 square feet in size and the new building will be 2,500 square feet.

Ms. Leslie Creane, Town Planner, stated that she would like the facade on the side of the building facing Sanford Street to keep with the character of the neighborhood and that the current plans do not show an entry door. Dr. Rollins said an entry door can be added, but will not be used because of the steep slope.

Mr. Dan Kops, Assistant Town Planner read his comments and that given the number of issues raised by the Engineering Department, staff recommends continuing the Public Hearing until next month's meeting.

Ms. Altman asked if there would be additional dumpsters placed on site for the new building. Mr. Kops stated that there are no new dumpsters in the plans and the existing dumpsters are located at the northern end of the property. Ms. Altman asked if more trash would be generated with the new building. Mr. Kops stated that more trash could be generated, but has not been determined if additional dumpsters will be need. Ms. Altman asked Mr. Kops if this was the first application using the new regulations that names the trees to be planted. Mr. Kops explained that this application comes under the old regulations. Mr. McDonagh stated that the Commission can recommend the types of trees to be planted.

Mr. McDonagh asked for comments in favor of the application and there were none. He asked for comments against the application and there were none. Mr. McDonagh asked if there any comments regarding this application:

Mr. Ray Gibault, 35 Sanford Street, addressed the Commission and stated that when he is exiting his driveway on Sanford Street it is difficult because of the traffic that already exists on the street. He said that it can sometimes take him fifteen minutes to exit his driveway because of traffic from the Hamden Middle School and the school that is located at the old Sanford Barn Restaurant site. Mr. Gibault told the Commission that his family has been at 35 Sanford Street since 1950. He feels that the residential area from Dixwell Avenue to the bridge overpass on Sanford Street is changing from a small residential community to a commercial area. He stated that the house that will be demolished is in disrepair and the proposed plan will make the area look better, but is concerned with amount of traffic that will be added to the street, and the residential property values. He also asked about the impact on his taxes. Mr. Gibault reviewed with the Commission the office building that exists on the corner of Dixwell Avenue and Sanford Street and stated that the original approval did not have an exit onto Sanford Street. He explained that when the entrance/exit was put in, the neighbors complained and it was chained off, but eventually the chain was removed and is now being used. Mr. McDonagh asked Mr. Gibault where his home was located on Sanford Street. Mr. Gibault reviewed with the Commission the location of his home on Sanford Street. He is concerned with the vehicle traffic that could occur on the weekends when people realize that there is available parking at the medical offices, and that they will park there when using the Farmington Canal Trail. He feels that people could cause damage to the trees when accessing the trail. Ms. Altman asked if the proposed exit were not built and landscaped only would this make a difference in the traffic. Mr. Gibault stated that it may, but traffic continues to add up with each change made to the neighborhood. The changes in the area are evolving away from a small neighborhood community and are becoming a commercial area. Ms. Altman stated that the P&Z Commission does try to look out for everyone's interest. Mr. Gibault said that another issues is the speed traveled in the area, and the posted speed limits are not being enforced in the area.

Mr. McDonagh asked for any other comments and there were none.

Mr. McDonagh stated that there are outstanding issues that the Town Engineer did not receive responses to, and that there was a comment about the Sanford Street side of the building being made more suitable for a residential neighborhood. Mr. Pellegrino stated that there is no objection to continuing the public hearing so that the plans can be revised. Mr. McDonagh said that there are trees located near the existing building that do not look to be in good shape and he would like the applicant to look at the new planting list to see if there are more suitable trees that could be planted.

Mr. Pellegrino stated that the proposal is permitted in accordance with the zoning regulations. He said that they have answered the questions about the traffic and using the light at Dixwell Avenue is beneficial. He understands that the traffic on the state road moves at a high rate of speed which is more than what is permitted. Mr. Pellegrino said that the proposed project would increase the taxes from \$6,000.00- \$7000.00 to \$60,000.00- \$70,000.00 per year. Ms. Altman said that the engineering issues might delay a vote and that the developer has a good record with dealing with the commission. She asked if there would be an objection to having conditions and that any approval would have to meet with the Town Planners approval. Mr. McDonagh stated that he would object and would like to continue the public meeting. He feels that the architectural issues are important and need to be addressed.

