



PLANNING AND ZONING COMMISSION

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MINUTES PLANNING & ZONING COMMISSION THURSDAY, JULY 12, 2018 REGULAR MEETING 7:00 P.M. BRANFORD FIRE HEADQUARTERS 45 NORTH MAIN STREET

Commissioners Present: J. Lust, J. Chadwick, F. Russo, P. Higgins, C. Andres,
M. Palluzzi.

Commissioners Absent: J. Viauiso, D. Dyer

Staff Present: H. Smith-Town Planner, R. Stoecker- Asst. Planner,
M. Martin- Clerk

Chairperson Andres introduced the staff and Commission present.

Secretary Palluzzi read the public hearing notice into the record.

Chairperson explained the public hearing procedure.

PUBLIC HEARINGS:

1. Joseph DeSarbo-Applicant
Ash Realty Associates LLC-Owner
50 East Industrial Road
Special Exception-Wholesale Food Distributor
Application #18-6.7
A/R 6/21/18 & PH set for 7/12/18

Todd Anderson-(Anderson Surveyors & Engineering, Guilford) represented the Applicant. Also present was John Kowalski from the Architectural Group and Joseph DeSarbo (Applicant). He explained this is a change of use from pharmaceutical to a wholesale produce distributor. He reviewed the parking as well as the drainage and landscaping. He said the Applicant is requesting a waiver of the requirement for planting the Pin Oak trees.

Phillip Clark (Architect) reviewed the interior site plan.

R. Stoecker reviewed the Staff Report.

PUBLIC INPUT:

No one spoke.

Chairperson Andres closed the public hearing.

2. 26 Cherry Hill Rd, LLC- Applicant & Owner
26 Cherry Hill Road
ReSubdivision-(2 Lot)
Application #18-4.8
A/R 5/17/18 & PH continued from 6/21/18

Chairperson Andres said Item number 2 and 3 will be discussed together.

Attorney Bernard Pellegrino-represented the applicant. He briefly gave a history of the application. He noted that since the Master Plan was approved some changes were made, saying that Since master plan was approved, some slight changes were made. He briefly reviewed the history of this project. They are working with the Branford Historical Society and the neighbor, Ann Trapasso.

He submitted the Deed Restrictions for the record, noting they have not been filed in the land records yet but all the parties involved were in agreement.

Also present were Attorney Robert Harrington who is representing the Branford Historical Society and Matt Shea (Milone & McBroom)

Peter McPartland (Elm City Architects) spoke next. He noted that he inherited the project in January. He reviewed the exterior drawings for Commission and highlighted the changes that were made.-

H. Smith summarized the Staff Report noting that most of his comments were pertaining to a few conditions from last year's approval and some of the issues' may be superseded by the new proposed deed restriction. There are changes that should be made to a few conditions. He will work out the technical details and should the Commission choose to approve the application he will have the correct wording. He also noted that the Town Center Revitalization Review Board has not reviewed the latest revised plans and should be given the opportunity to. H. Smith said he would ask them for input before the next PZ meeting on July 26. He also noted that one of the conditions of the PDD approval mentioned rehabilitation of the existing house on the other side of the knoll and having that completed to the standards required. There is wording in the proposed deed restriction that covers that and making sure that occurs even though there is property created for the existing house and it will be separate and distinct in terms of ownership ; and making sure that follows thru is something we want to ensure happens because that was an issue raised by the neighbors.

Attorney Robert Harrington noted that the Historical Society is agreeable to the Deed Restriction and the latest revised plans.

PUBLIC INPUT:

No one spoke.

H. Smith suggested the Public Hearing remain open so the Town Center Review Revitalization Board can submit any comments. All the attorneys agreed.

Chairperson Andres announced that Item 2 and 3 will remain open and will be continued to the July 26 Planning & Zoning Commission.

