



# PLANNING AND ZONING COMMISSION

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**REVISED MINUTES  
PLANNING & ZONING COMMISSION  
THURSDAY, DECEMBER 6, 2018  
REGULAR MEETING 7:00 P.M.  
BRANFORD FIRE HEADQUARTERS  
45 NORTH MAIN STREET**

Commissioners Present: J. Chadwick, J. Vaiuso, C. Andres, M. Palluzzi, D. Dyer  
Commissioners Absent: F. Russo, P. Higgins, J. Lust  
Staff Present: H. Smith- Town Planner, M. Martin-Clerk

Chairperson Andres introduced the Commission and staff present.

Secretary M. Palluzzi read the Public Hearing Notice into the record.  
Chairperson Andres reviewed the Public Hearing procedures.

## **PUBLIC HEARINGS:**

1. 26 Cherry Hill Road LLC.-Applicant & Owner  
26 Cherry Hill Road  
PDD Site Plan/Special Exception (Section 6.8; Grading & Earth Removal Activities)-  
Multi-Family Residential  
**Application #18-8.5**  
**A/R 9/6/18 & PH set for 10/18/18, PH opened 10/18/18 & Continued from 11/15/18**

Attorney Bernard Pellegrino (Pellegrino Law Firm) represented the applicant. He noted that the three issues that were pending at the last meeting have been completed. For the record, he submitted the agreed upon Conservation Easement property. He then spoke of a tree that was in proximity of a retaining wall and grading. A licensed arborist said the tree in question would not survive. Attorney Pellegrino then submitted a new site plan showing a replacement tree that will show it on the Trapasso's property per their request. The other issue was the design of the house located on Lot 2. It has to be compatible with the secretary of the interior design for historic homes. Attorney Pellegrino noted this has not been addressed yet and they are withdrawing the Site Plan application for Lot 2. A written withdrawal has been submitted.

H. Smith then read a letter into the record that was received from Shirley McCarthy, Kate Galambos (on behalf of the Branford Citizens for responsible development) and Nancy Mancini (Co-chair Community Forest Commission) and Louise Lamontagne (Co-Chair Community Forest Commission) regarding trees on the property, of which two are significant trees. They are requesting the developer take steps to protect the trees.

PUBLIC INPUT:

1. John Hersan-He noted he is a member of the Town Center Revitalization Review Board. He asked what the Branford Historical Commission was? It was previously mentioned.

H. Smith clarified that it was the Branford Historical Society.

2. Bill Horne- Pleasant Point Rd.-Noted that he did make suggestions and they were Taken into account.

Chairperson Andres closed the Public Hearing.

2. Legacy Theatre, Inc. c/o-  
Jim Strub-Applicant & Owner  
128 Thimble Island Road  
Special Exception Modification& CAM-  
Legacy Theatre-Changes to building & site  
Application #18-10.5  
A/R 10/18/18 & PH set for 11/15/18, PH opened 11/15/18 & Continued from  
11/15/18

Attorney James Strub spoke first. He is representing the Applicant. Also present was David Peterson from Wyeth Architects.

For the record, it was noted that Commissioner M. Palluzzi and Commissioner J. Vaiuso both listened to the audio from the previous Planning & Zoning meeting of November 15, 2018. They were both absent due to the snow storm.

J. Pretti-(Criscuolo Engineering) spoke next. He gave a brief presentation and highlighted some plans.

David Peterson (Wyeth Architects) then reviewed plans.

Eleanor Stach (140 Thimble Islands Rd) asked about the truck traffic. How were they going to come in?

H. Smith then reviewed the items in his memo.

PUBLIC INPUT:

1. Linda Reed- (Stony Creek Resident) was speaking for herself as well as Eleanor Stack and Joan Johnson(neighbors of the Puppet House).She was working with the parties involved because she is a planner by trade as well as a certified zoning officer and certified in Inland Wetlands. She noted she is concerned about the driveway. She asked for clarification. She said there is a great relationship now

between the neighbors and the Legacy Theatre which all parties wish to cultivate. She asked about two items in the November 15, 2018 Staff Report.