Mr. McDonagh continued the Public Meeting for the Major Amendment to Special Permit & Site Plan 06-1082 until the April 13, 2010 meeting.

4. Special Permit & Site Plan 10-1161/APA

275 Mount Carmel Avenue, R-2 Zone

Addition to Student Center

Quinnipiac University, Applicant

Deadline to open Public Hearing 4/15/10

Mr. Bernard Pellegrino, Attorney, addressed the Commission and reviewed the application. He explained that the proposed project is located on the main campus at the Student Union building. The project will be for interior renovations which share an entry with the dining hall and there will be a minor bump out made to the building with the elimination of some impervious areas. Mr. Pellegrino stated that notice was not given to the West Woods Civic Association until today. He explained that he had spoken with Ms. Cindy Civitello and had explained why they were not formally notified and that the notification requirements will be updated on all the University lists. Mr. Pellegrino submitted to the clerk a picture of the Public Notice Hearing sign that was posted and an affidavit.

Mr. Howard Pfrommer, Civil Engineer, addressed the Commission and reviewed the site plan. He said that the student center is located 600 feet from New Road and 1,000 feet from Mount Carmel Avenue. The civil site work will be a sidewalk using brick pavers. There is a de minimis approval from the IWC. He explained that there were no comments from RWA and the DPH.

Mr. Jake Kleveck, Architect and Project Manager, addressed the Commission and stated that the proposal is for interior renovations. He explained that the changes would be made to the meeting rooms, and media center. He stated that the northeast corner of the building would remain at a double height and a second floor will be added to the spaces. The south wing will only have the offices reorganized. Mr. Kleveck reviewed the site plans and elevations plans with the Commission.

Ms. Altman stated that the building has been enlarged before and it seems to be an inefficient way to continue to add to it. Mr. Kleveck said that the building is treated as one building with different functions. He reviewed with the Commission the location of the student center and the dining hall which is also undergoing renovations. Mr. Pellegrino explained that the budgeting, planning and financing are done separately and have been approved by the Board of Trustees for the University. Mr. Sullivan asked if the only change to the building is taking down the brick wall and putting up a glass wall and Mr. Kleveck said yes.

Mr. Dan Kops, Assistant Town Planner, read his comments and recommended approval based on the following plans:

Student Center Renovation, C.1.0, C2.0, A1.1, A.1.2, A.1.3, A3.1, AM1.0, dated 1/15/10, and P1.0, dated 12/8/98.

and the following conditions:

1. Prior to the Issuance of a Zoning Permit, the applicant must:
 - a. Submit revised plans for approval by the Town Engineer and Town Planner, containing:
 - i. A note stating that all catch basin inlets between the work area and the regulated watercourse will be cleaned and secured with silk sacks.
 - ii. A note stating that any sidewalk additions will consist of pervious pavers.
 - iii. A note stating that the construction access way will be cleaned and swept on a regular basis.
 - iv. All Conditions of approval.
2. During construction all oil, paint, and other hazardous materials should be stored in a secondary container and placed in a locked indoor area with an impervious floor during non-work hours. In addition, a supply of absorbent spill response material should be kept on site and the RWA should be notified of any spills.
3. RWA Inspectors should be granted access to the property to conduct annual inspections.
4. All work must be completed by March 9, 2015.

5. Given the protection provided by the performance bond for Special Permit #07-1103, no additional bonding will be required.