3. 26 Cherry Hill Rd, LLC- Applicant & Owner
26 Cherry Hill Road
Zoning Map Amendment/Master Plan Amendment-
PDD Modification
Application #18-4.9
A/R 5/17/18 & PH continued from 6/21/18

RETURN TO TABLE:

1. Joseph DeSarbo-Applicant
Ash Realty Associates LLC-Owner
50 East Industrial Road

Special Exception-Wholesale Food Distributor

Application #18-6.7

A/R 6/21/18 & PH set for 7/12/18

Commissioner P. Higgins was seated for Commissioner J. Vaiuso who was absent.

J. Chadwick made a motion to approve the Application with the conditions listed below:

- 1) Prior to the issuance of a zoning permit or the zoning authorization of a building permit a revised Site Plan showing the following shall be submitted to Zoning Enforcement Officer for review and approval:
 - A) A new Parking Plan showing the design layout for the full parking requirement including all necessary stormwater drainage infrastructure and identify those spaces for which deferral of immediate installation is requested.
 - B) Information on replacements for the existing building mounted flood lighting demonstrating compliance with the requirements of the zoning regulations for IES full cut off fixtures including cut sheets, lumens to be generated, foot-candle levels expected under the lights and mounting details such as proposed fixture height for the proposed wall mounted fixtures shall be submitted for the approval by Town Planner or designee. Proposed fixtures shall have a light source < 3,000 Kelvin if LED fixtures are utilized.
 - C) The Pin Oak trees along the east side of the parking lot may be deleted in view of the existing landscaping in this location.
- 2) Prior to the zoning authorization of a certificate of occupancy or the issuance of a Certificate of Zoning Compliance the replacement wall mounted lighting approved to address Condition 1 (B) above shall be installed to the satisfaction of the Zoning Enforcement Officer.
- 3) To ensure continued compliance with the Zoning Regulations (Section 6.3) all landscaping must be maintained as an on-going requirement of this approval to ensure survival of the landscaping. Any landscaping element that does not survive or that becomes significantly damaged must be replaced in-kind.
- 4) To ensure compliance with the Zoning Regulations (Section 6.5.J) the applicant may defer the immediate installation of a portion of the required number of parking spaces upon the following conditions:
 - A) That the parking plan submitted to the Commission show the layout for the full parking requirement and identify those spaces for which deferral of immediate installation is requested.
 - B) That the Commission finds the reduced number of parking proposed to be installed will adequately serve the proposed development.
 - C) That the owner file with the Commission and note on the parking plan an agreement obligating the owner, his heirs or successors and assigns to install such remaining parking spaces within six (6) months after the date of any request by the Commission to do so; and that such agreement be incorporated by reference as a condition of any Special Exception, the parking for which is affected by this subparagraph, and be so recited in the document evidencing such Special Exception recorded on the land records.

M. Palluzzi seconded the motion which passed unanimously.

MINUTES: 6/21/18 & 6/25 18

J. Lust made a motion to approve the 6/21/18 meeting minutes as written.

J. Chadwick seconded the motion which passed unanimously.

F. Russo made a motion to approve the 6/25/18 meeting minutes as written.

M. Palluzzi seconded the motion which passed unanimously.

CORRESPONDENCE:

No correspondence.

OLD BUSINESS:

1. 250 North Main St. Branford LLC-Applicant
J & J Property LLC- (Owner of 244 North Main St.)
250 No Main St. LLC-(Owner of 250 North Main St.)
244 & 250 North Main Street
Special Exception- Retail Use building & (parking lot and associated site development, grading/excavation for site development and new traffic light)
Application #18-2.4
A/R 3/1/18 PH opened 4/5/18, closed 6/7/18 & Tabled from 6/7/18

H. Smith reviewed the draft resolution for the Commission and made minor revisions.

P. Higgins made a motion to approve the draft resolution with the revisions made by H.Smith .(See Attached)

J. Chadwick seconded the motion which passed unanimously.

2. John M. Mainetti & Gary Dinicola-Applicants & Owners
417-421 Leetes Island Road
Coastal Site Plan – Building Addition & Grading
Application # 18-6.4
A/R 6/7/18 & Tabled from 6/21/18

R. Stoecker reviewed the Staff Report. He explained this application is for the enlargement of a garage. It is an existing non-conforming building. The necessary variances were obtained. He noted the Inland Wetland Department as well as the Stony Creek Architectural review Board approved this.

