



PLANNING AND ZONING COMMISSION

1019 Main Street, PO Box 150, Branford, CT 06405
Tel: (203) 488 - 1255, Fax: (203) 315 - 2188

MINUTES
PLANNING & ZONING COMMISSION
THURSDAY, APRIL 5, 2018
REGULAR MEETING 7:00 P.M.
BRANFORD FIRE HEADQUARTERS
45 NORTH MAIN STREET

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

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

Chairperson Andres introduced the Commissioners and the staff present.
Secretary M. Palluzzi read the Public Hearing Notice into the record.
Chairperson Andres then reviewed the Public Hearing procedures.

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 set for 4/5/18

Commissioner Lust recused himself. Commissioner Russo was seated for him.

Chuck Mandell – (Thomas A. Stevens & Associates, Inc.) represented the applicant. He reviewed the application explaining this is for grading that already took place and is less than 100 feet of a coastal resource. He listed all the reports and documents and reports that have been submitted thus far. He then gave a history of the site explaining that DEEP had approved with conditions in November 2016 the remediation plan that was submitted. DEEP then sent a letter dated April 2017 stating the site had been returned to compliance and the file will be closed. The final sign off was in August 2017. He then asked that the three neighbors' letters of support be read into the record, which H. Smith did.

R. Stoecker summarized the Staff Report and noted that this application was reviewed by the Stony Creek Architectural Board on March 28 and they did not find any adverse impact.

Commissioners had a discussion.

H. Smith suggested plantings along the tidal wetland to create a buffer which should contain plants that will help control the pesticides going into wetlands.

PUBLIC INPUT:

1. John Paul Garcia-(Licensed Surveyor, Bethany CT)- represented the property owners next door. (Barbara Chesler & Karen Dahl). He is not pro or con for this application. He has 3 issues with the application. First: what were the actual contours? There is conflicting information and feels more facts are needed. Second, there is a series of deep test pits that were

shown on the original plan which is on file at the East Shore Health Dept. and there is conflicting information pertaining to them. He also asked why the grading has been done His third issue is there is no buffer for protection and no physical barrier along the wetlands.

He also asked; how much fill what brought into the site? If it's too much, then he asked for it to be removed.

2. Barbara Chesler- She is an adjacent property owner. She said when Mr. D'Atri bought the property he cut down some trees and improved the quality of the property. She noted she is concerned because when she bought the property in 1998 and renovated, she had to follow many rules, and feels that others should have to follow them as well. She favors improving and protecting the wetlands. She said one day over 12 truckloads of fill was brought in to Mr. D'Atri's property. She wants to protect her property as well as the wetlands. She is also concerned that no grass seed has been planted and when it rains, soil is going into the creek.
3. Peter Kusterer- Indian Point Rd.-He said he has lived in Branford most of his life and owns the 2 family across the street. He noted the yard looks great. It's his understanding that this grading has all been permitted and noted that if you do work without permits, you are asked to get them afterward. He also knows that the neighbors at 8 Three Elm Road also put fill in their yard and he asked whether they got a permit to do so.

Chairperson Andres then briefly reviewed the concerns raised.

Chuck Mandel noted that the applicant is willing to plant a vegetative buffer to protect the wetlands.

H. Smith noted he will check with the floodplain manager for additional information regarding the question about approval for the fill under the Floodplain Management Ordinance and suggested the Public Hearing remain open.

Chairperson Andres agreed and spoke about regulations regarding trees and drainage issues. The Commission discussed this briefly.

David D'Atri (Applicant) said he spoke to the town to get recommendations for the correct types of trees to plant. He also noted that many test pits were dug and many truckloads of fill were removed from the property. The state of Ct asked him to remove some rocks from his property which he did. He doesn't want to adversely affect the site. He also wants to replace the current septic system. He noted he made an error, he didn't realize he was working within 100 feet of wetlands. He wants to be in compliance.

Chairperson Andres announced the Public Hearing will be continued so that further information can be gathered.

The Commission took a brief break at 8:10 pm and reconvened at 8:20pm.

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 set for 4/5/18

John Schmitz-(BL Companies) represented the applicant and reviewed the site plan. He noted the property is currently undeveloped and the excavation is completed. This application is for two buildings as well as a new traffic signal and associated parking. He noted that Clancy's Funeral Home at 244 West Main is included in this application because there will be a land swap between that parcel and 250 North Main St. He also reviewed the drainage system, utilities and lighting. He noted he will review traffic information at the next meeting.

The Commission then discussed this and asked some questions.

He reviewed staff report and then discussed a request from the Town Engineer's office for additional geo technical information regarding the exposed rock slopes proposed at the site.

John Schmitz reviewed the rock face information and showed the Commission a drawing. He also noted that a Geo Tech report is being prepared.

