



Town of Hamden
Planning and Zoning Department

**Hamden Government
Center
2750 Dixwell Avenue
Hamden, CT 06518
Tel: (203) 287-7070
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April 15, 2021

MINUTES: THE PLANNING & ZONING COMMISSION, Town of Hamden, held a Public Hearing and Regular Meeting via Zoom teleconferencing technology on Tuesday, April 13, 2021 at 7:00 p.m. with the following results:

Commissioners in attendance:

Joseph McDonagh
Michele Mastropetre
Joseph Banks
Paul Begemann
Robert Cocchiaro
Ted Stevens, Sitting for Brack Poitier
Jay Cruikshank, Sitting for Vacancy

Staff in attendance:

Mark Austin, Acting Town Planner/Town Engineer
Matt Davis, Assistant Town Planner
Tim Lee, Assistant Town Attorney
Genevieve Bertolini, Stenographer
Natalie Barletta, Clerk

A. Public Hearing

1. Special Permit and Site Plan #20-1329
10 Hamden Hills Drive, T-4/R-4 Zone
Meditation Center
Brahmananda Saraswati Foundation, Applicant
Public Hearing Continued from the January 12, 2021 meeting

Attorney Bernard Pellegrino, Pellegrino Law Firm, addressed the Commission. He stated that the Commission had asked them to look at some issues, and come back to them with updated plans. He wanted to clarify that client are Hamden residents, and have established an office that is currently on Whiney Avenue. He added that the applicants believe that this project will be beneficial to the town, and have been affiliated with the foundation for many years, and are excited to do just that.

James DiMeo, Juliano Associates, demonstrated the plans. During the last meeting, concerns were raised by the Commission, which were attempted to readdress in the revised plans. One concern was landscaping, so a more detailed landscaping plan was provided. For safety purposes, a lighting plan was added and no other types of lights will be used. Another concern was overflow parking, which was addressed by adding six additional spaces, where there was once an island. Mr. Dimeo stated that he made sure that he is ten feet from the property line, and will install a six-foot high privacy fence to create a screen closer to 25 feet. Mr. DiMeo showed pictures of the growth on the property, which was caused by the site not being utilized. All of the brush and overgrowth will be removed. Otherwise, site plan has not be unchanged and untouched. The fence around the building will be a 3-foot-fence, which is shown on the plans.

Mr. McDonagh asked if any commissioners had any questions.

Mr. Cocchiaro asked about plant list and wanted to get a closer look quantity of plants. He then asked about shrubbery that is buffering the fence line. Mr. DiMeo demonstrated this on the plans, and answered that there

will not be under the fence line since the utilities are underground. In terms of the planting list, the Dalbys had a landscape artist, and this what they designed. There was a discussion about the plantings, and Mr. DiMeo demonstrated them on the plans for the Commission to review.

Mr. Cruikshank said that the only concern for site lines for 40 Aspen Circle, and asked how that would be addressed. Mr. DiMeo answered that would be a six-foot fence, and stated that he will keep it at least a foot away from the property line and as well as kept it away from the utility lines.

Mr. McDonagh asked if there is an encroachment on Aspen Circle. Attorney Pellegrino said that's correct. Mr. McDonagh asked if it's being resolved. Mr. DiMeo answered that there are minor plantings, and added that it is being utilized but doesn't believe that it will be an issue once the fence is installed. Mr. McDonagh asked about the fencing. Mr. DiMeo answered that their fencing is off of the property line and that there would be about 4 feet between the fences.

Mr. McDonagh asked if there was anyone who wanted to speak in favor of this application. No one spoke in favor for this application.

Mr. McDonagh asked if anyone wanted to speak against this application.

Steven Luo, 40 Aspen Circle, addressed the Commission. Mr. Luo said he has a few questions, and added that he was not in favor of the application. He asked if the entrance could be moved, if the fence could be made taller, and what is the construction timeline.

