



PLANNING AND ZONING COMMISSION

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**REVISED MINUTES
PLANNING & ZONING COMMISSION
THURSDAY, APRIL 19, 2018
REGULAR MEETING 7:00 P.M.
BRANFORD FIRE HEADQUARTERS
45 NORTH MAIN STREET**

Commissioners Present: J. Viauso, P. Higgins, M. Palluzzi, C. Andres, F. Russo,
D. Dyer

Commissioners Absent: J. Chadwick, J. Lust

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

Staff Absent; M. Martin- Clerk

Chairperson Andres introduced the Commission and the Staff Present. Secretary M. Palluzzi read the Public Hearing notice into the record.

**REGULAR MEETING 7:00 P.M.
PUBLIC HEARINGS:**

1. (David D'Atri), Almr LLC.-Applicant & Owner
4 Three Elm Rd.
Special Exception & Coastal Site Plan- Residential
Application #18-2.3
A/R 3/1/18, PH opened 4/5/18 & continued from 4/5/18

Chuck Mandell (Agent for Applicant) and David D'Atri were present.

Chuck Mandell reviewed the items that were brought up at the April 5, 2018 meeting. One item was the compensatory storage. He noted that an email was submitted by the Asst. Town Engineer stating that compensatory storage was not required. The second item was the proposed plantings along the buffer line which is shown on the plans that were submitted on April 12, 2018. The last item was concerning the health of the existing trees. There is a report written by a certified arborist stating that the Norway Maple trees that were affected by the grading will survive. A Weeping Cherry tree shown on the plan may not survive but will be replaced.

R. Stoecker reviewed the Staff Report.

PUBLIC INPUT:

1. Barbara Chessler- 8 Three Elm Rd. - She stated that she is fine with the outcome of the review and asked whether seed or another groundcover could be put on the soil to prevent soil erosion.

Chairperson closed the Public Hearing.

2. 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 & continued from 4/5/18

H. Smith stated the Applicant is requesting the hearing be continued to May 3 and They offered a time extension up to and thru the following meeting which the Commission accepted.

Chairperson Andres asked for Public Comments.

Jaycee Wyatt -84 East Main St. - She is concerned what will be built on this site and will comment further at a future meeting when the Applicant supplies more information.

3. Carissa Beam & Katharine Gomes- Applicants
Thomas F. Holeva (LAM Properties) - Owner
875-915 West Main Street (Unit 875)
Special Exception- Fitness Studio
Application #18-3.1
A/R 4/5/18 & PH set for 4/19/18

R. Stoecker noted the property owner will attend the meeting but is running a bit late.

Chairperson Andres stated they will discuss the next Public Hearing item and then come back to this.

4. Town of Branford- Applicant & Owner
6-10 Linden Avenue
Special Exception & Coastal Site Plan-
Municipal Facility (Indian Neck Firehouse Renovation)
Application #18-3.4
A/R 4/5/18 & PH set for 4/19/18

Jim Pretti (Criscuolo Engineering) was present along with Janice Plaziak (Town Engineer) and Tom Mahoney (Fire Chief) as well as David Stein (Silver Petrucelli & Associates). He reviewed the current site and the proposal to demolish the current building and construct a new 50x50 Firehouse building which is slightly larger than the current building. He then highlighted the parking and sidewalk as well as the storm water storage and drainage system and the landscaping plan.

David Stein spoke next and reviewed the construction of the building noting the first floor will be for fire apparatus only. This is not intended to be a public use building, it's only for volunteers. The second floor will be all open space except for the rest rooms.

H. Smith summarized the Staff Report and the conditions for approval. He then noted two regular commission members are absent and alternates Dave Dyer and Paul Higgins will be seated for them. Commissioner Fred Russo recused himself from the application since he lives nearby the Firehouse.

Thomas Mahoney (Branford Fire Chief) noting they have been sensitive to the needs of the neighborhood regarding parking. They looked at the parking and have made some slight revisions. The Commissioners had a brief discussion and asked a few questions.

PUBLIC INPUT:

1. Priscilla Ochman-(next door neighbor)-She said she is glad some of the trees will be removed. She is confused as to where the entrance will be located. She had a photo of the parking lot taken on Monday after the rain. She bought her house 38 years ago and at that time it was a park, then it became a parking lot and now it's a municipal building. She is concerned about the affect on her property value. She asked if there would be any fence planned to help block the leaves that blow onto her property.

Jim Pretti responded to some of her concerns.

2. Jaycee Wyatt- She thinks that this building will improve the neighbor's property values, not decrease them. Parking is a concern which the Commission should address. This is the first time she has seen a building in town built that is a positive economical value.

Chairperson Andres closed the Public Hearing.

