



Town of Hamden

Planning and Zoning Department

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September 29, 2022

Minutes: The Planning and Zoning Commission, Town of Hamden, held a Public Hearing and Regular Meeting on Tuesday, September 27th, 2022 at 7:00 p.m. The meeting was held in the Legislative Council Chambers, Memorial Town Hall, 2372 Whitney Avenue, Hamden, CT.

Commissioners in attendance: Joseph McDonagh (Acting Chairman), Michele Mastropetre, Robert Cocchiario, Jay Cruikshank, Shanae Draughn, Alison Cunningham, Edward Jefferson Jr.

Staff in Attendance: Eugene Livshits, Town Planner; Christopher Soto, Assistant Town Planner; Atty. Tim Lee, Assistant Town Attorney.

Acting Chairman McDonagh opened the meeting at 7:10 p.m. and read the Public Hearing Items into the record. The Commission and staff introduced themselves. Acting Chairman McDonagh reviewed the meeting procedures.

Acting Chairman McDonagh explained that Item #2 (Special Permit and Site Plan #22-1356) has been postponed. Mr. Livshits confirmed that he had received correspondence requesting that the item be postponed to the October 11, 2022 meeting.

Acting Chairman McDonagh explained that he has been involved with some public issues with the university and will be recusing himself from item #1 (Zoning Map and Zoning Regulation Amendment 22-986/22-987), and that Ms. Mastropetre would chair the meeting for this item. Mr. Cruikshank asked that staff explain what the steps that are being taken at this meeting are, versus what the next steps will be in order to clarify what the voting will be for on item #1 since this is the first time the Commission votes on a PDD. Atty. Lee explained that this PDD application has been submitted by Quinnipiac University to create a University Zone. Atty. Lee explained that this first step is an amendment to the Zone Map and Zoning Regulations and that the University will present a master plan as part of the current application. He further explained that if the Commission were to find that the proposal is consistent with the Zoning Regulations, and grant approval of the PDD, then the next step is for the University to submit an application for a Site Plan approval at a following meeting for final approvals.

A. PUBLIC HEARING

1. Zoning Map and Zoning Regulation Amendment 22-986/22-987, 275 Mount Carmel Avenue, R-2 to PDD – Mt. Carmel Campus, Quinnipiac University, Applicant. (Continued from September 13, 2022)

Attorney Bernard Pellegrino opened the presentation of the application. He provided a summary of how the application meets conformity with the required findings under the Zoning Regulations. He explained that the Commission is review the amendment to the zoning map and regulations. He noted that as part of the approval of the initial master plan, the commission would be approving the already existing uses. He noted that 95% of the uses have already come before the Commission and received approval. Atty. Pellegrino also noted that this plan includes 3 new buildings whose entrance would be on New Road.

Ms. Bethany Zemba, VP Strategy and Community Relations explained that the new buildings would include a new 417 bed dormitory, a new business school, and a general academic building. Mrs. Zemba also explained that the proposal would not expand the campus beyond its current boundary.

Mr. Partrick Charmel from the university's Board of Trustees spoke in favor of the application. Mr. Patrick spoke of the economic benefit that the project would have for the Town. He also noted that the project would help limit the need for off campus housing.

Mr. Tom Ellet, the QU Chief Experience Officer, spoke about student enrollment and the university's desire to differentiate the Quinnipiac University experience from other universities. Me. Ellet also spoke about the Faculty in Residence policy that the University has adopted.

The Quinnipiac University Provost, Ms. Debra Liebowitz spoke about the growth of the academic facilities and the need for space for experiential learning. Ms. Liebowitz also mentioned that as part of the development the university was looking at a range of community collaboration space.

Mr. Donald Sawyer, the Vice president for Inclusion, Equity, and Leadership Development spoke on how the new spaces will help the University be better at equity and inclusion.

Atty. Pellegrino spoke about how the PDD can be an effective zone for the University in contrast to the R-2 zone, and how the PDD would allow for a more appropriate regulation of Quinnipiac University. The PDD would retain control and authority within the purview of the Commission. Atty. Pellegrino stated that 95% of the proposal is already built out, and that 3 additional buildings are proposed as part of the approval. Any additional buildings after this would require an amendment to the Master Plan, which the Commission would then have to determine consistency with the PDD regulations and amend the Master Plan. A site plan approval would be needed for the final development.

Ms. Mastropetre asked if this meeting was just to approve the Zone and Regulations amendment and not the 3 buildings. Atty. Pellegrino clarified that the 3 buildings are part of the initial Master Plan. Ms. Mastropetre followed up by asking if they would have a public hear, to which Atty. Pellegrino responded that this meeting is the public hearing for those buildings.

