



## Town of Hamden Planning and Zoning Department

**Hamden Government  
Center  
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October 1, 2010

**MINUTES: THE PLANNING & ZONING COMMISSION**, Town of Hamden, held a Public Hearing and Regular Meeting on Tuesday, September 28, 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  
Jon Cesare  
Bob Roscow  
Peter Reynolds  
Ed Sullivan  
Brock Poitier  
Ralph Marottoli, sitting for Ed Grant

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 7:02 p.m. The clerk read the Public Hearing items into the record. Mr. McDonagh introduced the panel and reviewed the Public Hearing procedures.

### A. Public Hearing

#### 1. Proposed Amendment to the Hamden Zoning Regulations 10-924

Add text defining Outdoor Wood-Burning Furnaces to Section 830 and change the language in Section 160.c to ban outdoor wood burning furnaces.

File available for review in the Planning Office and the Office of the Town Clerk

Hamden Planning & Zoning Commission, Applicant

***Public Hearing continued from 9/14/10 meeting***

Mr. Dan Kops, Assistant Town Planner, read his comments and stated that the Planning and Zoning Department continues to recommend approval of the proposed amendment to the Zoning Regulations.

Mr. McDonagh asked if there were any comments in favor of the application:

Ms. Leslie Balch, Director of QVHD addressed the Commission and stated that QVHD supports the proposed amendment to ban outdoor-wood burning furnaces(OWF). She said that the use of OWFs creates pollutants, and affects neighboring properties with the heavy smoke and the irritating odor that is generated. Ms. Balch is concerned with the health of young children and the elderly or anyone who has an existing lung or heart condition, or who is sensitive to toxins or the particulates that are generated. Ms. Balch said that those who are in favor of allowing OWF's say that the newer system that will be used are 90 percent cleaner, but that it is still an appliance that outputs 1.5 to 3 times more particulate matter than an EPA certified wood-burning stove. The testing that is EPA certified was done by the manufacturers and is based on units that are installed and used properly with the use of the proper types of wood,

and not started with the use of accelerates. Ms. Balch explained that to have an OWF burn efficiently it must be kept cleaned and maintained and the chimney must be cleaned at least once a year. The efficiency is also based on using the proper amount of wood. The currently used OWFs are only 70 percent cleaner and retrofits for older models do not exist. Ms. Balch said that in Connecticut there are siting regulations but even if the OWF's were installed according to the citing regulations they are still not good. There are setbacks and height of chimney requirements that were put in place for the people who do not have an OWF. Ms. Balch is also concerned for the people who have an OWF in their home. Ms. Balch reviewed the State Regulation for OWFs, and she said that the EPA is trying to better the OWFs so that they are more efficient and safer to a person's health. Ms. Balch stated that the State of Connecticut allows municipalities to pass their own regulations regarding the OWF's. She said that more municipalities are banning OWFs.

Dr. Robert LaCamera, retired pediatrician, addressed the Commission and stated that he is also involved with the Department of Environmental & Human Health which has been working with the issues of OWFs. Dr. LaCamera stated that he is in favor of the amendment because the concern is the effects it has on the young and elderly and the people in between. He said that large amounts of wood smoke can not be kept out of houses even with tightly closed windows and doors. Dr. LaCamera submitted a picture that shows how far a plume of smoke can go. He stated that if a child or a person with pulmonary or heart disease the toxic effect from the small particulates produced is more harmful than larger ones. Dr. LaCamera said that smoke interferes with the lung development of children and infants. Dr. LaCamera reviewed the health issues that can be caused or affected by exposure to smoke.

Ms. Susan Addiss, Former Director of QVHD and Former Commissioner of Health for the State of Connecticut, addressed the Commission and stated that she is in favor of the amendment. Ms. Addiss said that she is a board member for Environmental & Human Health, Inc. She explained that a study was done and measurements were taken from four homes that refute the evidence presented from the industry. Both small and large particulates were studied at different distances from the OWF. The furthest one was 840 feet away from the OWF. The same measurements were taken from seven homes that were not near homes with OWFs. Ms. Addiss submitted charts (exhibits 2 & 3) and reviewed the study findings with the Commission. She explained that the study was undertaken because people who were being affected by an OWF could not get any help from State or Local Agencies, and their family members were experiencing health problems.