Attorney Pellegrino answered that the fence needs to be six feet high, because that is the highest limit in the Town of Hamden according to the Zoning Regulations. Mr. DiMeo then answered that the entrance couldn't be moved, because the property does slope downwards, and this entrance causes the least amount of disturbance and has the least amount of curb cuts. Attorney Pellegrino added that he is unsure of the timeline, as the financing and the fundraising is being put together. He then said that the length of construction will be relatively short, because the building is pre-constructed, and the pieces will just be brought to the site and connected.

Mr. Davis then read his report recommending approval subject to the following conditions:

1. The facility shall at all times be strictly limited to the use as approved herein and no other use shall be permitted without the prior written approval of the Hamden Planning and Zoning Commission or its duly appointed agent.
2. Parking shall only occur in approved designated locations, in compliance with this approved site plan. No parking shall be permitted at any time in any other location.
3. The facility shall only be made available to patrons engaged in the use as limited and approved herein, and including but not limited to common areas, grounds, bedrooms and dining facilities.
4. There shall be no outside use of any public address system at any time.
5. Site lighting shall be primarily for safety purposes and otherwise maintained at the minimum levels necessary.
6. Business signage is expressly excluded from this approval and shall require application for and approval of, a separate zoning permit.
7. Prior to the issuance of a zoning permit, the applicant shall:
 - a. Provide an erosion and sediment control surety in a form and amount determined sufficient by the Town Engineer and Assistant Town Attorney.
 - b. Submit revised plans incorporating all conditions of approval.
 - c. Attend a preconstruction meeting with appropriate Town staff to review the approved plan, construction phasing, erosion control plan, inspection procedures, provisions for field modifications and other relevant matters prior to the initiation of any work on site.

8. Prior to issuance of a CZC by the Hamden Zoning Officer, the applicant shall provide a certified as built confirming that site improvements comply with the approved Site Plan.
9. No Certificate of Occupancy shall be issued until a CZC has been approved by the Zoning Official.
10. No changes shall be made to the approved plans without prior review and approval by the Zoning Official.
11. In the event of a request for a Conditional durational CZC, no such CZC shall be approved until the applicant has provided a surety in an amount and in a form approved by the Town Engineer and Town Attorney.
12. All improvements shall be completed by April 13, 2026.

Ms. Mastropetre referred to item six and asked why signage was separate. Mr. Davis answered that there is a separate permit process for signage, which is done administratively through a Zoning Permit.

Mr. McDonagh then closed the public hearing.

B. Regular Meeting

1. Special Permit and Site Plan #20-1329
10 Hamden Hills Drive, T-4/R-4 Zone
Meditation Center
Brahmananda Saraswati Foundation, Applicant
Public Hearing Continued from the January 12, 2021 meeting

Ms. Mastropetre made a motion to approve Special Permit and Site Plan #20-1329 with the conditions from the Assistant Town Planner. It was seconded by Mr. Cocchiaro. The vote was unanimous in favor.

The application was approved with the following conditions:

1. The facility shall at all times be strictly limited to the use as approved herein and no other use shall be permitted without the prior written approval of the Hamden Planning and Zoning Commission or its duly appointed agent.
2. Parking shall only occur in approved designated locations, in compliance with this approved site plan. No parking shall be permitted at any time in any other location.
3. The facility shall only be made available to patrons engaged in the use as limited and approved herein, and including but not limited to common areas, grounds, bedrooms and dining facilities.
4. There shall be no outside use of any public address system at any time.
5. Site lighting shall be primarily for safety purposes and otherwise maintained at the minimum levels necessary.
6. Business signage is expressly excluded from this approval and shall require application for and approval of, a separate zoning permit.
7. Prior to the issuance of a zoning permit, the applicant shall:
 - a. Provide an erosion and sediment control surety in a form and amount determined sufficient by the Town Engineer and Assistant Town Attorney.
 - b. Submit revised plans incorporating all conditions of approval.
 - c. Attend a preconstruction meeting with appropriate Town staff to review the approved plan, construction phasing, erosion control plan, inspection procedures, provisions for field modifications and other relevant matters prior to the initiation of any work on site.
8. Prior to issuance of a CZC by the Hamden Zoning Officer, the applicant shall provide a certified as built confirming that site improvements comply with the approved Site Plan.
9. No Certificate of Occupancy shall be issued until a CZC has been approved by the Zoning Official.
10. No changes shall be made to the approved plans without prior review and approval by the Zoning Official.
11. In the event of a request for a Conditional durational CZC, no such CZC shall be approved until the applicant has provided a surety in an amount and in a form approved by the Town Engineer and Town Attorney.

