



# PLANNING AND ZONING COMMISSION

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**D R A F T**

**MINUTES**  
**PLANNING & ZONING COMMISSION**  
**THURSDAY April 16, 2020**  
**REGULAR MEETING 8:00 P.M.**

*Held by Remote Technology*  
*As authorized by Executive Orders 7B and 7I.*

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

Staff Present: H. Smith- Town Planner, M. Martin- Clerk, K.Piazza-Assistant Town Planner

Chairperson Andres called meeting to order and introduced the Commissioners and the staff present by roll call and introduced new Assistant Town Planner K.Piazza

Assistant Town Planner K. Piazza provided a brief introduction on her background and provides a zoom tutorial. Town Planner H.Smith explained zoom phone features, reviewed meeting procedures, dropbox and meeting agenda. Town Planner H. Smith, read the public notice into the record. Chairperson Andres reviewed the public hearing procedures.

## **PUBLIC HEARINGS:**

1. A. Secondino & Son, Inc.,c/o Alfred Secondino –Applicant  
Bittersweet Partners LLC, & Alterra Holdings, LLC- Owners  
779-803 East Main Street & 21 Sycamore Way  
Special Exception – Laboratory Office  
**Application #19-12.1**  
**A/R 12/5/19, PH opened 2/20/20, continued to 3/19/20**

H. Smith explained that the applicant for Application #19-12.1 consented to an extension to allow for the public hearing to be continued to the May 7<sup>th</sup> meeting and to allow time for a meeting on the comments from the Town Engineer.

C. Andres chair confirmed the item would be continued to May 7<sup>th</sup> meeting.

2. Vigliotti Construction c/o Frank Vigliotti-Applicant  
Estate of Daniel P. Cosgrove c/o Susan Barnes- Owner  
99 Todds Hill Road  
Special Exception (Lot 4 of a 15 Lot ReSubdivision)  
**Application #19-12.4**  
**A/R 1/9/20 & PH opened 1/9/20, closed on 2/6/20, to be reopened 4/16/20**

3. Vigliotti Construction c/o Frank Vigliotti-Applicant  
Estate of Daniel P. Cosgrove c/o Susan Barnes- Owner  
99 Todds Hill Road  
Special Exception (Lot 5 of a 15 Lot ReSubdivision)  
**Application #19-12.5**  
**A/R 1/9/20 & PH opened 1/9/20, closed on 2/6/20, to be reopened 4/16/20**
4. Vigliotti Construction c/o Frank Vigliotti-Applicant  
Estate of Daniel P. Cosgrove c/o Susan Barnes- Owner  
99 Todds Hill Road  
Special Exception (Lot 6 of a 15 Lot ReSubdivision)  
**Application #19-12.6**  
**A/R 1/9/20 & PH opened 1/9/20, closed on 2/6/20, to be reopened 4/16/20**
5. Vigliotti Construction c/o Frank Vigliotti-Applicant  
Estate of Daniel P. Cosgrove c/o Susan Barnes- Owner  
99 Todds Hill Road  
Special Exception (Lot 8 of a 15 Lot ReSubdivision)  
**Application #19-12.7**  
**A/R 1/9/20 & PH opened 1/9/20, closed on 2/6/20, to be reopened 4/16/20**
6. Vigliotti Construction c/o Frank Vigliotti-Applicant  
Estate of Daniel P. Cosgrove c/o Susan Barnes- Owner  
99 Todds Hill Road  
Special Exception (Lot 9 of a 15 Lot ReSubdivision)  
**Application #19-12.8**  
**A/R 1/9/20 & PH opened 1/9/20, closed on 2/6/20, to be reopened 4/16/20**
7. Vigliotti Construction c/o Frank Vigliotti-Applicant  
Estate of Daniel P. Cosgrove c/o Susan Barnes- Owner  
99 Todds Hill Road  
Special Exception (Lot 13 of a 15 Lot ReSubdivision)  
**Application #19-12.9**  
**A/R 1/9/20 & PH opened 1/9/20, closed on 2/6/20, to be reopened 4/16/20**
8. Vigliotti Construction c/o Frank Vigliotti-Applicant  
Estate of Daniel P. Cosgrove c/o Susan Barnes- Owner  
99 Todds Hill Road  
ReSubdivision (15 lot)  
**Application #19-11.1**  
**A/R 11/7/19 & PH opened 1/9/20, closed on 2/6/20, was to be reopened 3/19/20**