Ms. Addis explained that people have approached Environment & Human Health Board, Inc and told them that their only recourse to protect their families was to put their houses on the market. When the houses were put on the market they could not sell them or the value was depleted because prospective buyers saw the shed with the OWF and the smoke coming from it. The emissions coming from an OWF is different then a fireplace or inside wood-burning stove because the OWF provides only partial combustion, which allows small particulates to be released. Ms. Addis said that if the air levels outdoor exceed EPA standards there is an alert given, but if indoors families can be exposed and no alert is given. She stated that eleven Towns including Woodbridge and Cheshire have banned OWFs. She is concerned for the long term health problems of children and the potential property value loss if OWF are not banned. Ms. Addis said that Hamden has a responsibility to protect the health of its citizens.

Ms. Altman and Ms. Addiss discussed the request to do the study for OWF. Ms. Addiss said that the Director for the Department of Environmental & Human Health had come to a board meeting to explain the emails he had received from around the State and he suggested that OWF be researched. Ms. Altman asked if the fine particulates and the smell might be coming from wood burning stoves and chimineas and one would not be able to identify where the smell is coming from. Ms. Addiss said that the degree of dispersal may happen at 800 feet for particulates and you can not smell it, but that it has not been tested. Ms. Addiss said that the State of Washington has banned all OWFs. Ms. Altman said that she has read the documentation from the State of Washington and all wood-burning is hazardous to your health. Ms. Altman stated that in third world countries they use wood-burning devices in their huts and that they have many health issues.

Mr. McDonagh stated that a break would be taken from the public hearing to allow Ms. Altman speak.

Ms. Altman welcomed the Legislators from Mongolia and explained that that have been attending the different Town meetings to observe how the democratic process works within the Town of Hamden. Ms. Altman introduced Ms. Oyungerel Tseveddamba, Advisor to the President of Mongolia (and their interpreter).

Ms. Oyungerel Tseveddamba addressed the Commission and explained how she had met Ms. Altman. She introduced the council representatives from Khan Uul and explained that they have come to Hamden to observe how the democratic process works with participation by both the local government and public participation.

### The Public Hearing

Ms. Dawn Maze-Hardy, Cheshire Resident, addressed the Commission and stated that she has a 12 year old daughter with severe asthma and her husband also has asthma. Ms. Maze-Hardy explained that she serves as the Connecticut Director for Health Promotion and Public Policy for the American Lung Association and they support the proposed amendment.

Mr. Lawrence Terra, resident of the Town of New Hartford, addressed the Commission and stated that New Hartford is currently involved in the same process to ban OWFs. Mr. Terra said he is the victim of a neighbor with an OWF. He moved into his home seven years ago and has twenty seven acres of land. His neighbor has ten acres and two years ago installed an OWF at the edge of his property which is next to Mr. Terra's home. Mr. Terra explained that if he stands in his yard and the neighbor is using the OWF, he gets pelted with the particulates, even though it is beyond the 200 foot setback recommended by the EPA. His children cannot play outside because of the smoke which is held down by the clouds. Mr. Terra's ten year old has asthma and it has gotten worse in the last two years ago. Mr. Terra questions if he will be able to sell his home. He said there are currently twelve OWFs in his town. Mr. Terra reviewed the DEP website publication which says that OWF are harmful to a person's health. Mr. Terra said that the DEP feels that towns must get involved with the regulations for OWFs. He said that the DEP publication says that one unit puts out 3000-8000 particulate matter that one house would generate from the use of natural gas. The board of selectman in New Hartford has sent this issue to their P&Z Commission to deal with OWFs. Mr. Terra submitted to the clerk the DEP website information (exhibits 3, 4, and 5).

Ms. Altman asked Mr. Terra if he is breathing particulates in when you cannot smell the smoke.

Mr. Terra said that on sunny day the smoke is higher up but you can feel the debris raining down on you, and when it is a cloudy or humid day you can feel the smoke on you.

Ms. Altman asked how far away the OWF is away from his home. Mr. Terra said that it is 500 to 800 feet away. He stated that the DEP suggests that you call complaints in so that they can come out to see the density of the smoke, but they do not come out that day, but three or four weeks later.

