



Town of Hamden Planning and Zoning Department

Hamden Government Center
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December 20, 2010, Revised 3/30/11 per Commission review at the 1/11/11 meeting

MINUTES: THE PLANNING & ZONING COMMISSION, Town of Hamden, held a Public Hearing and Regular Meeting on Tuesday, December 14, 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
Bob Roscow
Jon Cesare
Ed Grant
Peter Reynolds
Ralph Marottoli, sitting for vacancy

Staff in attendance:

Leslie Creane, Town Planner
Dan Kops, Assistant Town Planner
Tim Lee, Assistant Town Attorney
Stacy Shellard, Clerk
Genevieve Bertolini, 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.

A. Public Hearing

1. Special Permit & Site Plan 10-1171/WS

455 Sherman Avenue Rear, M Zone
Manufacturing, Warehouse, Storage
GAR Development, LLC, Applicant

Public Hearing continued from 11/23/10

Mr. Jim Sakonchick, Engineer, addressed the Commission and stated that the Town Engineer's concerns have been addressed and that the recommendations made by Mr. Dan Kops, Assistant Town Planner have been incorporated into the revised plans. Mr. Sakonchick said that the location being proposed is a shallow to ledge condition and the building will be placed on ledge and that a drywell would not work well. He is proposing a detention pond that is designed to mitigate water runoff. He explained that the RWA recommends that the detention pond be lower than the outlet to allow for temporary storage and it would encourage infiltration. Behind the building there will be a long trench located at the edge of the parking lot which will take the overland flow. There will be a series of check dams that will encourage infiltration and evaporation. Mr. Sakonchick reviewed the landscaping along the southern end of the building and explained that there is a 50 foot right of way located at the end of the driveway. It is a heavily wooded area which will be maintained in its present condition. Mr. Sakonchick said that there is no other issues with Mr. Kops' recommendations.

Mr. Kops said that the intent for the use of catch basins or similar methods is to keep the clean rainwater away from chemicals or other water that may have chemicals or oil in it and any alternative would need to be satisfactory to the Town Engineer. Mr. Kops stated that the 36 foot wide paved area next to the building does not need to be so wide and there should be landscaping at the southern end of the building.

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

Site Plans Prepared For GAR Development LLC, 455 Sherman Avenue Rear, Sheets C-1, B-1 and 2, G-1 and 2, D-1 – D-4, dated August 18, 2008, revised December 7, 2010 and Elevation Drawing A-1.3 dated March 19, 2008, revised April 2, 2010, Drawing A-1 through A-3 dated March 19, 2008, revised April 29, 2010 and Drawing A-2 dated March 19, 2008, revised April 2, 2010, Drawing G-1 and G-3a, dated August 18, 2008, revised December 7, 2010, Drawing G-2 dated August 18, 2008, revised December 5, 2010, Drawing LT-1 dated August 18, 2008, revised September 3, 2010 and Drawing P-1 dated August 29, 2010, revised October 19, 2010 prepared by Kratzert, Jones & Associates, Inc.

with the following conditions:

1. Prior to the Issuance of a Zoning Permit the applicant must:
 - a. Provide for approval by the Town Engineer and Town Planner revised plans containing:
 - i. The roof drains connected to a subsurface system such as a dry-well, infiltration trench or other similar method.
 - ii. The bottom inlet on the outlet control structure placed at least six to twelve inches above grade.
 - iii. A tracking pad.
 - iv. A note stating that all site work with the exception of Building # II's foundation, shall be completed during Phase I.
 - v. Landscaping along the southern end of Building # 1.
 - vi. Demonstration that the access drive can support simultaneous two-way traffic for box trucks and not cause problems at the entrance down below.
 - vii. A note stating that during construction the sedimentation and erosion controls will be inspected weekly, not regularly.
 - viii. All conditions of Approval
 - b. Obtain approval of the following:
 - i. A waiver from the Town Engineer for the driveway slope.
 - ii. Permission from the Hamden Traffic Authority to paint a gutter line and control traffic on Sherman Avenue.
 - iii. A blasting permit from the Fire Marshal.
 - iv. A fill evacuation plan, including traffic coordination and road maintenance, from the Police and Engineering Departments.
 - v. A maintenance and protection of traffic plan approved by the Hamden Traffic Authority.
 - vi. A Street Excavation Permit. from the Engineering Department.
 - vii. Extensions of the sewer line from both the GNHWPCA and the Hamden Legislative Council.
 - c. Provide a performance bond covering all Phase I and Phase II site work in an amount approved by the Town Planner and Town Engineer.
2. Prior to the start of construction:
 - a. The RWA should be notified three days prior to the start of any construction activity.
 - b. The erosion and sedimentation controls should be installed.
3. During construction:
 - a. The fill evacuation route should be kept free of spillage and cleaned as necessary.
 - b. Sedimentation and erosion controls should be inspected weekly and after each rainfall.
 - c. Additional sedimentation and erosion controls should be stored on-site for any necessary repairs.
 - d. Excavated material stored on-site for any length of time should be stabilized and surrounded by sedimentation and erosion controls. Stockpiles should not be placed on or near slopes.
 - e. All oil, paint, and other hazardous materials should be stored in a secondary container and placed in a locked indoor area.
 - f. If fuel for construction equipment is stored on-site it should be placed in a secondary containment system in a secured area.

- g. Any on-site fueling and repairs should be conducted over a portable spill containment system.
 - h. A supply of absorbent spill response material should be kept on-site to clean up any spills of hazardous materials.
 - i. The RWA should be notified of any spills of hazardous materials.
4. All work must be completed by December 14, 2015.
 5. There should be absolutely no discharges of motor vehicle fluids or detergent chemicals to the environment.
 6. RWA inspectors should be granted access to the site to conduct routine inspections.

Mr. Roscow said that the excavation being done on the site is on ledge and asked if the drainage would go into the swale. Mr. Sakonchick explained that the rear of the building will have a roof drain that will go into the proposed swale behind the building and there is little opportunity for oils to be picked up because it is a narrow area. The majority of the water going to the swale will be overland flow. Mr. Sakonchick reviewed the Stormwater Drainage Plan with the Commission and stated that the front drainage can be directed around the building to the swale and would allow the architect flexibility when designing the pitch of the roof

Mr. McDonagh would like a condition regarding the hours of blasting and the method of blasting should be with the approval of the Town Planner and Town Engineer.

Mr. McDonagh asked for comments in favor or against the application. There were none.

Mr. McDonagh closed the Public Hearing.

Mr. Grant made a motion to combine the public hearings for Applications 10-925 and 10-926. Mr. Reynolds seconded the motion. The motion passed unanimously.

2. Proposed Amendment to the Hamden Zoning Regulations 10-925

Add and amend text defining Flood Plain Zones and Special Flood Hazard Areas Section 830 and change the language in Sections: 430.1-Applicability, 430.3.1-General Standards, 430.3.2-Specific Standards, 430.3.4-Floodways,

430.9-Abrogation and Greater Restrictions, 430.10-Interpretation and 726.4-Flood Damage Prevention Variances.

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

Hamden Planning & Zoning Commission, Applicant

3. Proposed Amendment to the Zoning Map 10-926

Amend the FEMA Special Flood Hazard Areas on the Zoning Map

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

Hamden Planning & Zoning Commission, Applicant

Mr. Dan Kops, Assistant Town Planner read his comments and recommendations made by the Planning & Zoning Office.

Mr. Roscow asked if the new maps would be paper. Mr. Kops explained that the system is digitized and is incorporated into the GIS as a layer. This allow individual parcels to be looked at. Mr. Kops explained that the old map was digitized without being updated and the topography was not taken into account. Mr. Grant asked if an update will be done and Mr. Kops replied yes that is the Town's Intent..