Chairperson Andres then asked if the building owner for 875-915 West Main Street had arrived. This was the 3rd public hearing which was postponed earlier in the evening awaiting the owner's arrival. R. Stoecker stated the owner was not present but the Applicants were present. He highlighted the application stating this is a change of use from retail to Fitness Studio. This will be the top floor only, no basement use. The owner is bringing the lighting and landscaping up to the current code as well as the parking.

The property owner arrived at 7:55 pm.

The applicants gave a brief overview of their studio.

PUBLIC INPUT:

No one spoke.

Chairperson Andres closed the Public Hearing.

MINUTES: 4/5/18

F. Russo made a motion to approve the meeting minutes as written. J. Viauso seconded the motion which passed unanimously.

CORRESPONDENCE:

1. Correspondence regarding the smokestack at 50 Maple Street was received. H. Smith believes this is the same one that was previously discussed at a prior meeting. He will look into it further and give an update at the next meeting.

RETURN TO TABLE:

1. (David D'Atri), Almr LLC.-Applicant & Owner
4 Three Elm Rd.
Special Exception & Coastal Site Plan- Residential
Application #18-2.3
A/R 3/1/18, PH opened 4/5/18 & continued from 4/5/18

J. Vaiuso made a motion to approve the application with the finding and the conditions listed 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 conditions and modifications necessary to mitigate adverse impacts on coastal resources and any future water dependent activities.

CONDITIONS:

- 1) Revise the Site Plan to show a scaled 15 foot vegetative buffer and landscaping schedule/details to protect the tidal wetlands to the satisfaction of the Zoning Enforcement Officer as she may be advised by other Town Staff. The revisions and plantings including the Cherry Tree as well as any additional seeding to stabilize the fill and shall be completed in six months from the approval and approved by the Zoning Enforcement Officer prior to the issuance of a certificate of compliance.
- 2) Replace the identified weeping Cherry tree or enlarge the tree well to the extent required by the Zoning Enforcement Officer as she is advised by the Tree Warden or other Town Staff.

F. Russo seconded the motion which passed unanimously.

2. Carissa Beam & Katharine Gomes- Applicants
Thomas F. Holeva (LAM Properties) - Owner
875-915 West Main Street (Unit 875)
Special Exception- Fitness Studio
Application #18-3.1
A/R 4/5/18 & PH set for 4/19/18

M. Palluzzi made a motion to approve the application with the conditions below:

- 1) Prior to the zoning authorization of a certificate of occupancy or the issuance of a Certificate of Zoning Compliance the following shall be addressed:
 - a) Change of the existing non-compliant lighting on site (floodlights on the roof of the Thai restaurant – Sitar, and Orchard Hill Market sign, etc.) to compliant full cutoff lighting. Replacement of other existing lighting with LED or other replacement light source may be done as part of this approval subject to the approval by Planning and Zoning staff of the proposed replacement fixture in terms of light source, type of fixture, mounting height, number of lumens to be generated, and foot-candle to be generated at ground level by the proposed replacement fixture.
 - b) Replacement of dead and missing landscaping and landscaped (end-cap) islands in the rear parking area to bring the site into compliance with the Landscape Plan included with the Site Plans approved in 2002 with the exception of the plantings shown on the plan close to the foundation on the south and east sides of the main building.
 - c) Appropriate enclosure(s) for the 10-12 dumpsters on the property shall be indicated on revised site plans for review and approval by the Zoning Enforcement Officer and installed.
 - d) The scheduled repaving and restriping of the rear parking area shall match the existing Site Plan approved in 2002 (#02-2.2) and be complete.
 - e) The parking tabulation provided by the applicant shall be adjusted in consultation with the planning staff to indicate the categorization of all tenant spaces according to the listing of the Zoning Regulations Parking Table in Section 6.5.D.
- 2) 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.

- 3) To ensure continued compliance with the Zoning Regulations (Section 6.3) all landscaping shall 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 shall be replaced in – kind.
- 4) The applicant and property owner acknowledge the non-compliance of the overhead utility pole and wire next to the Verizon tenant space and shall establish an appropriate time frame for its removal with the Zoning Enforcement Officer.
- 5) All conditions of previous approvals regarding this property shall remain in full force and effect as they may still apply.

F. Russo seconded the motion which passed unanimously.

5. Town of Branford- Applicant & Owner
6-10 Linden Avenue
Special Exception & Coastal Site Plan-
Municipal Facility (Indian Neck Firehouse Renovation)
Application #18-3.4
A/R 4/5/18 & PH set for 4/19/18

J. Viaso made a motion to approve the application with the following finding and conditions:

FINDING:

1. The Commission finds that, with appropriate conditions and modifications necessary to mitigate any adverse impacts on coastal resources and any future water dependent activities, the proposed application for a Coastal Site Plan is consistent with the goals and policies of the Coastal Area Management Act.