J. Lust made a motion to approve the application with the finding and condition below:

FINDING:

1) The Coastal Site Plan is consistent with the goals and policies of the Coastal Area Management Act (CGS Section 22a-92) and incorporates as conditions or modifications all reasonable measures to mitigate adverse impacts on coastal resources and any future water dependent activities.

CONDITION:

1) Prior to the start of construction, the erosion control measures shall be installed to the satisfaction of the Zoning Enforcement Officer and maintained throughout the project.

J. Chadwick seconded the motion which passed unanimously.

3. Lucia's Tailoring, LLC,
c/o Lucia Camarada-Applicant & Owner
504 & 524 Main Street
Special Exception-Mixed Use (Business & Apartment)
Application #18-6.6
A/R 6/21/18 & PH set for 7/26/18
2. Trinity Episcopal Church-Applicant
Town of Branford/ First Congregational Church of Branford-Owner
1109 Main Street
Special Exception Modification-Addition of accessible ramp & entrance
Application #18-5.11
A/R 6/7/18, PH waived, tabled from 7/21/18

Sandra Baldwin (Senior Warden, Trinity Episcopal Church) spoke first and noted that Bob Barnett (Building Committee Chair), Tony Terry (Project Architect) and Chanye Towers (Landscape Architect) were also present.

Tony Terry- (Architect) gave a history of the church. He said the church wants to upgrade their programs and services to the community and wants to upgrade their basement and do modest improvements to the exterior.

Chanye Towers- (Landscape Architect) reviewed the site plan, noting there will be minor grading needed.

H. Smith spoke next stating a lot of new information has been submitted in the last week. The Town Center Revitalization Review Board approved the project but they asked for a few additional items be added to the plan. He also noted that additional landscaping information needs to be added to the plan and the drainage plan is also incomplete per the Town Engineer. Additionally the lighting needs to be brought into compliance. He suggested Tabling this item to the next meeting so the missing information can be submitted and reviewed.

The Commission had a brief discussion.

Chairperson Andres said this item is Tabled to the July 26 meeting.

NEW BUSINESS:

1. Gregory Marvinsmith –Applicant & Owner
Money Island (Parcel #32)
Coastal Site Plan-Single Family Home-Shoreline Flood &
Erosion Control Structure
Application #18-6.8
A/R

**J. Lust recused himself from this application.
F. Russo was seated for him.**

Jim Pretti (Criscuolo Engineering) was unable to attend the meeting so R. Stoecker reviewed the Staff Report. He then read the DEEP comments into the record.

M. Palluzzi made a motion to approve the application with the 2 findings and conditions listed below:

FINDINGS:

1)The Coastal Site Plan is consistent with the goals and policies of the Coastal Area Management Act (CGS Section 22a-92) and incorporates as conditions or modifications all reasonable measures to mitigate adverse impacts on coastal resources and any future water dependent activities.

2)The proposed Retaining Wall Plan in drawing RW-1 by CMARS Engineering LLC is necessary and unavoidable for the protection of infrastructural facilities and primary use of such property and that there is no feasible, less environmentally damaging alternative and that all reasonable mitigation measures and techniques are implemented to minimize adverse environmental impacts.

CONDITIONS:

1) Prior to the start of construction, the sedimentation and erosion control measures shall be installed to the satisfaction of the Zoning Enforcement Officer.

2) The Applicant's Engineer shall review the recommendations of the DEEP regarding the need for Rain Gardens and how the roof runoff will be handled and provide justifications why they may not be appropriate in the situation for installment.

F. Russo seconded the motion which passed unanimously.

The Commission then took a 4 minute break.