Mr. McDonagh asked what the implications would be for the homeowners who where mistakenly identified. Mr. Kops said that a new program called FERMETTE that will allow individuals to look at properties themselves. The properties that were misidentified as in a special flood hazard will receive a letter and also will be sent to local lending agencies and individuals can ask for a letter to be sent to a specific lending institution.

Mr. McDonagh asked for comments in favor or against the application:

Mr. Jim Sakonchick addressed the Commission and stated that there was confusion by other surrounding communities with the reference points used for elevations and when using different vertical reference datum.

Mr. McDonagh closed the Public Hearing.

4. Special Permit & Site Plan 10-1172

18 Cherry Ann Street, T-4 Zone

School Parking

Elm City College Preparatory, Inc, Applicant

Deadline to open Public Hearing 1/27/11

Postponed at the request of the applicant

5. Special Permit & Site Plan 10-1173/WS

295 aka 325 Treadwell Street, T-4 Zone

Cafe, Office, Cultural Art Center

Steve Rodgers, Applicant

Deadline to open Public Hearing 1/27/11

Mr. Steve Rodgers, Owner, addressed the Commission and reviewed the application. He explained that the proposed location would allow the public to see more art and music from local, regional, and international talent. He said that his current location is frequented by 16-20 years old. Parents will often drop off their children and then go to a local restaurant or local businesses to wait until it is time to pick them up. He has been in business for eight years and has had no issues with security.

Mr. Dan Kops, Assistant Town Planner, read his comments which recommended approval with conditions stated. He said that condition 1.b should be removed because there will be no structural changes to the building.

Mr. McDonagh asked for comments against the application. There were none. Mr. McDonagh asked for comments in favor of the application.

Ms. Mimsie Coleman, Hamden Arts Commission Coordinator, addressed the Commission and stated that she supports this application. She said that Mr. Rodgers is an extraordinary person and his business offers tremendous opportunities to the Town and the residents. She explained that the majority of patrons that visit The Space are of high school and middle school age. Mr. Rodgers venue is alcohol and drug free and has been in operation for eight years without any incidents. Ms. Coleman said that the role of The Space in Hamden and regionally fills a cultural void. It allows for students to use their talents that they have learned in school and provides after school programs for middle school and high school students. It allows local artist to display their work and also a venue that allows local talent to have a recording studio. Ms. Coleman feels that the proposed companion site to the existing one will be very meaningful to the Community.

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

Mr. McDonagh closed the Public Hearing.

B. Regular Meeting:

1. Special Permit & Site Plan 10-1171/WS

455 Sherman Avenue Rear, M Zone

Manufacturing, Warehouse, Storage

GAR Development, LLC, Applicant

Public Hearing continued from 12/14/10

Mr. McDonagh stated that blasting hours should be identified. Mr. Roscow asked how far this location is from other properties. Mr. McDonagh reviewed the surrounding properties with the Commission.

Mr. Roscow made the motion to approve the application for Special Permit & Site Plan 10-1171/WS as recommended by Mr. Dan Kops, Assistant Town Planner with the added condition 3J: During Construction blasting may only be done during the hours of 8 a.m to 4 p.m. Monday through Friday and with the following conditions:

1. Prior to the Issuance of a Zoning Permit the applicant must:
 - a. Provide for approval by the Town Engineer and Town Planner revised plans containing:
 - i. The roof drains connected to a subsurface system such as a dry-well, infiltration trench or other similar method.
 - ii. The bottom inlet on the outlet control structure placed at least six to twelve inches above grade.
 - iii. A tracking pad.
 - iv. A note stating that all site work with the exception of Building # II's foundation, shall be completed during Phase I.
 - v. Landscaping along the southern end of Building # 1.
 - vi. Demonstration that the access drive can support simultaneous two-way traffic for box trucks and not cause problems at the entrance down below.
 - vii. A note stating that during construction the sedimentation and erosion controls will be inspected weekly, not regularly.
 - viii. All conditions of Approval
 - b. Obtain approval of the following:
 - i. A waiver from the Town Engineer for the driveway slope.
 - ii. Permission from the Hamden Traffic Authority to paint a gutter line and control traffic on Sherman Avenue.
 - iii. A blasting permit from the Fire Marshal.
 - iv. A fill evacuation plan, including traffic coordination and road maintenance, from the Police and Engineering Departments.
 - v. A maintenance and protection of traffic plan approved by the Hamden Traffic Authority.
 - vi. A Street Excavation Permit. from the Engineering Department.
 - vii. Extensions of the sewer line from both the GNHWPCA and the Hamden Legislative Council.
 - c. Provide a performance bond covering all Phase I and Phase II site work in an amount approved by the Town Planner and Town Engineer.
2. Prior to the start of construction:
 - a. The RWA should be notified three days prior to the start of any construction activity.
 - b. The erosion and sedimentation controls should be installed.
3. During construction:
 - a. The fill evacuation route should be kept free of spillage and cleaned as necessary.
 - b. Sedimentation and erosion controls should be inspected weekly and after each rainfall.
 - c. Additional sedimentation and erosion controls should be stored on-site for any necessary repairs.
 - d. Excavated material stored on-site for any length of time should be stabilized and surrounded by sedimentation and erosion controls. Stockpiles should not be placed on or near slopes.
 - e. All oil, paint, and other hazardous materials should be stored in a secondary container and placed in a locked indoor area.
 - f. If fuel for construction equipment is stored on-site it should be placed in a secondary containment system in a secured area.
 - g. Any on-site fueling and repairs should be conducted over a portable spill containment system.
 - h. A supply of absorbent spill response material should be kept on-site to clean up any spills of hazardous materials.
 - i. The RWA should be notified of any spills of hazardous materials.

- j. **During Construction blasting may only be done during the hours of 8 a.m to 4 p.m. Monday through Friday.**
4. All work must be completed by December 14, 2015.
 5. There should be absolutely no discharges of motor vehicle fluids or detergent chemicals to the environment.
 6. RWA inspectors should be granted access to the site to conduct routine inspections.

Mr. Ceasar seconded the motion. The motion passed unanimously

2. Proposed Amendment to the Hamden Zoning Regulations 10-925

Add and amend text defining Flood Plain Zones and Special Flood Hazard Areas Section 830 and change the language in Sections: 430.1-Applicability, 430.3.1-General Standards, 430.3.2-Specific Standards, 430.3.4-Floodways, 430.9-Abrogation and Greater Restrictions, 430.10-Interpretation and 726.4-Flood Damage Prevention Variances. File available for review in the Planning Office and the Office of the Town Clerk
Hamden Planning & Zoning Commission, Applicant

Mr. Marottoli made the motion to approve the proposed amendment to the Hamden Zoning Regulations 10-925 which is consistent with the Plans of Conservation and Development, and as recommended by Mr. Kops, Assistant Town Planner, with an effective date of December 17, 2010.

All new and modified text is shown in boldface. Text in italics is for explanation purposes.

ARTICLE VIII DEFINITIONS and ABBREVIATIONS

Section 830 Defined Terms

Add the following new terms and definitions:

Base Flood Elevation (BFE): The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

Manufactured Home Park or Subdivision, Existing: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 15, 1979, the effective date of the floodplain management regulations adopted by a community.

Existing Manufactured Home Park or Subdivision, Expansion: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA): The federal agency that administers the National Flood Insurance Program (NFIP).

Functionally Dependent Use or Facility: A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

Historic Structure: Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on the State Register of historic places; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

Manufactured Home Park or Subdivision: A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

Manufactured Home Park or Subdivision, New: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 15, 1979, the effective date of the floodplain management regulation adopted by the community.