C. Andres re-opened the public hearings for items 2-8 on the agenda as a single combined public hearing and provided background on the application review process to date. He explained that the public hearings for these applications had already been opened and closed but at the request of the Commission the public hearings were being reopened. The Commission wanted the applicant's input into the concerns expressed during deliberations that an alternative layout including a new public road be proposed instead of the what was shown on the plans in the applications.

Timothy Lee- (applicant attorney) explained commission had raised the question if some of the rear lots could be better served by town road. He explained that the applicant met with their engineer Jim Pretti to review if a town road would be possible. If they were to propose a

town road, it might make an additional two or three lots possible making it 18 lot subdivision instead of 15. However, they came to the determination that the road was not feasible because of a number of factors. Including that it would involve redesigning the entire project, revisiting the Inland Wetlands Commission, the Planning and Zoning Commission and would also set back the project approximately one year. Wetlands on the property would be more impacted if Town Road went in and increase the amount of impervious surface. Applicant would like to proceed with the previously submitted version of the application that the Commission had previously reviewed.

Jim Pretti- (Criscuolo Engineering) Explained additional engineering complexities including issues with traffic, road alignment and wetlands.

The Commission asked the following questions:

- C. Andres- Assuming interior town road was done and three more lots were added would the open space be less?
  - J. Pretti: Yes, by approximately 2 acres.
  - H. Smith reviewed site plan and lot configuration by displaying the currently proposed plan.
  - J. Pretti: Stated that one driveway could be eliminated on the plan as an option.
- Marci Palluzi: Asked if 18 lot plan could be seen and for the applicant to address other rear lots in the area and to explain how it would fit with the surrounding neighborhood.
  - J.Pretti: No map available for 18 lots and does not have a visual aid to show rear lots in the surrounding neighborhood. Explained that they also reviewed other options for the subdivision including Open Space PDD and having all lots with frontage but decided traditional subdivision was the best option for the property.
  - Timothy Lee-Stated that the rear lots preserved more of the natural space meeting one of the goals in the rear lot regulations.

#### Public Input:

- Jamie Cosgrove: Requested the commission to consider as a condition of approval, public access for passive recreation for the open space on the property and that it goes to an entity that allows that on their property.
- Clare Adamo: Supported idea that Jamie Cosgrove posed. Additionally, requested that the commission consider sidewalks from Cherry Hill up to Todds Hill Road.
- C. Andres: Stated that the school should also be considered in thinking about sidewalks.
- J. Pretti: Sidewalk option on Todds Hill and Cherry Hill would be an option but the topography of Parish Farm Road would be challenging. Would leave it up to the discretion of the Commission and the requirements of the Zoning Regulations.
- Richard Vaughn (74 Todds Hill Rd): Town road would allow for more access to the area including the open space proposed as part of the subdivision.
- C. Adamo: Clarified that sidewalk should go around the entire existing Cosgrove property and made some additional comments concerning the sidewalk and open space.
- C. Andres asked clarification from Jamie Cosgrove about his request of the commission to consider adding a condition of approval for public access to the proposed open space.
- Jamie Cosgrove spoke about an access entrance and stewardship
- H. Smith asked Jamie Cosgrove about any existing documentation concerning the Regional Commission accepting the open space with public access. He also stated that the subdivision regulations require that as part of an approval the entity that will be accepting the open space must be identified.
- Timothy Lee: Stated Regional Water Authority would take the property but wasn't sure about public access.