2. Branhaven Motors, Inc.,c/o
Robert Lavallee-Applicant
348 West Main Street, LLC- Owner
348-380 West Main Street
Special Exception Modification- Motor Vehicle Sales
Application #18-6.9
To be A/R & PH to be set

The Commission A/R and set the PH for 9/6/18.

3. Giumas LLC, c/o Giulo Liguori-Applicant & Owner
155 Main Street
Zoning Map Amendment-(BL to R-1)
Application #18-7.1
To be A/R & PH to be set

The Commission A/R and set the PH for 7/26/18.

4. Edward Francis-Applicant & Owner
11 Spring Cove Road
Lot Line Revision
Application #18-7.2

Bob Doane (Doane Engineering) represented the applicant and explained this is a lot swap between 2 adjoining properties. He had a color exhibit which he reviewed and submitted for the record. He explained the property was divided in 1938 and again in 1950.

This current revision doesn't affect any setbacks or water issues.

H. Smith said the Commission needs to review this revision per Section 610 of the Subdivision Regulations. They need to review it to see if this change will create a new Subdivision, which it does not.

J. Chadwick made a motion to approve this revision.

J. Lust seconded the motion which passed unanimously.

OTHER BUSINESS:

1. 595 Corporate Circle(Diane W. Whitney(Pullman & Comley)-Agent)-Applicant
595 Corporate Circle-(Owner of 569 East Main Street)
W. Cooke Limited Partnership & Cooke Harrison Family Partnership (Owner of 573 East Main Street)
AHB, LLC, (Owner of 16 East Industrial Road)
Peter G. Mandragouras (Trustee) & CVP Trust (Owners of 20 East Industrial Road)
Connecticut Shellfish Company (Owner of 26 East Industrial Road)
PDD Master Plan-Request to extend the Section 5.4.D 24 month period to file the Site Plan.
Tabled from 6/21/18

Chairperson Andres reviewed this application for the Commission. For background, he went over the history of the application. He explained the (Costco, Exit 56) PDD was approved in July 2015 by the Planning & Zoning Commission. At that time the regulations stated the applicant has 2 years in which to file their site plan. The Planning & Zoning Commission granted them an extension in 2017 in which to file it. In the meantime, there was a regulation amendment changing the time limit to 3 years in which to submit the detailed site plan. He also noted that there are 2 one year extensions permitted, making the total period of time an applicant is 5 years to submit the Site Plan.

Chairperson Andres explained that this is a request to extend the time to file the detailed site plan for one year. He reminded the Commission they previously discussed whether to have a Public Hearing or not. They decided no Public Hearing would be held. So, public speaking is not allowed; however submission of comments in writing is allowed. There were many written comments submitted and put in a drop box for the Commission to review.

H. Smith said he received two additional comments at the end of the day and he distributed them to the commission.

Attorney Diane Whitney (Pullman & Conley) spoke next. She gave a brief history of the application. She repeated they are requesting a one year extension for filing. She wanted to clarify the reason for the request is that there are plans in the works to change the electrical service on the property and the right of way that goes across the property. She then submitted a plan which she reviewed for the Commission. She said this is a long process for the poles and lines to be removed. Several different depts. need to approve this as well. So, the applicant would like to wait before putting the site plan together. They are asking for a year extension to July 2019.

The Commission briefly discussed this.

M. Palluzzi made a motion to approve the extension.

J. Chadwick seconded the motion which was approved 4-1.

J. Lust was opposed.

2. Bond Acceptance-564 Leetes Island Road

R. Stoecker reviewed this, explaining this is a 5,000 bond for site work.

J. Lust made a motion to accept the bond. P. Higgins seconded the motion which was approved unanimously.

3. Planner's Report

H. Smith said the Plan of Conservation & Development (POCD) Steering Committee is planning to meet Thursday, July 19 at the Fire Headquarters to review the public comments received. He said there were several comments received and he thought it was important to provide the necessary time to consider all of the comments. However, should the Steering Committee vote to send a recommended POCD to the Commission on July 19, 2018 he suggested the Planning & Zoning Commission consider holding a Special Meeting in August to receive this recommended POCD to keep the schedule moving. It may be helpful to include the Steering Committee at this meeting as well. He will have more information about this at the next PZ meeting.