CONDITIONS:

1. All construction shall substantially follow the Plans and Application Documents except as they may be modified to comply with requirements of this approval or be further modified by the Planning and Zoning Commission or be modified for construction related minor changes) approved by the Town Planner as advised by the Town Engineer as may be appropriate.
2. The previous 11/20/14 Site Plan Revision approval for a seasonal “hoop house” is voided.
3. Prior to the issuance of a Zoning Permit or the Zoning Authorization for the issuance of a Building Permit Sheet C600 shall be modified to show the removal of all three existing trees indicated on the plans along the southwest corner of the property along the property line with the adjoining n/f Ochman/Lane - 2 Cocheco Avenue - property and the planting of three additional trees to substitute, of size and species to be approved by the Town Planner as he may be advised by the Town Tree Warden.
4. To reduce glare, all fixtures shall be demonstrated to meet the IES full-cutoff definition unless they are emergency lights or very low level accent lights (less than 900 lumen output – less than an incandescent 100 watt bulb). Fixed, not adjustable, arm mounts shall be used for all fixtures. The correlated color temperature of the light source for all exterior fixtures, either building or pole mounted, shall be equal to or less than 3000 Kelvin (K). The 16.25' high mounting height should be reduced for the proposed fixtures close to (within 40' of the property lines) to a more pedestrian oriented 12' height. Information on all building mounted light fixtures needs to be provided including cut sheets with all model choices indicated and a photometric plan including a schedule providing information on the different types of fixture (maker & model number, mounting height, lumens generated, etc).
5. 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 shown on the plan are installed.
6. As may be directed by the Zoning Enforcement Officer, necessary measures to control any dust generated by fill brought into the site or movement of earth material on site shall be implemented.
7. The fencing along the # 2 Cocheco Avenue property shall be reevaluated and eliminated or replaced with additional landscaping should that be determined by the Town Planner or Planning & Zoning Commission after consulting with the Applicant and the direct neighbors to be preferable.

M. Palluzzi seconded the motion which passed unanimously.

OLD BUSINESS:

1. Simon & Judy Gore-Grimes-Applicants & Owners
199 Totoket Road
Coastal Site Plan- In ground Swimming Pool, Pool House, and Walls
Application #18-3.2
A/R 4/5/18 & Tabled from 4/5/18

Michael Harkin (Harkin Engineering, Killingworth, CT) represented the applicant and reviewed the project which includes an in ground swimming pool, a pool house, and a patio. He explained there will be a series of walls in front of the pool and a wall to the north of the property to create a second driveway entrance. This is needed to give a safer site line when leaving the property. R. Stoecker reviewed the Staff Report and read the DEEP comments into the record.

M. Palluzzi made a motion to approve the application with the finding and the conditions listed 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 conditions and modifications necessary to mitigate adverse impacts on coastal resources and any future water dependent activities.

CONDITION –

- 1) The 25' critical coastal buffer be designated a non-infringement area where trees and other natural features cannot be clear-cut particularly in favor of boulders and rocks which are inferior in preventing erosion. To the extent feasible no trees should be cut from the top of the slope to the toe of the slope adjacent to the flood zone.
- 2) Prior to the start of demolition and construction, the sedimentation and erosion control measures shall be installed to the satisfaction of the Zoning Enforcement Officer.

F. Russo seconded the motion which passed unanimously.

NEW BUSINESS:

1. John Bencivengo Jr.-Applicant
Johnathan Smith- Owner
560 East Main St. (Chowder Pot)
Special Exception- Trailer Storage
Application #18-3.3
A/R 4/5/18 & PH set for 5/17/18
2. James Blackstone Memorial Library c/o
Karen Jensen (Library Director)-Applicant & Owner
758 Main Street
Special Exception Modification- Library Addition
Application #18-4.2
To be A/R & PH waiver requested

David Stein (Silver, Petrucelli & Associates) represented the Applicant and explained this is a modification to the previously approved plan that was requested by the State Historical Office.

He explained the overall form and scale of the project haven't changed just some changes to the roof shape have. They felt that the proposed addition blended too well with the building design and wanted the addition to look like a new portion and not part of the original building.

The new design is a shallow pyramid shaped roof instead of the previous dome shape.

R. Stoecker reviewed the Staff Report.

Chairperson Andres asked if anyone from the public wanted to comment. The Commission has the right to waive the Public Hearing requirement if the change that is being proposed is very minor. No one came forward to speak.

M. Palluzzi made a motion to accept the application, waive the Public Hearing and approve the application with the conditions listed below:

CONDITIONS:

- 1) Consider the proper pitch of the entrance roof for aesthetics and interior/exterior functionality
- 2) Consider the appearance of the clear story windows (transom windows) in terms of increasing the window size for a more aesthetic appearance if it does not change the interior design and functionality.
- 3) The water table band on the structure should have the same stone materials (with a different finish) as the building block facade.
- 4) Consider the thickness of the overhang over the doors.