- Jim Pretti: Seconded what T. Lee stated indicating that the Regional Water Authority wrote a letter which was shown onscreen by H. Smith.
- Timothy Lee made suggestions regarding the condition of approval concerning the entity that would take open space.
- C. Andres made comments concerning the wording of the proposed condition of approval.
- Timothy Lee made general comments regarding the comments made by the commission concerning the proposed condition of approval.
- Jamie Cosgrove asked H. Smith for clarification regarding the proposed condition of approval.
- H. Smith provided clarification and possibilities for wording.
- Anthony Alfone: Questioned if Land Trust was able to access the property to assess the property needs and if anyone had tried to reach out to set up a time for to access it.
- T. Lee stated that the applicant does not currently have the authority to grant access and that the land trust would need to contact the owners of the property.
- A. Alfone asked if the Land Trust could be considered
- C. Andres said that was up to the applicant but that the Regional Water Authority is a qualifying entity.
- Jim Pretti: Reviewed the plans regarding the addition of sidewalks. Stated that that there were some topographic restraints and that there would be nearly one half mile of sidewalk.
- R. Vaughn: Spoke about the safety and traffic on Todds Hill Road.
- J. Cosgrove: Commented about stewardship, open space and clarified some information regarding A. Alfones questions.
- C. Adamo: Made additional comments in support of the sidewalks and suggested connecting trailways.
- H. Smith reviewed the plans and said that while he had limited familiarity with the property discussed the location of wetlands and implications for trail routes.
- M. Paluzzi: Stated there is a property for sale on Cherry Hill and she would be curious to know if there would be a larger planning opportunity to increase connectivity.
- T. Lee: Asked if the open space is something the Town of Branford would be interested in.
- H. Smith: Stated that would be a question for the Board of Selectmen and the RTM.
- J. Cosgrove: Reiterated H.Smith's statements that there were other bodies outside of the Planning and Zoning Commission that would need to be contacted to discuss that. He also stated the Land Trust is meant for this and are experienced stewards of open space.
- C. Andres: Spoke about Regional Water Commission properties sometimes require fees and permits for access.
- J. Cosgrove: Made general comments about stewardship and the value of the property to the community and advocated for the Land Trust.
- C. Andres: Questioned if the applicant would be open to the Land Trust to be the entity who takes over the open space.
- T.Lee: Stated the applicant was indifferent to who takes ownership of the open space but had identified RWA previously.
- C. Andres: Suggested condition that had wording that indicated that the open space could be given to either entity.

**Chairperson Andres closed the Public Hearings for matters 2-8 on the agenda.**

9. Joseph C. Schiffer-Applicant  
Dale H. Saul (Trustee) & Joseph C. Schiffer (Trustee)-Owners  
19-23 Buena Vista Road  
Coastal Site Plan and Special Exception for grading associated with a new septic, demo of two existing houses and construction of new house within 100' of an inland wetland  
**Application #20-2.2**  
**A/R 2/20/20, PH continued from 4/2/20**

- J. Pretti: Spoke and explained that the property subject to the application was at one point two properties which have since been combined. He stated that a 440 sf triangular piece of the property proposed to be conveyed to J. Opie had been transferred. He explained that there would be a single car garage on the property with a shed in the rear as well as a single family home. The other main component of the lot is the septic area. He provided a description of the landscaping and showed where the marsh edge (tidal wetland) was which was why the application was in front of the commission. He reviewed the erosion control and bulk standards as well. He further explained that the applicant received approval from the Stony Creek Design Architectural Review Board and Inland Wetlands. The Stony Creek Architectural Review Board had two comments including one that stated the garage should align with the house setback and that they preferred the fence design with the pergola. He said they would be making the garage slightly smaller to accommodate the recommendation.  
He then reviewed the comments from the Town Planner, H. Smith.
- J. Schiffer (52 River View Ave): Shared his screen to show aerial view and explained the location of the property and that the previous buildings on the properties had both been demolished. He then provided a description of the proposed house and landscaping. He explained that the proposed house is slightly less intrusive on the buffer area.
- H. Smith reviewed his staff report and comments from the Town's consulting planner including proposed findings and conditions he recommended the Commission include in any motion to approve the application.
- J. Schiffer and J. Pretti both briefly addressed comments concerning septic, fence, garage location, sidewalks, gutters and landscaping.