Ms. Altman explained to Mr. Terra that if his town bans OWFs the existing ones would be grandfather in and there would be no improvement for the property value. Ms. Altman said that the information Mr. Terra provided shows the Commission the direction they need to go in regarding OWF.

Mr. Robert Morticai, 234 Garvin Road, addressed the Commission and stated that he is in favor of the proposed amendment. He said that you are not allowed to burn your trash, you cannot smoke in restaurants and any type of smoke is not good for all people of any age. He said that this amendment would be good for the health and welfare for the citizens of the Town.

Mr. McDonagh reviewed the correspondence received both in favor and against the proposed amendment. Mr. McDonagh asked if the Planning Office could comment on Ms. Laura Santino's letter.

Mr. Kops said that Ms. Santino asked if the definition in the proposed amendment would include wood-burning stoves, chimineas, and outdoor pits, and he advised it does not. Mr. Kops explained that if an amendment is proposed to ban other wood-burning devices the same public process would have to take place.

Mr. McDonagh asked if the proposal would include wood-burning furnaces that could be installed inside homes. Mr. Kops said that the proposed amendment would ban only OWFs, and does not have any impact on inside wood – burning stoves within a structure.

Mr. McDonagh said that Ms. Santino's correspondence refers to the units that can be installed inside are smaller in size and can be more dangerous and more highly toxic than the outside version, and that there is no definition for these versions. Mr. Kops explained that the proposed amendment is for outdoor units only and has no impact on wood-burning within a structure. He said that the indoor units are not structures and they are not regulated as an accessory structure, and are not used with the intensity that an OWF is.

Mr. McDonagh asked for comments against the application and there was none. Mr. McDonagh asked if there were any comments:

Mr. Frank Santoro, Hamden Resident, addressed the Commission and asked if people understood that the OWF are only used in the winter time when everyone's doors and windows are closed. He understands that the experts say that the smoke and particulates can penetrate through the doors and windows of the home. He said that if he had a problem with smoke coming into his home he would purchase an air purifier. Mr. Santoro said that the study which refers to the particulates getting in to the houses did not mention when it was done, and that today's houses are airtight with better windows and doors.

Ms. Altman stated that the study done by the Environmental & Human Health was done within the last twelve months. She said that she can smell the chiminea that is used two houses down and her windows are updated.

Mr. Santoro said that the OWF will not burn 24/7 year round and the problem that residents are having is with the outdoor fire pits and wood-burning stoves. He went to the website that Ms. Nancy Alderman does and her pet peeve is with the OWF, but she does mention the fumes from diesel trucks that could harm you. He said that Ms. Alderman has a 4,000 square foot house with 3 fireplaces and heats her house with oil. If your furnace is not kept clean it gives out emissions which he can smell at his homes. Mr. Santoro said if there are no permits in Hamden then why there is a proposed amendment for OWFs.

Mr. Sullivan referred to OWF vs. Chiminea and fire pits and the smell of smoke. He said that he has neighbors with outside fire pits and that he does not smell or see the smoke come into his home which is a maximum of 100 feet from his neighbors. Mr. Sullivan said that he works in the auto industry and that diesel fuel when it first came out was a problem and know people embrace it. He has not heard of any complaints regarding OWF until it was brought to the Commission. He asked where you draw the line regarding wood burning structures. Ms. Altman said that not all wood burning units are structures. Mr. McDonagh said that permanent structures are regulated and Mr. Kops said that they are permitted depending on the height and location of the structure.

Mr. McDonagh closed the Public Hearing.

## **B. Regular Meeting:**

### **1. Proposed Amendment to the Hamden Zoning Regulations 10-924**

Add text defining Outdoor Wood-Burning Furnaces to Section 830 and change the language in Section 160.c to ban outdoor wood burning furnaces.

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Hamden Planning & Zoning Commission, Applicant

Mr. Roscow reviewed the material given at the prior meeting and they show the stacks that were tested were 20 feet in height, but the OWF best management practice has a diagram that is 2 feet above the peak of the adjoining house's roof and located at 100 feet from the adjoining house. He feels the distance should be 300 feet. He said that the only zone in Hamden that would have the minimum require for placing an OWF would be an R-1 zone. Mr. Roscow

reviewed the definition for an R-1 zone. Mr. Roscow said that the resident from New Hartford lives in an area that is similar to an R-1 zone in Hamden and his environment has changed because of an OWF.