Market Value: The market value of the structure shall be determined by *an* independent appraisal by a professional appraiser prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

Variance From Zoning Regulations Governing Flood Plain Zones and Flood Hazard Areas: A grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

Violation of Regulations Governing Flood Plain Zones and Flood Hazard Areas: Failure of a structure or other development to be fully compliant with the community's floodplain management regulation. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is resumed to be in violation until such time as that documentation is provided.

Amend the following items and definitions:

Development: Any man-made change to improved or unimproved real estate, including but not limited to **the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; the installation, repair or removal of public or private sewage disposal systems or water supply facilities; or any use or extension of the use of land.**

Flood Insurance Rate Map (FIRM): The official map in which the **Federal Emergency Management Agency** has delineated both the areas of special flood hazards and the risk premium zones applicable to Hamden.

Mean Sea Level (MSL): For purposes of the National Flood Insurance Program, mean sea level means the **North American Vertical Datum (NAVD) of 1988** or other datum, to which the base flood elevations shown on a community's Flood Insurance Rate map are referenced.

Water Surface Elevation: The height, in relation to the **North American Vertical Datum (NAVD) of 1988**, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal and riverine areas.

Amend the title and text of the definition of Substantial Modification as follows:

Substantial Improvement: Any combination of repairs, re-construction, alteration, or improvements to a structure taking place over a 1-year period, in which the cumulative cost equals or exceeds 50% of the market value of the structure. For purposes of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either: any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to insure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

The cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

Section 430 Flood Plain Zones and Special Flood Hazard Areas

430.1. Applicability

Amend the following text as indicated in bold:

These regulations shall apply to all special flood hazard areas (SFHA) within the jurisdiction of the Town of Hamden. The special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New Haven County, Connecticut, dated December 17, 2010, with accompanying Flood Insurance Rate Maps (FIRM), dated December 17, 2010, and other supporting data applicable to the Town of Hamden, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The SFHA includes any area shown on the FIRM as Zones A and AE, including areas designated as a floodway on a FIRM. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.

Add to Section 430.3.1 General Standards:

- j. **Compensatory Storage:** The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

- k. **Equal Conveyance:** Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

430.3.2 Specific Standards:

Append the following bold text:

b. **Manufactured Homes.** Manufactured homes shall be placed on a permanent foundation, at least two feet of elevation above base flood level, which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties. **These requirements pertain to all manufactured homes, including those outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood.**

Add the following four sections to Section 430.3.2 Specific Standards:

- e. **Above ground Storage Tanks - Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.**
- f. **Portion of Structure in Flood Zone - If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sun rooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.**
- g. **Structures in Zones with Different Base Flood Elevations - If a structure lies within two or more zones or areas with different base flood elevations, the construction standards of the most restrictive zone apply to the entire structure. Any structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sun rooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)**
- h. **No Structures Entirely or Partially Over Water - New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility.**

430.3.4 Floodways

In the first paragraph remove "Flood Boundary-Floodway Maps and" from this section since FEMA no longer uses this type of map.

In the second paragraph add the bold text as indicated below.

Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris and potential projectiles and have erosion potential, no encroachments, including fill, new construction, substantial improvements, **repairs to substantially damaged structures** and other developments shall be permitted unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating, **through hydrologic and hydraulic analyses performed in accordance with standard engineering practice**, that encroachments shall result in no **(0.00 feet)** increase in flood levels during occurrence of the base flood discharge. Fences in the floodway must be aligned with the flow and be of an open design.

Add the following new sections on Abrogation and Greater Restriction, and Interpretation.

430.9 Abrogation and Greater Restrictions

This regulation is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another ordinance, regulation easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

430.10 Interpretation

In the interpretation and application of this regulation, all provisions shall be: 1) considered as minimum requirements; 2) liberally construed in favor of the governing body, and; 3) deemed neither to limit nor repeal any other powers granted under State statutes.