Public input:

- None

**Chairperson Andres closed the Public Hearing for agenda item 9.**

**Minutes: 4/2/2020**

C. Andres: Asked if staff would like additional time to review and edit the minutes.

H. Smith: Confirmed that he would like to review further.

These minutes were tabled until the next regularly scheduled meeting.

**Deliberations:** (minute mark 1.50.50)

2. Vigliotti Construction c/o Frank Vigliotti-Applicant  
Estate of Daniel P. Cosgrove c/o Susan Barnes- Owner  
99 Todds Hill Road  
Special Exception (Lot 4 of a 15 Lot ReSubdivision)  
**Application #19-12.4**  
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4. Vigliotti Construction c/o Frank Vigliotti-Applicant  
Estate of Daniel P. Cosgrove c/o Susan Barnes- Owner  
99 Todds Hill Road  
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Estate of Daniel P. Cosgrove c/o Susan Barnes- Owner  
99 Todds Hill Road  
Special Exception (Lot 9 of a 15 Lot ReSubdivision)  
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Estate of Daniel P. Cosgrove c/o Susan Barnes- Owner  
99 Todds Hill Road  
Special Exception (Lot 13 of a 15 Lot ReSubdivision)  
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**A/R 1/9/20 & PH opened 1/9/20, closed on 2/6/20, to be reopened 4/16/20**
8. Vigliotti Construction c/o Frank Vigliotti-Applicant  
Estate of Daniel P. Cosgrove c/o Susan Barnes- Owner  
99 Todds Hill Road  
ReSubdivision (15 lot)  
**Application #19-11.1**  
**A/R 11/7/19 & PH opened 1/9/20, closed on 2/6/20, was to be reopened 3/19/20**
  - C. Andres reviewed the three primary issues of the applications that the commission should discuss. The first being if the commission was ok with the interior lots at all and if they should approve the special exceptions or require a revised layout including a town road. The second, is if sidewalks should be required and where. The third issue is which entity should hold the open space and if they should require that it can only be granted to an entity that will permit public access. He also asked to limit discussion to those who are voting which included J. Chadwick, M. Palluzi, C. Andres, J. Vaiuso and J. Lust.
  - J.Lust: Stated that a town road would have been good but the trade-off for the impact on the wetlands and losing open space was not worth it. Agreed with the need for sidewalks, especially in the intersection. Agreed with the idea of having an either or option for the open space entity.
  - M. Palluzi: Confirmed that she listened to the tape of the meeting that was missed. She also stated that because she was not able to see the alternate plan produced by the applicant with the town road that she was not convinced of how substantial the impacts would be and would not change her stance on the special exception applications. She also stated she was understanding of the need to somewhat limit the sidewalk but would want to see them in areas that are traffic intense. She also wanted to see a possible interior cul-

de-sac for access to open space. Ultimately she said that she would like to see a better plan drawn to prove that rear lots are the way to proceed.

- J. Vaiuso: Stated that the 2500 ft. of sidewalk might be too much. He wants to see them in the area where they would get use. (minute mark 1.59.23)
- J. Chadwick: Spoke about the applicant's efforts in creating an alternative plan and stated that he also felt sidewalks were important and that the topographic restrictions could be worked around. He then spoke about the condition concerning the open space entity.
- The commissioners had further discussion concerning the application including sidewalks, open space, long range planning opportunities, public access, possible conditions of approval and whether to continue deliberations until the next meeting.
- H. Smith said he had prepared changes to the proposed conditions that he thought reflected what he understood the consensus of the majority of the Commission was regarding requiring sidewalks along Todds Hill Road between Cherry Hill Road and Parish Farm Road, providing an option for another entity besides the Regional Water Authority to accept the open space (subject to Commission approval), and require whichever entity that accepts the open space to provide for public access.