Mr. McDonagh asked Mr. Poitier if he had familiarized himself with the meeting that took place on September 14, 2010 and if he feels he would be able make a decision and Mr. Poitier replied yes.

Ms. Altman said that she was the one who brought the issue of OWF to the attention of the Planning Department and the presentations by the director and previous director of QVHD, the resident of New Hartford, and the testimony by Mr. Mordecai are compelling and she is in favor of the proposed amendment.

***Ms. Altman made the motion to approve the Proposed Amendment to the Hamden Zoning Regulations 10-924. Mr. Roscow seconded the motion.***

### **Proposed Amendment to the Zoning Regulations to Prohibit Outdoor Wood-Burning Furnaces**

#### Section 830 Defined Terms

add:

**Outdoor Wood-Burning Furnace:** Also called Outdoor Wood Boiler. An accessory structure or appliance designed to be located outside living space ordinarily used for human habitation and designed to transfer or provide heat, via liquid or other means, through the burning of wood or solid waste, for heating spaces other than where such structure or appliance is located, any other structure or appliance on the premises, or for heating domestic, swimming pool, hot tub or jacuzzi water. The term "Outdoor wood-burning furnace" does not include a fire pit, wood-fired barbecue or chiminea.

#### Section 160 Interpretation of Regulations

*Current language:*

- a. Any principal use of land, buildings or structures not expressly permitted by these Regulations in the various zones is prohibited.
- b. Any activity not expressly permitted in the Regulations is prohibited.
- c. For a principal use permitted by these Regulations, accessory uses that are customarily incidental and are actually subordinate thereto are permitted.
- d. No accessory use shall be established on a property until a principal use has first been established.
- e. Where any conflict arises between the provisions of these Regulations and any other law, ordinance, regulation or permit, the provision that imposes the highest standard or establishes the greatest restriction upon the use of the land, buildings, structures or site shall control.

*Proposed change:* Add to Section 160.c

“with the exception of Outdoor Wood-Burning Furnaces, which are not permitted in any zone.”

*Proposed language: (The added text is shown in italics and boldface only for purposes of highlighting the proposed amendment)*

#### *Section 160 Interpretation of Regulations*

- a. Any principal use of land, buildings or structures not expressly permitted by these Regulations in the various zones is prohibited.
- b. Any activity not expressly permitted in the Regulations is prohibited.

- c. For a principal use permitted by these Regulations, accessory uses that are customarily incidental and are actually subordinate thereto are permitted, ***with the exception of Outdoor Wood-Burning Furnaces, which are not permitted in any zone.***
- d. No accessory use shall be established on a property until a principal use has first been established.
- e. Where any conflict arises between the provisions of these Regulations and any other law, ordinance, regulation or permit, the provision that imposes the highest standard or establishes the greatest restriction upon the use of the land, buildings, structures or site shall control.

Mr. Reynolds asked what would happen if a grandfathered furnace needs to be replaced.

Mr. Tim Lee, Assistant Town Attorney said it would depend on the facts of the situation and if the size of the unit that will be replaced is larger. The new system will be required to comply with State regulations which require minimum distances and heights on the chimney.

Mr. Reynolds said that if it is kept within the existing footprint and the state requirements it could be replaced and Mr. Lee replied yes.

Mr. Marottoli asked if there is a record of any OWF in the Town. Mr. Kops said that testimony was heard on September 14, 2010 from two residents who did not get permits from the Town and no one had been aware of their existence. A resident may have gotten a permit for an accessory structure. He also noted that if the Commission approves the amendment they must also find that it is consistent with the POCD as so recommended.

***Ms. Altman amended the motion to approve the Proposed Amendment to the Hamden Zoning Regulation 10-924 since the amendment is consistent with the POCD and an effective date of October 15, 2010. Mr. Roscow seconded the amendment.***

***Mr. Roscow, Mr. Poitier, Ms. Altman, Mr. Reynolds and Mr. Marottoli voted in favor of the motion. Mr. Cesare and Mr. Sullivan voted against the motion. The motion passed 5-2-0.***

## **2. Minor Amendment to Special Permit & Site Plan 07-1116**

200 Leeder Hill Drive, M-Zone  
Eliminate a Stormwater Basin  
Whitney Center, LLC, Applicant

Ms. Leslie Creane, Town Planner, read her comments which recommended approval with condition as stated.

