

# Town of Hamden

## Planning and Zoning Department

**To:** Hamden Planning and Zoning Commission

**From:** Matthew Davis, Assistant Town Planner

**Re:** Special Permit/Site Plan #21-1339  
Retail/Drive Thru (Starbucks Relocation)  
Hamden Plaza, Dixwell Avenue

**Date:** June 18, 2021

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Per the June 8 meeting, the hearing is closed and no input can be accepted. The record is closed. The PZC directed staff to draft an approval, addressing matters discussed during the hearing.

### Recommendation

Staff recommends approval of special permit/site plan #21-1339, with the following conditions:

1. Prior to the issuance of a zoning permit, the applicant shall:
  - A. Submit revised plans containing:
    - i. All Conditions of Approval.
  - B. No occupancy of the vacated current Starbucks space shall be approved by the Zoning Official until a written confirmation from the STC has been secured that no related changes to the center's existing operational certificate are required to allow such occupancy.
  - C. The applicant's contractor shall provide a specific construction sequence and related plan at the required preconstruction meetings.
  - D. Interior landscaping shall not impeded interior sight lines.
  - E. Loading/delivery and refuse removal hours and operations shall be designed to minimize conflicts with on site and abutting residential uses.
  - F. Business signage shall be excluded from this approval and approval of same shall require a separate subsequent zoning permit application.
  - G. Prior to the issuance of a conditional or final CZC, the applicant shall provide written documentation that necessary or desirable changes have been made to the impacted State traffic control systems, sufficient to mitigate any project impacts.
  - H. Demo debris shall be removed on a daily basis and the site shall be secured at all times during demolition and construction, to prohibit unauthorized access.
  - I. All contaminated soils shall be managed and removed in accordance with applicable State DEEP and Federal regulations.

- J. The zoning permit application plan shall include improvements to facilitate the safe movement of pedestrians to and from the store from the south, generally reflecting one of the options proposed in the hearing.
- K. No changes shall be made to the approved design without the express prior approval of the Hamden Town Planner.
- L. Prior to the issuance of a Zoning Permit, the general contractor, owner and project engineer shall attend a preconstruction meeting with Hamden staff to review the approved plans, applicable permit and inspection procedures, contacts and other related information.
- M. No certificate of occupancy shall be issued until either a temporary conditional or final certificate of zoning compliance has been issued by the Hamden Zoning Official.

MJD



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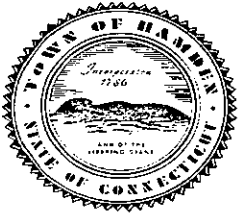
**Re:** Special Permit/Site Plan #21-1340  
QU Tennis Court Relocation

**Date:** June 18, 2021

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As a consequence of the ZBA's failure to have a quorum for their 5/17/21 meeting, the applicant has asked that this hearing not convene until the 7/27/21 PZC meeting. The applicant has granted the PZC the necessary extension to allow the hearing to convene on 7/27/21.

MJD



# Town of Hamden

## Planning and Zoning Department

**To:** Hamden Planning and Zoning Commission

**From:** Matthew Davis, Assistant Town Planner

**Re:** Special Permit/Site Plan #21-1341  
Proposed Cemetery  
1105 Paradise Avenue

**Date:** June 14, 2021

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### Overview

Proposal is to create a new cemetery on a large wooded site on Paradise Avenue. This parcel was the subject of a recent subdivision proposal that was approved, then subsequently vacated by the prior owner. The current owner/applicant submitted revised plans and those plans are currently under review. Due to statutory timeframes, it was agreed to at least open the hearing, have the applicant present and then answer any questions the public or commissioners may have, with the hope of concluding the hearing and making a decision in July.

### Department Reviews

The applicant is aware that these reviews are currently proceeding and so staff will update the commission and the record at the next hearing date.

### Planning Department Comments

#### General

The project would be implemented in phases over a period of perhaps 40-50 years, depending on demand. The applicant would like the PZC to approve the overall plan, then allow staff (presumably the ZEO) to permit the implementation of phases, administratively (presumably via a Zoning Permit).

Staff has absolutely no objections to this, however it does require the Special Permit to incorporate provisions for each phase that would otherwise be done "once" as part of a conventional (non-phased) project. For instance, permitting, bonding of E&S, clearing, grading, storm water management, parking and access, as-builts, close out/CZCs; bond releases/reductions, and perhaps other matters will need to be managed for each of the several phases over an extended period of time. No subsequent phase should be initiated until the "active" phase is properly closed out. In essence this approach would create the need to manage several separate "site plans" in terms of what we would typically manage only once.

Potentially complicating this is the fact that at present, State Statutes do not provide for 40 year implementation of zoning approvals, so it may be that if all improvements are not completed within the time frame allowed by State Law, a completely new application may need to be submitted to the PZC for review/approval. This is further complicated by the fact that protections from changes in design requirements and other applicable zoning standards, only extends to approved but not yet built improvements that are still “valid.” Once a zoning approval’s time horizon expires, it becomes questionable whether or not the applicant (permittee) can claim unfettered rights to complete the previously permitted improvements, or if they need to revise their design to comply with any new standards adopted during the period when the approval was still valid (and “protected” from the need to comply with newly adopted standards). It is virtually impossible at this time to know what, if any, new standards might be adopted ten years from now or beyond.

On another topic, staff has asked the PZC’s legal counsel for guidance regarding the rights of a municipal PZC to impose requirements to assure compliance with applicable Special Permit criteria versus the obligation to respect any Faith-based requirements. For instance, staff has been advised that the gravesites must have a specific “cardinal” orientation. This is easily accommodated. However (for instance) prudence and perhaps Federal/State codes may require that the design comply with applicable ADA standards (walkways, for instance), so the elderly and physically challenged can have equal access as/if needed. In this respect, staff has suggested that the design include internal roads or at least pathways, given that it might be difficult for some to safely navigate the site. As a practical matter, some remote parts of the site might not be accessible at all, unless interior pathways or cartways are provided.

As for the design and more “technical” issues, our review is on-going, but staff can at least offer the following. To the extent necessary, these will be addressed in revised submittals, supplements or as conditions of any approval.

1. The frontage conditions and site access, grading, stormwater, sight lines, etc, need to be carefully designed and implemented as part of the first phase. This will need to include bonding of any public improvements, or at least necessary E&S.
2. The residence will be occupied only by the caretaker and his/her family members.
3. In one phase/section (Phase 3), stormwater will be discharged offsite to an abutting property. Staff is evaluating this to confirm applicable engineering and legal standards are met.
4. The proper disposition of trees/stumps by phase will be critical, and the special permit will need to include specific provisions in this regard.
5. No access will be permitted to “Kirk” Road (so-called).
6. Most cemeteries of this scale have a maintenance area where equipment (mowers, etc.) and fuel, lubricants, perhaps stone, gravel, etc are stored.
7. The phase lines have no relationship to the site’s topography and the applicant’s agent has indicated that there will be no site grading by phase (i.e. they will use the existing contours of the site). It unclear, therefore, how safe all weather, all season access is going to be provided throughout the site or even within a given phase. The phase lines also do not seem to have any relationship to the gravesite orientation.

In that the plans are still under review, staff anticipates that we may have additional comments or suggestions and if so, we will include those additional comments in a subsequent memo to the Commission at the continued hearing date.