**J. Lust made a motion to approve applications #19-12.4, #19-12.5, #19-12.6, #19-12.7, #19-12.8 and #19-12.9 with findings and conditions as written in a memo from H. Smith to the Planning and Zoning Commission dated February 6, 2020.**

**J. Vaiuso seconded the motion.**

**Voting:**

**C. Andres: Affirmative**

**M. Palluzi: Negative**

**J. Chadwick: Affirmative**

**J. Vaiuso: Affirmative**

**J. Lust: Affirmative**

**J. Vaiuso made a motion to approve application #19-11.1 with conditions as written in a memo from H. Smith to the Planning and Zoning Commission dated February 6, 2020, as adjusted to reflect the changes just proposed by H. Smith.**

**J. Lust seconded the motion.**

**Voting:**

**C. Andres: Affirmative**

**M. Palluzi: Negative**

**J. Chadwick: Affirmative**

**J. Vaiuso: Affirmative**

**J. Lust: Affirmative**

9. Joseph C. Schiffer-Applicant  
Dale H. Saul (Trustee) & Joseph C. Schiffer (Trustee)-Owners  
19-23 Buena Vista Road  
Coastal Site Plan and Special Exception for grading associated with a new septic, demo of two existing houses and construction of new house within 100' of an inland wetland  
**Application #20-2.2**  
**A/R 2/20/20, PH continued from 4/2/20**

**J. Chadwick made a motion to approve the application with the findings and conditions proposed by H. Smith in his memorandum to the Commission dated April 15, 2020.**

**M. Palluzi seconded the motion.**

**Voting:**

**C.Andres: Affirmative**  
**J. Lust: Affirmative**  
**J. Vaiuso: Affirmative**  
**M. Palluzi: Affirmative**  
**J. Chadwick: Affirmative**

**CORRESPONDENCE: None**

**OLD BUSINESS:**

1. 165-195 Main Street Branford LLC c/o  
Kevin Curry –Applicant & Owner  
165 & 195 Main Street  
Special Exception-Convenience Store  
**Application#19-10.10 A/R 11/7/19,**  
**PH opened 1/9/20 - closed on 2/6/20, tabled from 4/2/20**
  - **Board voted to use Executive Order 7I to grant itself an extension to the time allotted for making a decision until May 7<sup>th</sup> and delegate scheduling the reopening of the public hearing to C. Andres and H. Smith.**

**Voting:**

**J. Lust: Affirmative**  
**C.Andres: Affirmative**  
**J. Vaiuso: Affirmative**  
**M. Palluzi: Affirmative**  
**J. Chadwick: Affirmative**

2. Thimble Island Brewing Company c/o Justin Gargano-Applicant  
16 Business Park LLC c/o  
Charles Weber- Owner  
16 Business Park Drive Site Plan-Food preparation  
**Application #20-2.1**  
**A/R 2/20/20, tabled from 4/2/20**
  - **Application has been withdrawn.**



3. 8 Howd, LLC c/o  
Nicholas Fischer-Applicant & Owner 8 Howd Avenue  
Special Exception - Two-Family House  
**Application #20-3.2 A/R 4/2/20,**  
**PH to be set**
  - **The Commission delegated the scheduling of the reopening of the public hearing to C. Andres and H. Smith.**
  
4. Sound Development Group, LLC-Applicant  
Melissa Maturo, et al-Owner  
1151 West Main Street  
Special Exception/Site Plan/ Coastal Site Plan – For development of a bank and grocery store and associated grading and earth movement  
**Application #20-3.3**  
**To be A/R, PH to be set**
  - **The Commission delegated the scheduling of the reopening of the public hearing to C. Andres and H. Smith.**

**NEW BUSINESS:**

None.

**OTHER BUSINESS (cont.):**

1. Planner's Report
  - Brief discussion about transitioning to electronic submissions and distribution of application materials to the Commission.

The meeting adjourned at 11:02 pm