***Ms. Altman made the motion to approve the Minor Amendment to Special Permit & Site Plan 07-1116 as recommended by Ms. Creane, Town Planner and the following condition:***

Drawing No. 149, the easterly catch basin should be clarified to identify which invert elevation applies to which pipe.

## **3. 2010 Parking Plan-Quinnipiac University**

Mr. Bernard Pellegrino, Attorney, addressed the Commission reviewed the parking plan and stated that there has been no significant changes. He explained that the plan shows more parking than is required and that the designation of the lots has worked.

Mr. Dan Kops, Assistant Town Planner read his comments that are an analysis of the Quinnipiac Housing and Parking Data. He criticized the growth of the student body, which is reducing the beneficial effect of the new beds on campus.

Mr. Pellegrino stated that he is prepared to address the housing issues because he feels that there are miscalculations.

Mr. McDonagh asked Mr. Pellegrino if there are any plans to re-open the Quinnipiac University parking lot located on Whitney Avenue across from Evergreen Avenue. Mr. Pellegrino said that presently there are no plans to re-open the lot and explained that the lot has been closed since the York Hill Campus parking garage was completed. He said that the garage was built to accommodate full build-up on the York Hill Campus and at this time the cars that used the Whitney Avenue lot are using the garage. When the full build-up on York Hill Campus is completed they may need to re-open the Whitney Avenue lot. Mr. McDonagh asked if freshman are still not allowed to have a vehicle on campus and Mr. Pellegrino that they are not.

Mr. Pellegrino stated that he submitted the housing information and the parking plan data for review. Mr. Pellegrino said he questions the interpretation of the data by Mr. Kops, because compared to last year there is a significant decrease in the non-residential undergraduates. Last year there were 1,742 none residents and this year there are 1,313.

Ms. Altman asked Mr. Pellegrino where Mr. Kops got his numbers from for the amount of students if he is disputing Mr. Kops' comments. Ms. Altman asked Mr. Pellegrino if he was prepared to discuss the amount of students and he said that he was. Ms. Altman asked when the application for York Hill Campus was approved how many students were approved for Quinnipiac University. Mr. Kops said that the Commission did not approve a specific number, but they were presented numbers from Quinnipiac. The condition of approval was for every student that is added there will be a bed provided and this has not been the case. Mr. Pellegrino said that there was never a figure that the University could not go beyond. A master plan was submitted in 2006 that projected enrollment. The projected number was 5,600 and the number reported last year was 5,737, which was an increase from what was projected five years ago. Mr. Pellegrino reviewed the condition of approval. He said that the amount of beds available when completed will be 2,048 beds and to date there are 1,600. Mr. Pellegrino expects next year they can expect 414 more students will be on campus and this will reduce the non-resident population by an additional 25 percent and this would increase the resident number to 4,910 next year. This would make the percentage of students in University controlled housing 86 percent. Mr. Pellegrino said that the University is committed to bringing the students back on to campus.

Mr. McDonagh said that there is a trend upward of the students at Quinnipiac and the projections do not show that there will be enough beds. He has recently heard more complaints about off-campus student activity and the University needs to do a better job at educating students regarding proper behavior off-campus. Mr. Pellegrino said that they had met with the West Woods Civic Association and the University has been working with them. There has been an increase in the amount of complaints, but is targeted at certain properties that haven been an issue in the past. A suggestion had been made that landlords are abusing the system. A suggestion was that the P&Z Commission help with the Student Housing Permits and not renew permits based on complaints if the police were called. If the amount of students in a house exceeds four than the permit should be revoked and not renewed. Mr. Pellegrino explained if a landlord is charging 6 students rent then it undercuts Quinnipiac's ability to bring the students back to campus because it is cheaper.