Modify:

726.4 Flood Damage Prevention Variances

To hear and decide variance in accordance with Section 430 (Flood Plain Zones and Special Flood Hazard Areas) of the Hamden Zoning Regulations, adopted on December 7, 2009, effective January 1, 2010, as amended. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. For variances which are granted allowing the construction of fully enclosed areas below base flood elevation (BFE), the resulting structure must conform to minimum federal standards of the National Flood Insurance Program cited in 44 CFR 60.3 (c) (5) for such areas below BFE. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation (BFE), and that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation.

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

3. Proposed Amendment to the Zoning Map 10-926

Amend the FEMA Special Flood Hazard Areas on the Zoning Map
File available for review in the Planning Office and the Office of the Town Clerk
Hamden Planning & Zoning Commission, Applicant

Mr. Marottoli made the motion to approve the proposed amendment to the Hamden Zoning Map 10-926 which is consistent with the Plans of Conservation and Development, and as recommended by Mr. Kops, Assistant Town Planner, with an effective date of December 17, 2010.

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

4. Special Permit & Site Plan 10-1172

18 Cherry Ann Street, T-4 Zone
 School Parking
 Elm City College Preparatory, Inc, Applicant
Postponed at the request of the applicant

5. Special Permit & Site Plan 10-1173/WS

295 aka 325 Treadwell Street, T-4 Zone
 Cafe, Office, Cultural Art Center
 Steve Rodgers, Applicant

Mr. Roscow made the motion to approve the application for Special Permit & Site Plan 10-1173/WS as recommended by Mr. Dan Kops, Assistant Town Planner and the removal of 1.b and with the following conditions:

1. Prior to the Issuance of a Zoning Permit the applicant must:
 - a. Provide for approval by the Town Engineer and Town Planner revised plans containing:
 - i. A note stating that the legal occupancy of the building is 79 people.
 - ii. All Conditions of Approval.
2. During construction:
 - a. any waste materials should be disposed of in accordance with local, state and federal regulations. Any hazardous materials should be recycled or properly disposed of by a licensed waste hauler.
 - b. 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.
3. All work should be completed by December 14, 2015.

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

6. CGS 8-24 10-308

1108 Whitney Avenue
 Easement-Whitney Avenue Signalization Project
 Town Of Hamden, Applicant

Mr. Dan Kops, Assistant Town Planner, reviewed his comments and recommended that the Planning & Zoning Commission vote in favor of the easement for the Whitney Avenue Signalization Project, and issue a favorable report to the Legislative Council.

Mr. Roscow made the motion to refer the C.G.S. 8-24 10-308 for the easement for the Whitney Avenue Signalization Project with a favorable review to the Legislative Council. Mr. Grant seconded the motion. The motion passed unanimously.

7. Special Permit & Site Plan 04-1029

134 Sanford Street
 Request to release bond in the amount of \$16,600.00
 Elm Street Builders, Applicant

Mr. McDonagh reviewed the request to release the bond in the amount of \$16,600.00 as recommended by Ms. Holly Masi, Zoning Enforcement Officer.

Mr. Grant made the motion to release the bond in the amount of \$16,000.00 as recommended by Ms. Holly Masi, Zoning Enforcement Officer. Mr. Reynolds seconded the motion. The motion passed unanimously.

C. Old Business/ New Business

1. Review minutes of November 23, 2010

Mr. McDonagh said that Mr. Marottoli was sitting as an alternate for the vacancy on the Commission.

Mr. Grant made the motion to accept the minutes as amended. Mr. Roscow seconded the motion. The motion passed unanimously.

2. Minor Amendment-2989 Whitney Avenue

Ms. Leslie Creane, Town Planner reviewed the application and advised the Commission that she had signed it.

D. Adjournment

Mr. Reynolds made the motion to adjourn. Mr. Grant seconded the motion. There was no further discussion. The motion passed unanimously.

The meeting adjourned at 8:03 p.m.

Submitted by: _____
Stacy Shellard, Clerk of Commissions