



Town of Hamden
Planning and Zoning Department

**Hamden Government
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June 29, 2021

MINUTES: THE PLANNING & ZONING COMMISSION, Town of Hamden, held a Public Hearing and Regular Meeting in the Legislative Council Chambers, Memorial Town Hall, 2372 Whitney Avenue, Hamden, CT with the following results on Tuesday, June 22, 2021 at 7:00 p.m. with the following results:

Commissioners in attendance:

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

Staff in attendance:

- Erik Johnson, Acting Town Planner
- Matthew Davis, Assistant Town Planner
- Holly Masi, Zoning Enforcement Officer
- Mark Austin, Town Engineer
- Tim Lee, Assistant Town Attorney
- Genevieve Bertolini, Stenographer
- Natalie Barletta, Clerk

Chairman Poitier opened the meeting at 7:04 p.m. The clerk read the Public Hearing items into the record. The Commission and staff introduced themselves. Chairman Poitier then reviewed the meeting procedures.

A. Public Hearing

1. Special Permit and Site Plan #21-1337
2623 Dixwell Avenue, Town Green District
Hamden Middle School Expansion
Town of Hamden School Building Committee, Applicant

Mr. Davis said he believes that the applicant is looking to carry this over from the next meeting, and will likely be withdrawn.

Mr. McDonagh moved to continue this application to the July 13th, 2021 meeting, Ms. Mastropetre seconded, and all were in favor.

2. Special Permit and Site Plan #21-1340
275 Mount Carmel Avenue, R-2 Zone
Relocation of 6 Tennis Courts
Quinnipiac University, Applicant

Mr. McDonagh moved to continue this item to the July 27th, 2021 meeting. Ms. Mastropetre seconded and all were in favor.

3. Special Permit and Site Plan #21-1341
1105 Paradise Avenue, R-3 Zone
Converting a vacant lot to a cemetery
Islamic Center of Hamden Cemetery, Applicant

Matthew Niski, Juliano Associates, addressed the Commission. He is representing the applicant. He reported major changes on the project that were not yet reviewed by town staff at the time of the meeting. Mr. Davis reported that the memo was dated June 14, 2021 and had given the applicant two options: present and continue, or just continue to the first meeting in July.

Mr. Niski stated that the property has 11.5 acres of land. There was a previous application for a subdivision, but has never occurred. The Islamic Center of Hamden is now looking to put a cemetery on the site. In order to reduce disturbance, there will be a 10-phase plan, and each phase won't be begin until the previous one is completed. There will be a septic system, a single-use bathroom, and a dwelling unit. These will be built in phases 1-2, which will be drainage, and a parking lot consisting of 31 parking spots. The sidewalk in front of building will be developed as needed. Phase three is a retention pond, and will allow for any additional development. Phases 4-10 will involve one acre of development at a time, and will be available as site topography allows. There is no proposed internal road system. As the trees are cleared, the site will be stabilized, and there will be no disturbance as each phase moves along. There are 3,500 potential grave sites, and it will reduce the runoff and the volume flow on the site. The rear section of the lot will not be disturbed as part of construction.

Mr. Cocchiaro asked about the depth of the burials, and if the burials will be in a concrete vault. Dr. Abdul Hamid, President of Islamic Center explained the process of the rules and regulations of the burial cemetery, and meet all requirements of the Health Department while complying with the Muslim religious culture.

Ms. Mastropetre commented that she did not see any signs on the site. Mr. Davis commented that they are in the process of transitioning from COVID-19 deadlines for land use applications to the normal statues, and since many application could not come into the Government Center, they opted to do letters instead. Ms. Mastropetre asked if that was done. The clerk answered yes.

Mr. Stevens asked about where the access road was. Mr. Niski said that there would be no access road on Kirk Road, but there will be one on Paradise Avenue.

Mr. Cocchiaro stated his concerns about clearing the trees. He added that he is worried that there are no trees that will be added back and asked if that's possible. Dr. Hamid explained that he wants to avoid cutting trees down as much as he can. He added that while this may take a little bit of time and is currently not in the plan, it will be done in time. Mr. Cocchiaro asked for that to be noted on the revised set of plans. Dr. Hamid explained that there will be 50 trees leftover, and over 100 trees will be planted over time.