The meeting adjourned at 9:39 pm.

RESOLUTION

244 & 250 North Main Street Special Exception – Application # 18-2.4

THIS RESOLUTION (the “Resolution”) of the Town of Branford Planning and Zoning Commission (the “Commission”) was approved by the Commission meeting held on July 12, 2018.

RECITALS

WHEREAS, 250 North Main Street Branford LLC (c/o Jeffery Shapiro) [owners of 250 North Main Street] and J&J Property LLC (c/o Jeffery and John Klarman) [owners of 244 North Main Street] (collectively the “Applicants”), acting through their engineering firm – BL Companies (the “Applicants’ Engineer), have submitted an application including documents, plans and other supporting materials with respect to properties known as 244 and 250 North Main Street for a Special Exception approval (the “Application”) pursuant to Section 9.8 of the Town of Branford Zoning Regulations (“Zoning Regulations”); and

WHEREAS, the Application was received by the Commission on March 1, 2018; and

WHEREAS, two time extensions to the statutory review period for the public hearing required for this application were offered by the Applicants’ engineer and accepted by the Commission, the first via an email dated 4/18/2018 and the second at the public hearing on 5/17/18; and

WHEREAS, comments from Commission staff in the form of Staff Reports from Town Planner, Harry Smith prepared for the April 5, 2018 and May 17, 2018 Commission meetings (“Staff Comments”) were provided to the Applicant’s Engineer; and

WHEREAS, the Application was modified through changes to the Application including additional sheets and modifications to the sheets of the originally submitted plans; and

WHEREAS, complete information required by Section 6.8.F.10 of the Zoning Regulations on the location and amount of blasting was not included in the application; and

WHEREAS, the Application was reviewed by the Commission at public meetings held on 4/5/18, 4/19/18, 5/3/18, 5/17/18, and 6/7/18; and

WHEREAS, pursuant to Zoning Regulations the Commission deliberated on the Application as amended by the Applicants, including all representations, documents, revised and additional plans, and submissions made by the Applicants before and at the above referenced meetings (the "Amended Application"); and

WHEREAS, the Amended Application did not include information needed for a review under Section 6.14 ("Town-wide Design Considerations"), including but not limited to building elevations; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Commission finds that the Amended Application, subject to compliance with and fulfillment of required modifications enumerated below, is conformance with the requirements of the Zoning Regulations with the exception of Section 6.14,

AND, BE IT FURTHER RESOLVED THAT, the Commission hereby approves the Amended Application, subject to the following Conditions:

1. Prior to any construction activity on the Property evidence shall be submitted to the satisfaction of the Zoning Enforcement Officer that the soil and erosion controls have been installed as shown on Sheet EC-1. A pre-construction meeting shall be held with the Zoning Enforcement Officer, Applicants' engineer, wetland scientist, site contractor and the Inland Wetlands Agent which may be coordinated and combined with the Pre-construction/Erosion Control Inspection required by Condition 1.b of the 1/11/2018 Inland Wetlands and Watercourses Agency approval. Compliance with this condition may be addressed separately (in a phased manner) for each of the phases on Sheet PH-1, as that sheet shall be modified to address the conditions of this approval.
2. Prior to the issuance of a Zoning Permit or Zoning Authorization for the issuance of a Building Permit for improvements to this property the following shall be addressed to the satisfaction of the Zoning Enforcement Officer or specific Town staff member so indicated below:
 - a. All plan sheets shall be modified as necessary to the satisfaction of the Town Planner of the Planning and Zoning Commission to eliminate four parking spaces - and the resulting 1,000 sq. ft. reduction in building floor area - at the northwest corner of the site to further reduce the height of the proposed finished rock slope and severity of the excavation into the knoll in this area with the exact location of the parking spaces to be eliminated to be determined jointly by the applicant and the Town Planner.
 - b. The landscaping plan (Sheet LL-1) shall be modified to extend the fencing running north along the United Tire property line for the additional distance necessary (approximately twenty-feet (20')) to close any opening in the existing

vegetation allowing vehicle to access #250 N. Main Street from the United Tire property.