Mr. Kops said that the Planning Office would like to deny permits being renewed for problem properties, but the zoning regulations do not regulate student behavior. The Planning Office staff has the authority to deny the renewal of a student housing permit because of a violation of the zoning regulations, but there is no authority to deny or revoke a permit for bad behavior and parties. Mr. Lee explained that if a student house permit is submitted and it meets the regulations than the permit must be issued.

Ms. Altman said that the students are misbehaving in the community and the P&Z Commission is being told to take care of it. Mr. Pellegrino said that he is asking the Commission for help that would enable the University to get the students back on campus. Ms. Altman asked why Quinnipiac cannot require proper behavior in the community or the student would get expelled and not expect the Town to do it.

Mr. McDonagh asked if Quinnipiac provides a source for undergraduates to find housing off campus and if the irresponsible landlords properties are listed with Quinnipiac. Mr. Pellegrino said the Residential Life Office provides the student with information that the property is permitted and there is a list of properties that have had problems in the past. Mr. McDonagh said that the University should work with the Planning Office to create a list of problem

properties. Mr. Pellegrino said that he is not asking the Planning Office to take care of the problems with students, but is asking for suggestions for ways the Town can help the University.

Ms. Altman asked Mr. Pellegrino why the student regulations can not state that any misbehavior on or off campus could result in the student being expelled. Mr. Pellegrino stated that he was unable to provide an answer. Ms. Altman said that the University is privately funded and they can make their own rules.

Mr. Pellegrino said that the problems this year are less because there are less students in the community. He has observed more for rent signs on houses in the community and there has been less issues for the past two years.

Mr. Sullivan said that a private homeowner must apply for a student housing permit and he asked if Quinnipiac has the authority to say that a student cannot use that address because of past problems. Mr. McDonagh said that Quinnipiac does have the resource for students who are looking for housing. He feels that it would help if Residential Life has a website that provides a list of housing which eliminates the houses that have been problems in the past.

Mr. Sullivan asked if the Hamden Police make Quinnipiac aware that there is a problem occurring. Mr. Pellegrino said that Quinnipiac employs one off-duty Hamden Police Officer and when a call is made to the Police Department and an officer is dispatched the University also dispatches the Officer that they employ. He said that on the weekends a second off-duty police officer is employed by Quinnipiac.

Ms. Altman asked what the consequences are for a student when the police are called for an off-campus problem. Mr. Pellegrino said that they could be arrested. Ms. Altman asked if it is a public nuisance and both the Hamden Police and the Quinnipiac Police come to the house but the student is not arrested, what discipline is applied to the students for bad behavior in the community.

Mr. Joe Rubertone, Quinnipiac University, addressed the Commission and stated that in most cases a party will quiet down and people will leave after the police have been to the site. Mr. Rubertone stated that unless the house is a repeat offender the Student Affairs Office will speak to the students to explain the rules of good behavior. Until an arrest is made and based on Quinnipiac's opinion of the law they do not discipline, other than to encourage good behavior within the community. If there are repeat offenses then they would be arrested and cited with a Promise to Appear and then there would be a disciplinary hearing, and this happens especially if there is alcohol involved. Mr. Rubertone said that Quinnipiac can make the rules they want.

Ms. Altman said that the Commission is happy with the campus, but an undergraduate student should sign a contract regarding good behavior on and off the campus. Ms. Altman stated that she is surprised that this has not been done yet.

Mr. Marottoli said Quinnipiac should have a rule regarding bad behavior regardless of whether it is on or off the campus. It is not fair to Hamden residents with students in their neighborhoods to have to deal with bad behavior. Mr. Marottoli feels that when the dorms are completed on York Hill that students will want to live on campus.

Mr. Rubertone said he will take the suggestion back to Quinnipiac. There have been discussions with the West Woods Neighborhood Association regarding ways to correct the problem. He said that for students living on campus there is a measure of control because there is a level of expectation, but there is not the same on the part of private landlords. He is not sure what can be done for off campus housing and will talk with the legal department.

Mr. Kops said that the list Quinnipiac's produces is based on referencing the properties that have proper permits with the Town. If you eliminate the list then students would not know which properties are properly permitted and they could find out after they moved in that their lodging is not permitted.

Mr. McDonagh said that the Commission does not vote on this issue, but it allows the Commission to communicate on an annual basis with Quinnipiac.