Mr. McDonagh stated that he would like a more detailed explanation on the phases, and asked long each phase is expected to be. Dr. Hamid explained that he is not sure to the growth of the Muslim community. Mr. McDonagh asked if he had any ideas. Dr. Hamid said that it's unpredictable, but it could possibly take up to 12 years, and right now the Islamic Center of Hamden has had maybe 5-6 funerals in the last few years. Mr. McDonagh commented that he was hesitant to approve the plans, as it could take over thirty years to complete. There was a brief discussion on parking spaces width as well.

Mr. Cocchiaro asked if there have there been any test sites. Mr. Niski explained that Juliano Associates have done the subdivision, and there were no issues on the site. Mr. Cocchiaro noted that phase three is at the far end of the property, and asked why it was so far away. Mr. Niski explained that's where the majority of the

site level drains to in the surface drainage discharge, and otherwise this would take one lane area. Mr. Cocchiario asked if this was the runoff area. Mr. Niski yes, and added that it would be done concurrently with phase 4,5, and 6.

Mr. Stevens asked about the stones. Dr. Hamid explained that the graves in medina are reused every few years but State Law prohibits that. There will be trees planted, and the goal is to keep the grass as low as possible with no markers. There was a discussion about the gravestones. Mr. Stevens also asked about seeing pictures when the Applicant returns in July.

Mr. Davis read his report recommending continuing the application to July 13, 2021, with the following steps if approval is considered:

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.

Mr. Cocchiario asked about if the burials will be excavated, and what is the plan for how to do the burials and how will they be performed. Mr. Niski explained that there is a storage unit that has tools for burials and maintenance. Mr. Cocchiario asked if that would require any chemical responses for drainage of liquids.

Mr. Stevens asked if is the only work being done is the tree clearing, as well as adding a fence, and wanted to know if he is correct. Mr. Niski answered yes that is correct. Mr. Stevens asked if that's compliant. Mr. Davis answered that independent of a Site Plan and Special Permit, and it would be based on the amount of area being cleared, and once a certain threshold is reached, it would kick in. He is pleased to hear that they are selectively clearing the trees. He commented that it is interesting and unique is the duration of the project. The challenge is how to transition, if possible.

Chairman Poitier asked if it makes sense of a partial of the site, and if it makes sense to approve the whole application without phases. Attorney Lee said that they are all interesting questions, and they had submitted the application, and with the regulations, they have up to 10 years to complete the project. He referenced a Federal faith-based regulation. He added that he does not have an answer to that question, but will at the next meeting.

Ms. Mastropetre asked with the Commission requiring the entire site to be graded, and how would that interfere with that regulation. Attorney Lee said that he does not have an answer, but this is a federal statue, therefore he wants more time to provide a thoughtful response. Ms. Mastropetre said she is concerned that

based on the topography, and why wouldn't the site work be completed at once. Attorney Lee stated that it comes down to what the federal statute allows.

Mr. Cruikshank noted that the plots come close together, and he is not sure how the trees are kept. Mr. Niski that layout is for the maximum for that site, and that's standard. He then showed topography of the site.

Ms. Mastropetre commented that there needs to be a clear plan where there are a specific amount of plots and show where the trees are. She added that normally when a site plan is presented, it's clear, and this application need to be clarified.

Attorney Lee asked if Mr. Niski has given consideration to approvals for phase 1-3, and having 4-9 when he knows how the site will work. Mr. Niski said he will notify staff. Mr. Davis suggested only doing a few stages, which will allow commissioners to feel more comfortable approving this application and recommended that Mr. Niski contact staff members for further guidance.

Chairman Poitier asked Mr. Niski if he would like to continue the public hearing. Mr. Niski answered yes, and then asked for a continuation.

Mr. McDonagh moved to continue this application to the July 13, 2021 meeting, Ms. Mastropetre seconded, and this was unanimous in favor.

B. Regular Meeting

1. Special Permit and Site Plan #21-1337
2623 Dixwell Avenue, Town Green District
Hamden Middle School Expansion
Town of Hamden School Building Committee, Applicant

Tabled to the July 13, 2021 Public Hearing

2. Special Permit and Site Plan #21-1340
275 Mount Carmel Avenue, R-2 Zone
Relocation of 6 Tennis Courts
Quinnipiac University, Applicant

Tabled to the July 27, 2021 Public Hearing

3. Special Permit and Site #21-1339
2100 Dixwell Avenue, T-5 Zone
Relocation of Starbucks with Projected Drive Through
National Shopping Centers, LLC, Applicants

Mr. Davis reported that the public hearing is closed. Mr. Johnson read the report recommending approval with the following conditions:

- (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.