PUBLIC INPUT:

1. Janet Reisman- 699 East Main St.- She is opposed to this project. She feels the buildings are too large for the site, noting the larger of the two is bigger than the current Stop and Shop. She also asked why the developers won't disclose the name of the stores. Why are they secretive? It may be helpful for the Commission to know. She also said if the buildings were smaller then the parking would not have to be pushed up against the large rock wall. She also stated the traffic report seems bizarre and felt the addition of another traffic light in that area is too much, asking if the several lights in that area would be synchronized. She urged the Commission to ask the developer to scale back the size of the development.

Chairperson Andres said the Public Hearing will remain open and will be continued to the next PZ meeting.

He then said the Executive Session that is on the agenda will not take place until the next Planning & Zoning meeting on April 19.

MINUTES: 3/15/18 & 1/18/18 revised minutes

H. Smith explained the reason for the revised meeting minutes for 1/18/18 was a cut and paste error with a heading.

J. Viauso made a motion to approve the revised minutes and J. Lust seconded the motion which passed unanimously.

J. Chadwick made a motion to approve the 3/15/18 meeting minutes as written. M. Palluzzi seconded the motion which passed unanimously.

CORRESPONDENCE: None

OLD BUSINESS:

1. Casamay LLC.-Applicant & Owner
1007-1021 West Main Street
Site Plan – Fast Food Renovation (Wendy's)
Application #18-2.5

A/R 3/1/18, Tabled to 4/5/18

John Anderson-(Engineer & Architect representing Wendy's) spoke first. Also present was Chad Adams (Wendy's Corp. Office) and the Garrison's (restaurant owners).

He explained this project is an exterior renovation to update their look and bring the lighting into conformance; as well as adding additional landscaping. In addition, the restrooms will be updated and brought up to ADA standards.

R. Stoecker reviewed the staff report.

The Commission discussed the landscaping and the lighting and asked some questions.

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

- 1) No additional signage or new or replacement lighting shall be installed without staff or Commission approval, as appropriate, for its compliance with the Zoning Regulations.
- 2) The existing storm water drainage system shall be examined for any needed maintenance or repairs and the results reported to the Town Engineer and any action required by the Town Engineer shall be noted on the Site Plans as work to be performed in conjunction with improvements shown on the Site Plan to be completed prior to zoning approval.
- 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) All new proposed lighting must be compliant with requirements for full cut off fixtures. All full-cutoff fixtures will need to comply with International Dark-Sky Association (IDA) Dark Sky Approved certification, IES full-cut-off designation, or "BUG" ratings that demonstrate an equivalent performance for the fixtures provided. Adjustable mounting brackets on all lighting fixtures are prohibited.

J. Lust 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 & PH set for 4/19/18
3. 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 & Tabled to 4/19/18

NEW BUSINESS:

1. John Bencivengo Jr.-Applicant
Johnathan Smith- Owner
560 East Main St. (Chowder Pot)
Special Exception- Trailer Storage
Application #18-3.3
To be A/R & PH to be set

The Commission A/R and set the Public Hearing for 5/3/18.

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

The Commission A/R and set the Public Hearing for 4/19/18.

3. Robert Esposito-Applicant & Owner
1020-1028 Main Street
Site Plan Modification-New Tenant Space (Coldwell Banker)
Application # 18-4.1
To be A/R

Attorney Tim Lee represented the property owner, Robert Esposito. He explained the PZ Commission recently approved a site plan (with conditions) for this property at their 2/15/18 meeting. The property owner had issues with two of the conditions and in order to address these, a new site plan application is needed.

One of the conditions is the sidewalk; the property owners don't want to grant an easement to the town so the town can install the sidewalk and the property owners don't want to put sidewalk in either.

Chairperson Andres noted that this property is in the town center and the Commission wants it to be more walkable.

Attorney Lee agreed there is merits to having a sidewalk, but he didn't agree with the easement. He then explained the second issue was the requirement for a five thousand (\$5,000) bond.

H. Smith reviewed this in page 2 of his memo to the Commission, noting this area of town was described in the POCD Plan as being in a "key Sidewalk area". He then explained that the Commission required an easement instead of a sidewalk to bring the property into compliance to the extent practicable as required in the Zoning Regulations. The town would have to address the gaps in sidewalks in town in the future.

H. Smith said the bonding is optional. The applicant could do all the necessary things to avoid the bonding. The Commission then discussed the bonding and the sidewalk and easement issue.

Commissioner J. Vauiso and Commissioner M. Palluzzi recused themselves from this application. P. Higgins and F. Russo were seated for them. P. Higgins made a motion to deny the application. J. Lust seconded the motion which passed unanimously.

4. 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*

This item is Tabled to the 4/19/18 meeting.

OTHER BUSINESS:

1. Planner's Report

The Steering Committee will receive the first draft of the POCD (plan of Conservation & Development) next week. A date for a Public Meeting to solicit comments will be scheduled probably in June. The first public meeting will be held at the beginning of June.

He then noted that the Steering Committee will have a meeting next Wednesday (4/11/18) and everyone is welcome to attend. Also to note- the phone survey is complete. Some limited results of that will be included in the first draft of the POCD.

EXECUTIVE SESSION

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

This was Tabled to the next Planning & Zoning meeting on 4/19/18.

The meeting adjourned at 9:52 p.m.