One item states the Theatre is a preexisting non-conforming use. She disagrees with that statement. She said in 1956 it was a factory and it did not revert to the Puppet House until 1961. The puppet theatre programming was an accessory use; the theatre group was primarily out on the road. This issue of the non-conforming use was never addressed. Everyone is at peace now but it's written in the Staff Report and may present a problem down the line. She feels that item should not be included in the Staff Report.

J.Pretti (Criscuolo Engineering) spoke and answered the question regarding the driveway.

2. John Herzan- (Stony Creek Resident) asked if applicant has gotten formal approval from the State Historic Preservation Office (SHPO) to have the vitrines. Len Wyeth from Wyeth Architects( representing the applicant) replied that SHPO did support and encouraged the inclusion of the vitrines since it was an element of the historic appearance of the theater from the 1930's .

Chairperson Andres closed the Public Hearing.

The Commission had a very brief discussion.

3. SGM Associates LLC,  
c/o Norman Milles-Applicant & Owner  
12 North Harbor Street (aka Lot3)  
Special Exception-Renovation from single family  
to two family home  
Application #18-10.11  
A/R 11/1/18, PH set for 12/6/18

Jim Pretti (Criscuolo Engineering) represented the applicant. He explained that this property was part of a small subdivision from 2015. The house will be converted to 2 one bedroom units. He highlighted the plan.

H. Smith reviewed the staff report.

PUBLIC INPUT:

No one spoke.

Chairperson Andres closed the Public Hearing.

4. RTS, LLC, c/o Michael Ranfone-Applicant  
River Run LLC,c/o Robert Davidson-Owner  
53-59 School Ground Road  
Special Exception- Indoor Recreation Use  
Application #18-11.2  
A/R 11/15/18 & PH set for 12/6/18

Jeff Dow ( Property Manager for River Run, LLC) was present along with Mike Ranfone who is the prospective tenant. He noted there are no exterior changes to the building and there is plenty of parking on site.

Mike Ranfone spoke next stating he currently operates a fitness facility in Hamden. This would be his second facility. He explained his facility model is different. He serves small groups of people, unlike the larger gyms. The maximum number of people onsite would be 24 people per hour.

H. Smith reviewed the parking requirements.

PUBLIC INPUT:

No one spoke.

H. Smith then reviewed the Staff Report and the conditions for approval.

Chairperson Andres closed the Public Hearing.

RETURN TO TABLE:

1. 26 Cherry Hill Road LLC.-Applicant & Owner  
26 Cherry Hill Road  
PDD Site Plan/Special Exception (Section 6.8; Grading & Earth Removal Activities)–  
Multi-Family Residential  
**Application #18-8.5**  
**A/R 9/6/18 & PH set for 10/18/18, PH opened 10/18/18 & Continued from 11/15/18**

H.Smith is drafting a Resolution which will be discussed at the 1/3/19 meeting.

2. Legacy Theatre, Inc. c/o-  
Jim Strub-Applicant & Owner  
128 Thimble Island Road  
Special Exception Modification& CAM-  
Legacy Theatre-Changes to building & site  
Application #18-10.5  
A/R 10/18/18 & PH set for 11/15/18, PH opened 11/15/18 & Continued from  
11/15/18

For the record, Commissioner D.Dyer was not seated for this application .