Atty. Pellegrino stated that the plan was consistent with Sections 390.7b, 390.8a, and the POCD. He then discussed the differences from the existing bulk standards to the proposed bulk standards in the new zone. Mr. Cruikshank asked how the boundary of the zone had been determined. Atty. Pellegrino answered that everything south of Mount Carmel was included. Mr. Cruikshank asked why residential lots had been included to which Atty. Pellegrino responded that they included everything [owned by Quinnipiac University] as part of long range planning. He pointed out that future proposals would still need to meet the standard of Section 390. Ms. Draughn stated that ultimately this is an overlay zone and expressed concern over single family home residents losing their voice. Ms. Mastropetre expressed concerns on the "zig-zag" pattern and expressed that she would like to see the boundary amended.

Mr. Sal Filardi (Vice President of Facilities and Capital Planning) added that the idea was to create a zone that would be identified as "The University" and that this approval would in effect approve all the existing uses.

Ms. Mastropetre called for a brief recess.

On return from recess Ms. Mastropetre announced that the Public Hearing would remain open and continued to the October 25, 2022 meeting. The building design team then presented the plans for the proposed 3 new buildings; Micheal Tyre (Architect, Residential Hall), Michael Bischoff (Architect, School of Business), Stacy Chapman (Architect, Academic Center), Howard Pfrommer (Civil Engineer), Chris Miczek and Joshua Price (Landscape Architects).

Ms. Cunningham moved to continue this application to the October 25, 2022 meeting. Mr. Jefferson seconded, and all were in favor. The application was continued to the October 25, 2022 meeting.

2. Special Permit and Site Plan 22-1356, 835 and 865 Mix Avenue, Addition of Solar Carports, Pure Point Energy, LLC, Applicant. (Continued from September 13, 2022)

Acting Chairman McDonagh noted that this item has been postponed. (As noted above, a brief discussion on this postponement happened at the beginning of the meeting before the commencement of the public hearings.)

This Application was continued to the October 11, 2022 meeting based upon the applicant's request.

3. Special Permit and Site Plan 22-1359, 1105 Paradise Avenue, Convert Vacant Lot to Cemetery, Islamic Center of Hamden, Inc., Applicant.

Christopher Juliano of Juliano Associates presented the cemetery project on behalf of the applicant. Members of the Islamic Center of Hamden were also present at the meeting to answer questions from the Commission if they should arise. Mr. Juliano provided a brief description of the project location, topography, and the proposal. Mr. Juliano describe about 2.5 acres will be cleared, a drive will be cut in, and a driveway will loop around the plots. No water service, electrical service, or sanitary sewer services are needed. The only utility required will be stormwater control due to the gravel drive and removal of trees which will increase stormwater runoff. The stormwater runoff will be captured by 2 catch basins and curtain drains to protect the road. The majority of the water will be captured by a large pond, and the runoff from the burial plots area will be captured by a small pond.

Mr. Juliano stated that he had received a letter from Mr. Tom Vocelli stating a *de minimis* finding due to there being no wetlands present at the site. Mr. Juliano also received comments from the Town Planner and Town Engineer and he is in agreement with the comments. The two primary comments are to extend the construction entrance and the paved area to the proposed 6% grade. The other comment is regarding parking along the southern portion of the driveway close to the set back. Mr. Juliano asked to be given permission to install large boulders in-lieu of a fence or guardrail to prevent vehicles from parking in the setback.

Mr. Cocchiario recommended a minimum spacing of the boulders of at least 12 feet. Mr. Juliano suggested that a spacing of at most 7 feet would be adequate. Mr. Cocchiario suggested this be made a condition of approval.

Acting Chairman McDonagh inquired as to why there was clearing of the property that goes much further north than the gravel driveway. Mr. Juliano explained that this was to emplace a swale and berm to capture runoff from running onto the driveway and into Paradise Avenue.

Mr. Livshits read the Town Planner's report into the record. Mr. Livshits amended his report to also include boulders as an option for a barrier along the aforementioned setback. Mr. Livshits also read the Town Engineer's comments that are included in his staff report. The Town Engineer's comment are as follows:

- Detail of the curtain drain should be shown.
- Silt fence and hay bales should be added at entry to the property and along the access road.
- The construction entrance should be extended up to area where the access road turns and the slope decreases to approx. 6%.

Mr. Livshits recommended approval with the following conditions as listed in his staff report and modified for the addition of the boulders in place of the fence

- Installation of Soil and Erosion Control measures, including installation of Silt Fence and Hay Bales at the property entrance and along the access road;
- The construction entrance should be extended up to area where the access road turns and the slope decreases to approx. 6%;
- Installation of fencing or guard rails (Amended on the Record to read ~~fencing or guard rails~~ "Boulders with a spacing of 7 ft. apart") along the edges of the road that run along the setback to prevent vehicles from parking in the setback;
- The paved area of the access road continued up until the road grade changes to 6%
- Hours of operation and number of calendar days anticipated to complete filling, excavating, grading, regrading or removal; and

- All work shall be completed no later than five years from the date approval.