- c. Revised cut sheets and any other additional documentation required to demonstrate compliance of existing and proposed lighting fixtures with the full-cut-off (or equivalent BUG rating) requirements of the Zoning Regulations shall be submitted for consideration for approval by the Town Planner or the Planning and Zoning Commission.
- d. The phasing plan (Sheet PH-1) shall be modified to fully address the following:
 - i. The addition to Phase 1 of all of the work including installation of landscaping along and within the Route 1/North Main Street r-o-w, including but not limited to that shown as within a Phase 4.
 - ii. All of the work proposed within the wetlands and associated upland review areas between the proposed retail buildings and associated parking and Route 1 shall also be included in Phase 1.
 - iii. Add to Phase 2 the full construction of all elements of the paved interconnection (and all associated improvements such as sidewalks and lights) to the existing parking lot behind the building at #244 N. Main Street shown on Sheet SP-1.

It is also understood that all of the excavation and any associated blasting necessary to establish the proposed grades shown on Sheets GD-1 is included within the work to be performed as part of Phase 1.

- e. A soil and erosion control bond shall be established per Section 6.10.E.4 and Section 9.6.G.2A.
 - f. An additional sheet showing the amount and location of blasting proposed to take place on the site and the proposed location of any rock crusher or rock and earth material processing equipment on site in compliance with Section 6.8.G shall be submitted for the review of the Town Planner prior to the commencement of any work requiring a blasting permit or the operation of any such equipment on site.
3. To comply with Section 6.8.1, the Applicant shall submit the following for the review and approval of the Zoning Enforcement Officer, as she may be advised by the Fire Marshal, prior to beginning any work on site requiring a Blasting Permit:
- a. Documentation that an offer of a pre-blast survey was made to owners of all structures within 250 feet of the property boundary of 250 North Main Street.
 - b. Documentation that an offer of a post blast survey was made to owners of all structures within 250 feet of the property boundary of 250 North Main Street to document any changes in conditions from the pre-blast survey required above and a remediation plan to address any conditions altered by the blasting.

- c. Documentation shall be submitted in compliance with Section 6.8.F.3(2).

All blasting shall comply with any Blasting Permit issued and be limited to Monday through Friday 8:00 am to 5:00 pm.

- 4. No issuance of any Zoning Permit or the zoning authorization for the issuance of a Building Permit for construction of the two proposed buildings shall be made until a modification of this approval with a finding of conformance of the design of the two buildings with Section 6.14 is issued by the Commission. Compliance with this condition may be addressed separately (in a phased manner) for each of the two proposed buildings.
- 5. Prior to the issuance of a Certificate of Zoning Compliance or the zoning authorization for the issuance of a Certificate of Occupancy all site work shall be completed or an appropriate bond established per Section 9.6.G. Compliance with this condition may be addressed separately (in a phased manner) for each of the two proposed buildings.
- 6. No additional signage or new or replacement lighting shall be installed without Planning or Zoning Commission approval, or that of its staff whichever may be appropriate, for compliance of the proposed signage or lighting with the Zoning Regulations.
- 7. To ensure continued compliance with the Zoning Regulations (Section 6.3) all landscaping must be maintained as an on-going requirement of this approval to ensure survival of the landscaping. Any landscaping element that does not survive or that becomes significantly damaged must be replaced in-kind.

Moved by: P. Higgins Seconded By: J. Chadwick

Vote for the Resolution: 5

Vote against the Resolution: 0