**J. Vaiuso made a motion to approve the application with the finding and the conditions listed below:**

Findings -

1. Subject to compliance with the adopted Conditions listed below, the Commission finds, based on the testimony and application materials presented, that the proposed improvements and use of the property are consistent with the Special Exception Criteria.
2. This application is found to be 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.
3. The Commission acknowledges that the applicant's proposed use is a theater use as more particularly described in a Stipulation of Judgment, agreed to by the Parties and approved by the court in *Stony Creek Association, et al. v. Branford Zoning Board of Appeals, et al.*, Docket No. NNH-CV-156051727-S (J.D. New Haven at New Haven) ("the Stipulation"). The Commission further acknowledges that the Stipulation served to settle an appeal from a decision by the Branford Zoning Board of Appeals approving a fit-out of the property for use as a theatre, and that the Planning & Zoning Commission was not a party to that lawsuit. The Commission recognizes that the Stipulation includes a detailed description of the use and its hours and months of operation, and the approval of the use in this resolution is an approval of the use as represented in the Stipulation. The Commission also recognizes, however, that that the Stipulation sets forth obligations of the applicant to third parties, and addresses other matters beyond the jurisdiction of this Commission (e.g., compliance with the Town's noise ordinance and some of the details regarding parking locations). Nothing in this approval shall be deemed to eliminate or supersede any obligations agreed to by the applicant to third parties or other duties to comply with the law, as set forth in the Stipulation.
4. Pursuant to the provisions of Section 6.3.L of the Zoning Regulations, the Commission finds the proposed landscaping to consist of excellence in landscape design. For this reason, and the reasons for modifications to the otherwise applicable Sections 6.3.G, 6.3.H, and 6.3.I of the Zoning Regulations documented in an email from the applicant's architect, Leonard Wyeth, dated November 14, 2018; the requirements of the above sections of the Zoning Regulations are considered modified to the extent necessary to accommodate the landscape design proposed in the plans submitted with this application.
5. Based on the documents and plans submitted, testimony presented, comments and recommendation from the Stony Creek Architectural Review Board, and the detailed description of the proposed use and other provisions of the Stipulation the Commission finds that, subject to compliance with the Conditions included below, the Special Exception criteria of Section 9.8.F and the requirements of Section 5.8 are met by this application.
6. The Commission finds that use of the "vitrines" to display signage related to performances, events and other activities to take place in the theater does constitute a

pre-existing non-conforming aspect of the use of the property as a theater which predated the adoption of Zoning Regulations by the Town of Branford in 1956.

Conditions –

1. All construction shall substantially follow the following submitted 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 (“Approved Plans”): Sheets 1 of 1 (Property and Topographic Map - dated 8/8/13, least revised 12/4/18), Sheets 1 of 2 (Septic Repair Plan – dated 7/8/13, last revised 12/2/16), Sheet 2 of 2 (Septic Repair Details - dated 7/8/13, last revised 12/2/16), as well as Sheets 1 of 5, 2 of 5, 4 of 5, and 5 of 5 all of a plan set entitled “Property Located at, 128 Thimble Islands Road, Branford, Connecticut” all as prepared by Criscuolo Engineering, LLC of Branford, Connecticut; Sheet L-1.0 (prepared by Anne Penniman Associates LLC Landscape Architecture – dated 10/10/18, no revisions), Sheet L-2.0 (prepared by Anne Penniman Associates LLC Landscape Architecture – dated 10/10/18, no revisions); Sheets MS1.1, MA1.1, MA1.2, MA1.3, MA1.4, MA3.1, MA3.2, MA4.1, MA4.3, and MA4.4 as prepared by Wyeth Architects LLC, dated 12/4/18; and Sheet L-1 (Photometric Calculation, prepared by “Illuminate” dated 12/4/18).

All revisions to these Approved Plans shall be submitted as part of a complete set of all of the most current Approved Plans with all sheets stamped/sealed and signed by the professionals responsible for their preparation, two full-size paper copies of which shall be submitted for review.

2. Prior to the start of construction, the sedimentation and erosion control measures shall be installed to the satisfaction of the Zoning Enforcement Officer.
3. 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). 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).
4. Prior to the issuance of a Zoning Permit or the zoning authorization of a Building Permit the applicant shall submit for review and approval by the Zoning Enforcement Officer/Town Planner, etc. as may be specified below, modifications to the Plans and Application Documents addressing the following:
  - a. Modification to Sheet MS1.1 and Drawing 1 of 5 labeled “Proposed Site Layout Plan” (prepared by Criscuolo Engineering) to clearly indicate that (Drawing 1 of 5 is the approved “Site Plan” and that the information on Sheet MS1.1 prepared by Wyeth Architects, Inc. has been either transferred to this Site Plan, other supporting sheets of the plan set and or included on another sheet of the plans not designated as the “Site Plan.”