Mr. McDonagh asked for comments in favor of the application and there were none. He asked for comments against the application and there were none. Mr. McDonagh asked if there any other comments regarding this application:

Ms. Cindy Civitello, West Woods Civic Association, addressed the Commission and stated that Mr. Pellegrino had contacted her and that he would state during the Public Hearing why the West Woods Civic Association had not been notified. Ms. Civitello said that she cannot comment on whether she is in favor or against the application because it has not been brought before the Civic Association. Ms. Civitello is concerned that there was a condition of approval on a project for the University and it was that the West Woods Civic Association would be notified for Special Permits or Major Amendment applications. She stated that Mr. Pellegrino has made an offer that the Civic Association will be put on the email list for the Mount Carmel campus and York Hill campus. She asked that if they are not notified in the future the P&Z Commission table the item to the next meeting.

Mr. McDonagh asked for any other comments and there were none.

Ms. Altman referred to Mr. Kops' comments on page one that refers to the Police Department's recommendations. Mr. Kops explained that the Police Department is now providing reviews on all the applications. He said that there was a concern about an application which was for the renovation of a gas station on Whitney Avenue. The Police Department had questioned if there was adequate egress from the building in case of a crime committed or an explosion. Mr. Kops advised the Commission that the proper reference for the plans submitted is December 30, 2009 and revised February 26, 2010.

Mr. McDonagh stated that Mr. Pellegrino said the public agencies that were notified and that the West Woods Civic Association had been overlooked, and this was not the first time this has happened. Mr. Pellegrino explained that he had a conversation with Mr. Pfrommer and that the computerized systems have been coordinated for all the campuses and West Woods Civic Association is now on all of them. Mr. McDonagh stated that this is a minor expansion to the student center, but he does not want the Civic Associations to be forgotten again. Mr. Pellegrino stated that he has no objections to the conditions set forth by the Assistant Town Planner.

Mr. McDonagh asked for additional comments and there were none.

Mr. McDonagh closed the public hearing.

B. Regular Meeting:

1. Minor Amendment to Special Permit & Site Plan 09-1147/WS

2335 Dixwell Avenue, CDD-1 Zone
Aspen Dental
Carl Porto, Attorney

Mr. Carl Porto, Attorney, addressed the Commission and stated that Aspen Dental will be a tenant at this location, and he reviewed the application.

Mr. Dan Kops, Assistant Town Planner read his comments and recommended approval based on the following plans:

Ms. Altman made the motion to approve the Minor Amendment to Special Permit & Site Plan 09-1147 as recommended by Mr. Kops, Assistant Town Planner with the provision that the Conditions of Approval imposed on April 14, 2009 remain in effect.

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

2. Major Amendment to Special Permit & Site Plan 06-1082

2556 to 2566 Dixwell Avenue, CDD-1 Zone
50 & 64 Sanford Street

Medical Office Building
Bernard Pellegrino, Applicant

Tabled until the April 13, 2010 meeting.

3. Special Permit & Site Plan 10-1161/APA

275 Mount Carmel Avenue, R-2 Zone
Addition to Student Center
Quinnipiac University, Applicant

Ms. Altman made the motion to approve Special Permit & Site Plan 10-1161/APA as recommended by Mr. Kops, Assistant Town Planner:

Ms. Altman would also like to add a reminder to Quinnipiac University that for any meeting at which the Planning & Zoning Commission sees the land use Attorney for Quinnipiac University asking for anything the West Wood Civic Association must be notified.