Ms. Mastropetre wanted to be specific about hours of operation, Monday through Friday 7:30 to 5:00 pm. She asked how many truckloads of fill would be leaving the site. Mr. Juliano specified that there would be a net excess of material of 2,600 cubic yards. Ms. Mastropetre noted that there would need to be conditions regarding the truck load hours and expressed concerns about schools along the route the trucks would be traveling. Mr. Juliano suggested that he could come up with a plan that he would present to Eugene (Town Planner) as part of the conditions.

Mr. Joseph Vignola, an abutting neighbor asked what could be done to reduce the runoff that comes to his property via the southwestern corner of 1105 Paradise Ave, and how much of a buffer would be left between the two properties. Mr. Juliano responded that a detention pond (referencing to the “small pond”) was being put in place to capture that runoff. As to the buffer, there will remain 20 feet to 35 feet of trees remaining as a buffer.

Mr. Cocchiario asked if there would be concrete vaults used. Mr. Juliano responded that there wouldn't be.

Acting Chairman McDonagh remarked that many times, when applications involve lots of trucks removing or bringing in dirt that the road must be kept clean. He added that pictures should be taken of the road in its current condition, and that if any trucks damage the road then it be fixed by the applicant.

Acting Chairman McDonagh closed the public hearing without any objections.

B. REGULAR MEETING

1. Zoning Map and Zoning Regulation Amendment 22-986/22-987, 275 Mount Carmel Avenue, R-2 to PDD – Mt. Carmel Campus, Quinnipiac University, Applicant. (Continued from September 13, 2022)

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3. Special Permit and Site Plan 22-1359, 1105 Paradise Avenue, Convert Vacant Lot to Cemetery, Islamic Center of Hamden, Inc., Applicant.

Mr. Cocchiario moved to approve the application with conditions. Ms. Mastropetre seconded. All voted in favor. The application was approved with the following conditions:

1. Installation of Soil and Erosion Control measures, including installation of Silt Fence and Hay Bales at the property entrance and along the access road;
2. The construction entrance should be extended up to area where the access road turns and the slope decreases to approx. 6%;
3. Installation of Boulders with a spacing of 7 ft. apart along the edges of the road that run along the setback to prevent vehicles from parking in the setback;
4. The paved area of the access road continued up until the road grade changes to 6%;
5. Construction hours of operation are to be Monday through Friday, 7:30 am to 5:00 pm;
6. All work shall be completed no later than five years from the date approval;
7. Prior to construction, a truck route for construction vehicles is to be provided to the Town Planner for approval, and;
8. Photographs are to be taken of the road, and the road must be restored if any damage is done to the road.

C. OLD BUSINESS

1. Review minutes of the September 13, 2022 Regular Meeting.

Ms. Mastropetre noted that on page 3, under the item for the amendment to the Special Permit and Site Plan for the Middle School addition, she stated her reason for voting against the proposal because she did not think the public hearing held that evening was a legal public hearing on that item.

Acting Chairman McDonagh also noted that the question attributed to him under the item regarding the Outdoor Café text amendment was not actually his question. This was clarified to have been asked by Mr. Cruikshank.

Ms. Mastropetre moved to approve the minutes as amended. Mr. Cocchiaro seconded. All voted in favor, with Mr. Jefferson, Ms. Draughn, and Ms. Cunningham abstaining from the vote.

D. DISCUSSION

1. Cannabis Regulations

Acting Chairman McDonagh stated he thought the proposed regulations were quite thorough. Mr. Livshits provided a brief overview of the regulations. Mr. Cruikshank suggested a time limit of 5 years for businesses to be in the incubator. He also asked a question regarding the definitions, Mr. Livshits clarified that he obtained the definitions directly from the Public Act. Ms. Mastropetre asked if this also included allowance for Bazars, Mr. Livshits noted that this text amendment does not include provisions for Bazars. Mr. Jefferson asked for clarification if the proposed regulations included medical or recreational, Mr. Livshits clarified that these regulations are for Cannabis Retail Establishments (recreational).

Acting Chairman McDonagh requested that the text amendment be added to the November 8th 2022 meeting date or later.

2. 825 Hartford Turnpike - High Meadows Property Zone Change (R-4 to T-3)

Mr. Livshits briefly explained the proposed zone change and the feasibility study. Mr. Livshits requested that this be scheduled for a public hearing (for the zone change) for the first meeting in November. Mr. Erik Johnson also provided some background information on the intended plans for the site.

Acting Chairman McDonagh requested that the proposal be added to an agenda.

E. ADJOURNMENT

Ms. Cunningham moved to adjourn. It was seconded by Mr. Jefferson and all were in favor. The meeting was adjourned at 10:13 p.m.

Submitted by: Christopher Soto, Assistant Town Planner