- b. Modify the submitted architectural plans as necessary to identify the alternative exterior building materials as verbally specified by Richard Weis, R.A. during the meeting of the Stony Creek Architectural Review Board on November 7, 2018.
  - c. Show a dumpster enclosure, including gate, consisting of materials acceptable to the Stony Creek Architectural Review Board.
  - d. Add detail for construction of a driveway apron per Town standard.
  - e. Provide details for the gallery overflow outlet in the permit set of plans.
  - f. Submittal of two full sets of the plans enumerated in Condition 1 above modified only to address the conditions of this approval to the satisfaction of the Zoning Enforcement Officer stamper/sealed and signed by the appropriate professional who prepared the individual sheets.
5. The work may be considered complete for the purposes of the issuance of a Certificate of Zoning Compliance or the zoning authorization of the issuance of a Certificate of Occupancy if all, none, or some combination of the Deduct Alternates # 1, 2,3,4 or 10 listed and shown on Sheet MS1.1 (as dated 12/4/18) are not completed. The work associated with these Deduct Alternates (and the other listed Deduct Alternates on this plan sheet) may be completed later as additional approved phases of this development.
  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. 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.
  8. 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.
  9. Any modifications to the site, building, statement of use or other aspects of the property from those approved shall require further approval by the Commission as a Special Exception modification as provided by Section 9.8.I. of the Zoning Regulations.
  10. *The vitrines on either side of the entrance directly onto the sidewalk along Thimble Islands Road shall not be lit by a fixture of any kind exceeding 900 lumens in light output.*

**J. Chadwick seconded the motion which passed unanimously.**

3. SGM Associates LLC,  
c/o Norman Milles-Applicant & Owner  
12 North Harbor Street (aka Lot3)  
Special Exception-Renovation from single family  
to two family home  
Application #18-10.11  
A/R 11/1/18, PH set for 12/6/18

For the record, Commissioner D. Dyer was seated for this application .

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

- 1) Prior to the start of construction erosion control measures shall be installed to the satisfaction of the Zoning Enforcement Officer and maintained throughout the project.
- 2) Prior to the issuance of a Zoning Permit or the authorization for the issuance of a building permit, the following Site Plan revisions shall be addressed to the satisfaction of the Zoning Enforcement Officer or other staff as may be indicated:
  - a. Provide landscape details on a revised Site Plan to fully address front, rear and side yard landscaping requirements to the satisfaction of the Town Planner.
  - b. No additional new lighting shall be installed without staff or Commission approval, as appropriate, for its compliance with the Zoning Regulations.
  - c. Soil erosion control silt fencing, along with any details for a tracking pad or construction staging area.
  - d. The existing sanitary sewer line shall be video inspected by a qualified plumber. Any issues with the line shall be reported to the Engineering Department for review. The line shall be replaced with a new 6" diameter line at the direction of the Town Engineer if he determines this is required based on the results of the inspection. The sanitary sewer line cleanout shall be retrofitted to withstand H2O loading to prevent damage by parking or plowing actions.

**M. Palluzzi seconded the motion which passed unanimously.**

4. RTS, LLC, c/o Michael Ranfone-Applicant  
River Run LLC, c/o Robert Davidson-Owner  
53-59 School Ground Road  
Special Exception- Indoor Recreation Use  
Application #18-11.2  
A/R 11/15/18 & PH set for 12/6/18

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

Findings:

1. Subject to compliance with the Conditions listed below, the Commission finds, based on the testimony and application materials presented, that the proposed use of the property is consistent with the Special Exception Criteria of Section 9.8.F.
2. Pursuant to Section 6.5.D, Table Note #1 the Commission finds that "class-based indoor recreation" is a use not covered in section 6.5.D and that submitted information on the parking needs of the proposed class-based indoor recreation use based on the applicant's operating experience with similar facilities in other locations a parking ratio requiring 1 space for every 250 s. f. of gross floor area is determined to be appropriate.



Conditions:

- 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) The existing non-compliant lighting on site (floodlight on the side of the building outside the tenant space currently occupied by Mathews Art Glass) shall be removed. Any new lighting proposed for this property shall require review and approval by Zoning Enforcement Officer or Planning and Zoning Commission, as may be appropriate, to conform to the requirements of the Zoning Regulations.
  - b) Replacement of dead or missing landscaping (three junipers (1 ½ - 2' height at time of planting).
  - c) Appropriate enclosure(s) for any new dumpsters for this use on the property shall be indicated on revised site plans to be submitted for review and approval by the Zoning Enforcement Officer and installed prior to the placement and use of such dumpsters.
  - d) The debris between the northern side of the building and the northern property line shall be removed to the satisfaction of the Zoning Enforcement Officer.
  - 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.
  - f) The existing storm water drainage system shall be examined by a qualified professional for any needed maintenance or repairs and the results reported to the Town Engineer and any action required by the Town Engineer shall be completed.
- 2) This property is not considered to be in full compliance with prior Site Plan approvals until staff comments # 3 (need for an updated landscaping plan) and # 8 (screening and grouping of the several dumpsters along the northern property line) are fully addressed to the satisfaction of the Zoning Enforcement Officer. Therefore, until these situations are resolved, uses listed in Section 4.8 as only requiring a Site Plan approval, that might be considered exempt from this requirement per Section 9.6.B, shall require a Site Plan approval from the Planning and Zoning Commission.
- 3) 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.
- 4) 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.
- 5) All conditions of previous approvals regarding this property shall remain in full force and effect as they may still apply.

If the Commission decides to approve the application on with a parking requirement of 1 space per every 175 sq. ft. as previously established by the Commission for other Indoor Recreation uses, then Staff recommends that Finding #2 above not be adopted and following additional Condition be included in any motion to approve the application:

- 6) The use is limited to "class-room based" indoor recreation with no more than 12 patrons per every 3,500 square feet of gross floor area.

**J. Chadwick seconded the motion which passed unanimously.**

MINUTES: 11/15/18 & 11/20/18

**J. Vaiuso made a motion to approve the 11/15/18 meeting minutes as written.**

**J. Chadwick seconded the motion which passed unanimously.**

**J. Vaiuso made a motion to approve the 11/20/18 meeting minutes as written.**

**D. Dyer seconded the motion which passed unanimously.**

CORRESPONDENCE:

H. Smith referred to the letter he sent to Robert Sachs (Cherry Hill Construction) regarding the tree removal on 250 North Main St. Mr. Sachs then called H. Smith and explained that he was approached by someone from the Dept. of Public Works who told him the tree had split and was on the ground .It was blocking the driveway and a portion of Route One. He was then asked to remove the tree which he did.

H. Smith said he would follow up with Mr. Sachs and reported that Mr. Sach's said to him that he would respond with a proposal to add landscaping to the site plan.

Chairperson Andres asked Mr. Smith to contact the DPW employee involved.

H. Smith said a time extension request was received in the Planning office late today for the Special Exception approval at 17-21 North Branford Road.

H. Smith suggested this be addressed later in the meeting if the Commission was willing to add it to the agenda.

OLD BUSINESS:

NEW BUSINESS:

1. 330 East Main St. Associates, LLC,  
c/o Chris Zane-Applicant & Owner  
330 East Main Street  
Special Exception Modification-Canopy over drive thru  
Application #18-11.3  
To be A/R

J. Pretti (Criscuolo Engineering) represented the applicant. He distributed photos of the canopy that is installed over the ATM at Citizen's Bank. It was not included on the Site Plan. The Applicant thought the canopy was included in the sign approval. The Applicant is requesting a waiver of the Public Hearing requirement for this

application.

H. Smith reviewed the Staff Report.

**D.Dyer made a motion to waive the Public Hearing. M.Palluzzi seconded the Motion which passed unanimously.**

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

1. All conditions of previous Commission approvals for this site shall remain in full force and effect as they may still apply.
2. Information on the proposed soffit lighting including catalog cut sheets with all model choices indicated. The fixtures shall be documented as meeting IES full cut-off designation (unless they are documented to have a light output of less than 900 lumens). A photometric plan of the immediate area around the kiosk providing the cumulative amount of light to be created on the ground. If the interiorly lit colored side panels are determined to not constitute signage, then the above information shall be provided for them as well.

**D. Dyer seconded the motion which passed unanimously.**

2. Informal Discussion-Anchor Reef-PDD Modification

Attorney Marjorie Shansky spoke and noted that Sal Marottoli (Sachem Building & Development LLC) and Mike Ott (Engineer) were also present.

Sal Marottoli spoke first and gave a brief background of the Anchor Reef project. He noted this is an informal discussion and he is looking for feedback from the Commission before he proceeds.

He has entered into a contract to buy the property. He wants to revive the project. His idea is to modify the site plan and build three smaller buildings using the water view and have up to 78 residential units with a pool and pergola as well as construct a smaller boutique style hotel .He highlighted some conceptual drawings for the Commission.