12. All improvements shall be completed by April 13, 2026.

2. Site Plan #16-1297

82-92 Crestway, M Zone

Major Amendment to note change in topography of the site, change of the mafia block bins located in the North, adding fencing, removal of curbing on the North and Eastern side of the detention basin, a change up to 30 feet in a westerly direction of the edge of the slope on the Western edge, a rock fall catchment area at the base of the slope on the Western edge, and elimination of the loading zone in front of the building.

Eighty Two-Ninety Two Crestway, Applicant

Attorney Lee reported that the Applicant wants to table this application.

Ms. Mastropetre made a motion to table this application until the April 27, 2021 meeting. Mr. Banks seconded, and the vote was unanimous in favor.

C. Old Business

1. Review minutes of the March 23, 2021 meeting

Ms. Mastropetre made a motion to approve, Mr. Cocchiaro seconded, and the vote was unanimous in favor.

2. Discussion: Eliminating Applicability of Certain T Zone Standards to M Zone Developments

Mr. Davis said that he did not have anything to report.

3. Discussion: FY 21/22 Budget and Department Operations

Mr. Austin reported that the Government Center will reopen to the public on April 19, 2021. He added that the office is currently in the process of putting together reservation forms online. In the efforts to help the Planning and Zoning Staff manage their time better, there will be set permit times from 8:30 a.m. to 10 a.m. He added that this is very common in other towns, and also provided an update for filling the Town Planner position.

D. New Business

1. Request of Frank Pullano for a Bond Release to be Replaced With a Letter of Credit for Property at 2308-2320-2330R Whitney Avenue

Mr. Davis said that a local attorney contacted the Planning and Zoning Office, asking to submit a replacement bond in Letter of Credit, and will require action from the Commission to release the existing bond. Once the Commission takes action, the Department will continue the process. Mr. McDonagh asked if this saves money. Mr. Davis answered that he doesn't know how those putting up the money get their bid, and it's a matter of convenience. Mr. McDonagh asked if this was in the direction of finishing it. Mr. Davis said he saw a flurry activity, and maybe it's going to be indication to get completed. There was a brief discussion.

Mr. Cruikshank asked if think covers remaining work or warranty. Mr. Davis deferred to Attorney Le. Attorney Lee stated it doesn't cover any warranty items, and the cost of completion of the project, and explained the process.

Ms. Mastropetre stated that she was uncomfortable with this, so she will not support it. Mr. Cruikshank replied that he is comfortable with this application, as long as the Applicant has the funding to cover it.

Mr. Cruikshank made a motion to approve the request to release subject to approval from the Town Attorney. Mr. Begemann seconded. The request was approved, with one abstention from Ms. Mastropetre.

Mr. McDonagh then asked if the office can send out the plans before the meeting takes place for the Commission to review. Mr. Davis answered yes.

E. Adjournment

Ms. Mastropetre made a motion to adjourn, Mr. Cocchiaro seconded, and all were in favor. The meeting was adjourned at 7:54 p.m.

Submitted by: _____
Natalie Barletta, Clerk of the Commission

To view the meeting, please click on the following link and observe the instructions when prompted:
<https://zoom.us/rec/share/CPWaqIPjsvqbOEPWdMQqejueOteigmRE1aFS28U0fjrRAaDu9UTXPxGOMlrX0keY.-0KwKIYvouhm-9nD>

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