F. Russo seconded the motion which passed unanimously.

3. Jeffrey Dow-Applicant
620 Main Partners LLC.- Owner
618-622 Main Street
Site Plan Modification-Retail Building Awning
Application # 18.4.3
To be A/R

Jeffrey Dow (Applicant) explained last year he was approved for a building awning for this site. He gave a brief history of the site. This application is a modification to the original awning design. The Commission had a brief discussion including the proposed recommendations from the Town Center Revitalization Review Board at their meeting held on April 11, 2018.

J. Vaiuso made a motion to approve the application with the condition listed below:

- 1) At the owners discretion the canopy/awning may be extended across the front of the building matching previous location from left side building window frame to right side building window frame.

M. Palluzzi seconded the motion which passed unanimously.

4. Two Sycamore Way Realty, LLC c/o
Alfred J. Secondino-Applicant
Glaser Holdings Inc.-Owner
2 Sycamore Way
Site Plan Modification- Assembling Business-Add loading dock to front of building
Application #18-4.4
To be A/R

Jim Pretti (Criscuolo Engineering) represented the Applicant. This application involves the addition of a loading dock for the prospective tenant. He reviewed the landscaping plan that is also proposed. The Commissioners asked a few questions.

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

1. Prior to the issuance of a Certificate of Zoning Conformance or the Zoning authorization for the Issuance of a Certificate of Occupancy the following shall be addressed to the satisfaction of the Town Planner and the Zoning Enforcement Officer.

- A. The addition of landscaping between the front parking/proposed new loading area to Provide appropriate screening of the loading area.
- B. Replacement of any non-conforming lights with conforming lights.
- C. Replacement of any dead or diseased landscaping from the previously approved 2009 Site Plans.

J. Vaiuso seconded the motion which passed unanimously.

5. Total Estates LLC ,c/o Joshua Onofrio-Applicant & Owner
119 Cedar Street
Special Exception-Multi Family
Application #18-4.5
To be A/R and PH to be set

The Commission A/R and set the Public Hearing for 5-17-18.

6. Adam Spilka-Applicant
Adam Spilka & Patricia Murphy-Owners
26 Summer Island Road
Coastal Site Plan-Single Family Home
Application #18-4.6
To be A/R

This application is Tabled to the 5-17-18 meeting.

7. Joseph T. & Barbara A. Mascari-Applicants & Owners
1179 Main Street
Special Exception & Coastal Site Plan-Two Family Structure
Application#18-4.7
To be A/R & PH to be set

The Commission A/R and set a PH for 5-17-18.

8. To consider and, if appropriate, approve a settlement of the matter of *Pawson Point, LLC vs. Planning and Zoning Commission of the Town of Branford*

Chairperson Andres briefly reviewed the history of this 2016 application for an affordable housing 6 unit building at 239 Pawson Road on a lot that was less than a half-acre. A large portion of the lot was tidal wetlands. The Commission denied the application because of the many environmental concerns as well as safety concerns regarding fire access issues .The Applicant then came back with a modified application for 3 units and the Commission also denied that application. The Applicant then appealed the Planning & Zoning

decision as well as the ZBA decision. Chairperson Andres then stated his understanding was that the Applicant has reached a settlement with the abutting landowners and they will be acquiring the property. Also; as part of the settlement the Applicant has agreed to withdraw the appeal of the PZ decision. He noted as part of the court process, the court has to approve any withdrawal or settlement. So the Planning & Zoning Commission has to vote to consent to the withdrawal of the appeal.

Commissioner M. Palluzzi recused herself from this application.

P. Higgins made a motion stating-“The plaintiff/applicant has reached a settlement agreement with the abutting neighbors, Patricia and Stephen Small, such that the plaintiff/applicant will be withdrawing the appeal of his denial of the affordable housing application-which is pending in Superior Court and entitled Pawson Point, LLC v. Planning and Zoning Commission of the town of Branford, et al., Docket No. HHD-CV17-6076986-S. Therefore, I make a motion that the Planning & Zoning Commission approve the withdrawal of this suit”.

F. Russo seconded the motion which passed unanimously.

OTHER BUSINESS:

1. Planner’s Report

H. Smith stated the Plan of Conservation & Development Steering Committee has reviewed half of the draft version of the POCD thus far. They will then hold a Special Meeting on May 1 and meet again four weeks after that. A Public Informational meeting will follow to discuss the 2018 POCD plan and the Committees comments. He will confirm the date and tell them at the next Planning & Zoning Meeting.

EXECUTIVE SESSION

1. Discuss strategy in the matter of *Pawson Point, LLC vs. Planning and Zoning Commission of the Town of Branford.*

Chairperson felt they didn’t need to go into Executive session.

Meeting adjourned at 9:11 pm