Mike Ott spoke reviewed some of the site plans.He reviewed a bit of the sidewalk network and the idea of a public walkway.

The Commissioners asked a few questions and gave their comments.

Sal Marottoli highlighted some details of the hotel.

H. Smith noted that the TOD study did look at the potential for some blue way(recreational corridor)It may also be enhanced with some public access along the Branford River.

He mentioned a few future ideas to enhance the public access to the water.

A resident of Anchor Reef spoke and noted that her comments weren't negative but that this potential project will have a huge impact on the residents who are living there. She purchased her condo thinking it would be part of 114 units and share the expenses but now it's a different because the future units probably won't be part of the HOA. She wanted to point out that there are impacts on the present residents. There will be a lot more density. She mentioned that water drainage is a huge problem. She felt if some space on the Branford River was kept free of docks that would make it a nicer view.

The President of the Anchor Reef Homeowners Assn. spoke briefly. He was also concerned about the walkway. The original ideas for the walkway was to have it around the units and down to the dock for public access to the river. But, there is only one access point to river and it is at the dock. They are concerned, it is very intrusive to the residents having the public walking thru. He noted there is a sidewalk now around the building one and its runway for kids on their bikes. It's an invitation for mischief. He envisions a direct access to dock without going around the buildings. He likes the idea of a hotel.

Perry Maresca felt the hotel is a plus. He thinks it's a great project.

3. Hamilton Bradford LLC, 49 Commercial Pkwy LLC, c/o  
Kris Shapiro (member)-Applicant & Owner  
49, 81-111 Commercial Parkway  
Zoning Map Amendment- BL to IG-2  
Application #18-12.1  
To be A/R & PH to be set

**The Commission A/R and set the Public Hearing for 1/17/19**

4. Giumas LLC, c/o Giulio Liguori- Applicant & Owner  
155 Main Street  
Special Exception-Two Family Home  
Application #18-12.2  
To be A/R & PH to be set

**The Commission A/R and set the public Hearing for 1/3/19.**

Added to Agenda:

A Time Extension request for the Special Exception Approval at 17-21 North Branford Road.

Attorney Bernard Pellegrino (Pellegrino Law Firm) explained this project was approved five years ago. It will expire on December 19, 2018. His client bought the property four months ago. It is a two acre site with three identical two story basic commercial buildings proposed.

His client is requesting a one year extension. The building permits have been submitted.

The Commission had a brief discussion. H. Smith noted that the Site Plan approval is due to expire in February of 2019.

**J. Vaiuso made a motion to grant a one year extension for both the Special Exception and the Site Plan Approval.**

**J. Chadwick seconded the motion which was approved unanimously.**

9 Autumn Ridge Bond establishment

This needs to be added to the agenda.

The driveway was not built according to the plan and the cost is now \$2500.00 to construct it per the original plan.

J. Pretti (Criscuolo Engineering) explained it in more detail.

**J. Vaiuso made a motion to accept the bond.**

**J. Chadwick seconded the motion which passed unanimously.**

H. Smith noted there is a proposed development that was just granted a variance by the Zoning Board of Appeals. It presents an interpretation question regarding what level of the proposed building should be considered the ground floor. He had a Site Plan showing the proposed 12 unit building with underground parking. The first floor would be above the base flood elevation. The parking level is at or above grade then there are three stories above that. The total of the residential building would be four stories. They then discussed where the first floor is. Is it the garage or the first floor? After some discussion, the consensus was the garage is the ground floor.

Chairperson Andres added that what the spirit of the Zoning Regulation maybe applicable to this situation.

H. Smith noted an application for a Special Exception for 83 School Ground Road (Units 4&5) for Automotive Repair was made today.

**The Commission added this item to the agenda and set the Public Hearing for 1/17/19.**

H. Smith noted that the Plan of Conservation & Development Plan is on the website.

#### OTHER BUSINESS:

1. Election of Officers

This item was TABLED to the 1/3/19

2. Planner's Report

Nothing to report outside of notification/referrals of the draft POCD/scheduled Public Hearing on 1/17/19 to all the legally required notices.

The meeting adjourned at 9:45 p.m.