Mr. Stevens commented that he wasn't at the previous meeting, but at the one prior, but feels comfortable voting on this matter.

Mr. McDonagh moved to approve with the Conditions of Approval stated in the Assistant Town Planner's memo, Ms. Mastropetre seconded, and all were in favor.

The application was approved with the following conditions:

- 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.

- 4. Special Permit and Site Plan #21-1341
1105 Paradise Avenue, R-3 Zone
Converting a vacant lot to a cemetery
Islamic Center of Hamden Cemetery, Applicant

Tabled until the July 13, 2021 meeting.

- 5. 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 stated that there's nothing new to report, and asked the Commission to continue this application until July 22, 2021, as there is a pretrial in late July.

Mr. McDonagh moved to approve, Ms. Mastropetre seconded, and all were in favor. The application will be continued to the July 22, 2021 meeting.

C. Old Business

- 1. Review minutes of the June 8, 2021 meeting

Mr. McDonagh moved to approve, Mr. Cocchiaro seconded, and all were in favor, with one abstention from Mr. Stevens.

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

Mr. Johnson asked to push that to the next meeting, but will have it ready for the July 13, 2021 meeting.

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

Mr. Johnson referenced a presentation that was sent out to the Commission that demonstrates how he will be serving as both the Acting Town Planner and the Acting Economic Development Director. He showed the current and proposed plans, the vacancies in the Economic Development Department, and the proposed Planning and Development plan. He also proposes two new roles, including a Junior Planner position and an Assistant ZEO position. Mr. McDonagh asked if Mr. Johnson is still an Acting Planner and Economic

Development Director, and had he gone before the Council for permanent appointment. Mr. Johnson answered no. Ms. Mastropetre commented that she likes the proposed plans and asked if any of these positions in the budget. Mr. Johnson answered that only the Economic Development positions. He reported that Mr. Davis and Ms. Masi represent 98 percent of the Department's manpower. Therefore, the Town's ability for larger projects is limited, and his goal is to boost that capacity since the current one is impacted. Mr. Johnson agrees, as this is part of his efforts to access current capacity. There was a brief discussion.

Mr. McDonagh said he shares Ms. Mastropetre's concerns, and the council bought into a reorganization since it was promised to save money, and is unsure if the Council would agree to this. Mr. Cruikshanks commented that Governor Lamont that requires every municipality will to have an affordable housing plan by June 2022 have an affordable housing plan, and asked how the planning department going to approach that. Mr. Johnson said that he can't answer that now.

Mr. Davis stated that he wants the administration to realize how the important the Department is for the Town, and illustrated an example for the Commission. He added that the problem the Department is facing that these functions aren't staffed, and without the staff available, it wouldn't have gotten done. He concluded that if the Administration invests in this Department, amazing things can be accomplished.

Mr. Johnson added that in addition to that, there would be the implementation of Viewpoint Permitting Software, reorganizing the files, resolve outstanding litigation, and a lighting program. He went through the Economic Development department priorities, as well. He hopes that the department to be more efficient and effective. The long term goal is not to wear both hats, but rather give the Economic Development Department and the Planning and Zoning Departments the ability to function on their own.

Chairman Poitier asked to continue this to next meeting, and understand the dilemma they are in. Mr. Johnson stated he is working to change systems to be more efficient.

D. New Business

1. Affordable Housing Analysis Presentation

Mr. Johnson gave a brief presentation about the Affordable Housing Program Analysis, which is a part of the Sustainable CT program. There was a brief discussion about the presentation. Ms. Mastropetre asked if all towns were doing and how did Hamden get involved. Mr. Johnson stated that it predates him, but this is one of the things that Kathleen Schomaker needs to do in order to gain points.

E. Executive Session – Discuss Pending Litigation

Mr. McDonagh moved to go into Executive Session. Ms. Mastropetre seconded, and all were in favor. The Commission entered Executive Session at 9:05 p.m.

Mr. McDonagh moved to exit Executive Session. Ms. Mastropetre seconded, and all were in favor. The Commission was out of Executive Session at 9:32 p.m.

F. Adjournment

Mr. McDonagh moved to adjourn. It was seconded by Ms. Mastropetre and all were in favor. The meeting was adjourned at 9:33 p.m.

Submitted by: _____
Natalie Barletta, Clerk of the Commission