Mr. McDonagh asked Ms. Altman if this is to be added as a condition. Ms. Altman said that it is a condition. Mr. McDonagh asked for a second to the motion and there was none. Mr. McDonagh said that this condition would be an expansion of the existing condition. He said that he recalls the condition to be: That any special permit or a major amendment to a special permit when it is submitted needs to be submitted to the West Woods Civic Association. Mr. Kops said that it is already a condition of approval for a prior application. Mr. McDonagh asked Ms. Altman if this condition would expand it to items such as the annual parking notification. Ms. Altman said it is for anything that comes to the Commission. Mr. McDonagh said that the motion did not get a second. Ms. Altman said that her motion was so that when anything comes before the Commission that Quinnipiac University notifies the West Woods Civic Association and this would remove all ambiguity, so there is never a question. Mr. Sullivan asked if this would make it a requirement. Mr. Moses asked how a condition for a specific application can be put as a blanket over any application. Mr. Lee explained that if it is imposed as a condition, and Quinnipiac does not adhere to the condition, it is a condition attached to this application and the Commission cannot go back to this application. Mr. Lee feels that Quinnipiac University now understands that if the West Woods Civic Association is not notified the application will be tabled to the next meeting to allow the Civic Association time to review the application. Mr. McDonagh stated that another remedy would be to revoke the permit for an application with the condition. However, this would be highly unlikely because the project is completed and occupied. Mr. Moses says that there seems to be an amicable relationship between West Woods Association and Quinnipiac University and that it was communicated by the Civic Association that they were not intentionally kept from being notified. There have been previous occasions where the Civic Association had not been notified, but he feels that there was no degree of intentional neglect. ***Mr. Moses seconded the motion.*** Mr. Dimenstein asked if the applicant did not get the information to the West Woods Civic Association why does the Commission either deny the application or table it. Mr. McDonagh said that they could make the applicant wait another month and table the application.

Ms. Altman stated that she withdraws the original motion.

Ms. Altman made the motion to approve Special Permit & Site Plan 10-1161/APA as recommended by Mr. Kops, Assistant Town Planner with the following conditions:

1. Prior to the Issuance of a Zoning Permit, the applicant must:
 - a. Submit revised plans for approval by the Town Engineer and Town Planner, containing:
 - i. A note stating that all catch basin inlets between the work area and the regulated watercourse will be cleaned and secured with silk sacks.
 - ii. A note stating that any sidewalk additions will consist of pervious pavers.
 - iii. A note stating that the construction access way will be cleaned and swept on a regular basis.
 - iv. All Conditions of approval.
2. During construction all oil, paint, and other hazardous materials should be stored in a secondary container and placed in a locked indoor area with an impervious floor during non-work hours. In

addition, a supply of absorbent spill response material should be kept on site and the RWA should be notified of any spills.

3. RWA Inspectors should be granted access to the property to conduct annual inspections.
4. All work must be completed by March 9, 2015.
5. Given the protection provided by the performance bond for Special Permit #07-1103, no additional bonding will be required.

Mr. Moses seconded the motion. The motion passes unanimously.

4. Special Permit & Site Plan 01-935

10 Hamden Hills Drive
Request for an extension of the deadline to complete
Richard Dalby, Applicant

Mr. Dan Kops, Assistant Town Planner read his comments and recommended that the Planning Office has no objections to granting the extension of the completion deadline. He stated that the permit cannot be extended beyond July 24, 2011.

Ms. Altman made the motion to grant the request of the completion deadline until July 24, 2011, as recommended by Mr. Kops, Assistant Town Planner. Mr. Moses seconded the motion. The motion passed unanimously.

C. Old Business/ New Business

1. Review minutes of December 8, 2009

Mr. McDonagh stated that the minutes of December 8, 2009 will be tabled until the April 13, 2010 meeting.

2. Review minutes of January 12, 2010

Ms. Altman made the motion to accept the minutes of January 12, 2010 as written. Mr. Moses seconded the motion. Mr. McDonagh, Ms. Altman, Mr. Moses and Mr. Dimenstein voted in favor of the motion. The motion passed.

3. Review minutes of February 9, 2010

Ms. Altman made the motion to accept the minutes of January 12, 2010 as written. Mr. Moses seconded the motion. Mr. McDonagh, Ms. Altman, Mr. Moses, Mr. Sullivan and Mr. Cesare seconded the motion. The motion passed.

Mr. McDonagh advised the Commission that there is a special meeting scheduled for the Planning & Zoning Commission on March 23, 2009. Mr. Kops explained that there are four applications to amend the zoning map.

D. Adjournment

Ms. Altman made the motion to adjourn. Mr. Moses seconded the motion. There was no further discussion. The motion passed unanimously.

The meeting adjourned at 8:28 p.m

Submitted by: _____
Stacy Shellard, Clerk of Commission