Ms. Altman would like the Commission to write a letter to Quinnipiac regarding the sense of the meeting, so that a response would be given that the issues are being addressed. Mr. McDonagh said he will write a letter to the University, and include the Mayor and the Legislative Council.

#### **4. Acceptable forms of Performance Bonds**

Mr. Kops said that the Commission was asked if a letter of credit could be added to list for an acceptable form of a bond. He explained that Ms. Kathleen Etkin, Finance Director had spoken at the last meeting and she thought that a letter of credit would be appropriate. The Commission had asked that they receive additional information including other towns that accept the letter of credit instead of a cash or surety bond. Mr. Kops reviewed the list of Towns and what they accept. Mr. Kops feels that it is reasonable to allow a letter of credit. Mr. Kops said that he will work with the Finance Department to receive their approval for banks that are acceptable list of banks. Mr. Poitier that the letter of credit should have irrevocable included in it.

***Mr. Roscow made the motion to accept irrevocable letters of credit as part of bonding for projects in Hamden. Mr. Poitier seconded the motion.***

Mr. Lee said that the motion should include the types of letters of credit that will be accepted, and that they should be approved by the Bank Commissioner.

Ms. Creane recommended that the motion include that irrevocable letters of credit be on forms developed by Planning Office in conjunction with the Finance Office and be approved the Finance Department.

Mr. Poitier asked if it would include what the percentage would be accepted as a letter of credit. Ms. Creane said that the percentage would be worked out with the Finance Department.

Mr. Lee said that the Bank should be licensed by the State of Connecticut or does business within the State of Connecticut. If the letter of credit has to be called it would be difficult to do with an out of state bank. The Commission further discussed what Banks would be acceptable. Ms. Altman said that it is critical that the motion be correct and include all the necessary information. She suggested that this item be tabled until the October 12, 2010 meeting so that the Planning Office and the Finance Department can prepare a list of banks and a motion to recommend to the Commission.

***Mr. Roscow withdrew his Motion and Mr. Poitier seconded the motion.***

Mr. McDonagh asked for a motion to add the request to discuss the phasing of bonds to the agenda.

Mr. Sullivan made the motion to add the request for Bond Phasing to the Agenda. Mr. Marottoli seconded the motion. The motion passed unanimously.

#### **Special Permit & Site Plan 09-1160**

20 & 36 Todd Street  
Request for Bond Phasing  
Trailside Village, LLC

Mr. Dean Fiske, Trailside Village, LLC, addressed the Commission and reviewed the letter he had submitted to request that bonding be allowed to be done in phases. Mr. Kops explained that when Trailside Village Phase I and Phase II were approved it was approved as one project therefor it was one project.

The Commission discussed with Mr. Fiske his request for bond phasing and the need to have one bond for the entire project which guarantees that the work will be completed for the entire site.

Ms. Altman made the motion to reject the request for phase bonding. Mr. Poitier seconded the motion. The motion passed unanimously.

**5. Special Permit & Site Plan 08-1126**

177 Sherman Avenue

Request to release Bond-amount \$30,417.00

**William Leonardo, Applicant**

Mr. McDonagh reviewed the request to release the bond in the amount of \$30,417.00. He advised the Commission that Ms. Holly Masi, Zoning Enforcement Officer, recommends that the request be denied.

*Mr. Sullivan made the motion to deny the request to release the bond in the amount of \$30,417.00 as recommended by Ms. Holly Masi, Zoning Enforcement Officer. Ms. Altman seconded the motion. The motion passed unanimously.*

**C. Old Business/ New Business**

1. Review minutes of September 14, 2010

*Mr. Sullivan made the motion to approve the minutes as written. Ms. Altman seconded the motion. Mr. McDonagh, Mr. Sullivan, Ms. Altman, Mr. Reynolds and Mr. Marottoli and Mr. Roscow, Mr. Cesare voted in favor of the motion. The motion passed 7-0-0.*

2. Minor Amendment to Special Permit 87-833: 3300 Whitney Avenue

Ms. Creane stated she reviewed the application and had signed off on it.

**D. Adjournment**

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

The meeting adjourned at 9:16 p.m

Submitted by: \_\_\_\_\_  
**Stacy Shellard, Clerk of Commissions**