



# PLANNING AND ZONING COMMISSION

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## MINUTES PLANNING & ZONING COMMISSION THURSDAY, FEBRUARY 21, 2019 REGULAR MEETING 7:00 P.M. BRANFORD FIRE HEADQUARTERS 45 NORTH MAIN STREET

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

Chairperson Andres introduced the Commission and the Staff.

### PUBLIC HEARINGS:

1. Jamie Brecciaroli-Applicant  
John Damato Jr. –Owner  
83 School Ground Road (Units 4 & 5)  
Special Exception-Automotive Repair  
**A/R 12/6/18 & PH opened 1/17/19, continued from 2/7/19**

**Applicant has requested this be continued to 3/7/19.**

### MINUTES: 2/7/19

**J. Vaiuso made a motion to approve the meeting minutes as written.  
J. Chadwick seconded the motion which passed unanimously.**

### CORRESPONDENCE:

1. Correspondence regarding an equipment swap on an existing cell tower located at 60 Hosley Avenue.

### OLD BUSINESS:

1. James Blackstone Memorial Library c/o  
Karen Jensen (Library Director)-Applicant & Owner  
758 Main Street  
Special Exception Modification- request elimination of Condition 1.A.v.  
of the SE Approval dated 1/18/18  
**Application #19-1.4**

**A/R 2/7/19, Tabled from 2/7/19 & PH waived on 2/7/19**

H. Smith reviewed the Staff Report and noted that the Town Center Revitalization Review Board approved this change. The Applicant is seeking the elimination of the requirement for sidewalk aggregate finish as stated in condition 1.A. (v) in the 2017 Special Exception approval. The application is to eliminate this condition.

**J. Chadwick made a motion to approve the Application.**

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

Commissioner D. Dyer was seated for Commissioner J. Lust who was absent. .

2. Carole Barber –Applicant & Owner  
67A & 67B Stony Creek Road  
Special Exception - Installation of Ground Mount Solar System  
**Application # 19-1.5**  
**A/R 2/7/19 & PH set for 3/7/19**
3. Michele Burgess- Applicant & Owner  
40 Thimble Islands Road  
Special Exception- Accessory Apartment  
**Application #19-2.1**  
**A/R 2/7/19 & PH set for 3/7/19**
4. Donald Welch-Applicant & Owner  
8 Fellsmere Farm Road  
Special Exception- Grading for a single family home  
**Application # 19-2.2**  
**A/R 2/7/19 & PH set for 3/7/19**

**NEW BUSINESS:**

1. Kris Shapiro- Applicant  
Zoning Regulation Amendment –Proposed Local Business-Hybrid (BL-H) District  
**Application #19-2.3**  
**To be A/R & PH to be set**

**The Commission set the Public Hearing for 4/4/19 to allow time for the required referral to DEEP.**

2. Beacon Communities Development LLC.  
Town of Branford Housing Authority-Owner  
115 South Montowese Street (Parkside Village I)  
Application for (1) deletion of the Melrose Avenue condition and (2) a revision of the approved site plan to show use of Sliney Road.  
**Application #19-2.4**  
**To be A/R**

Chairperson Andres said it was his understanding that there was a question as to whether a Special Exception is required for this item as well as a few other questions.

Andrea Gomes (Shipman & Goodwin)-represented the Applicant and said she would try to answer any questions the Commission may have.

H. Smith then spoke and reviewed his questions, saying they were basically procedural. He also stated he had sent email that afternoon to Attorney Hollister and didn't expect the answers at that meeting. His questions were:

- Status of the proposed "land swap" shown on the plan which he said he understood had not yet taken place (even though it was approved by the RTM). The status of the property during the application process with respect to the proposed site improvements shown on the submitted plans as well as additional improvements shown on Town property not subject to the "land swap" is in question. Technically some of the features shown on the Site Plan are essentially on town property and the town has not signed off on the application.
- There is a section in the Zoning Regulations (6.8) pertaining to grading and earth removal activities and the threshold set by the amount of acreage of the site. H. Smith said he asked the Applicant how much earth materials they would be moving as a result of this Application, and if it involves widening of Sliney Road.? So, it is a question of whether Section 6.8 (which requires a Public Hearing & Special Exception) would apply here as well.
- The Applicant has stated they don't believe that the modification requires a Special Permit Application or a Coastal Special Permit (CAM). It is unclear at this point. H. Smith said the previous applications included a CAM application.
- H. Smith final question was whether the Commission wants to hold a Public Hearing for the modification application (which they can). This would occur within a 65 day period for a Site Plan Modification Application.

Andrea Gomes (Shipman & Goodwin) replied to these questions; stating she will check with Attorney Hollister regarding the land swap question and he will respond to H. Smith.

She said regarding the excavation question; because this application is a CGS 8-30g there is no Special Permit requirement for the excavation. She said they will be happy to present data on the amount of excavation that will occur.

In reply to the CAM Application, she said they are not changing or altering or modifying anything to do with that particular application so there is no need for an additional CAM application.

In response to the Public Hearing question, that is obviously up to the Commission's discretion. She notes, as Attorney Hollister has said in his submitted letter on page 2

of the packets, they have no opportunity to go back across the town property so they are looking at the widening of Sliney Road which is like the widening of a driveway.

Chairperson then replied to her comments. He said the fact that it's an 8-30g application exempts the application from the excavation permit is not his understanding. He said if you are required to get a permit, then the 8-30g doesn't alter that, it just alters the burden of proof in the event of a denial. Unless you had a text where the PZ Commission adopted the amendment that applies if the amendment said "for any excavation, we don't have to comply with Section 6.8 then that would be different. He advised A. Gomez to check with Attorney Hollister on that question.

The Commission asked a few questions and discussed whether a Public Hearing should be held, determining that they did want to hold one.

Town Planner H. Smith noted that the first accessible date that would allow for the necessary legal notices 3/21/19 Planning & Zoning Meeting will be held at Canoe Brook Senior Center because the Fire house was not available due to the Board of Finance meetings held there all week. He will check for availability for alternate dates for a Public Hearing for this application so that it can be held at the Firehouse meeting room.

**J. Chadwick made a motion to add the following item to the agenda.**

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

3. Jean Hackley-Applicant & Owner  
189 Shore Drive  
Coastal Site Plan- Seawall Repair  
Application #19-2.5  
To be A/R

H. Smith said this item needs DEEP (Dept. of Energy & Environmental Protection) approval and also a required referral to DEEP.

**This item was TABLED to 3/7/19.**

#### OTHER BUSINESS:

R. Stoecker then talked of two requests that have come to his attention. One request concerns Air Inc. which is located at 171 Short Beach Road, which is in a residential district. The owner wanted to use one of his offices as a training room for his employees.

The question is; is this an intensification of the use or an expansion? No exterior changes to the building are proposed. R. Stoecker thinks it is an intensification of the current use. There have been some issues with the neighbors and he wants the Commission's input.

Chairperson Andres described the property, noting it's a non-conforming commercial building in a residential zone. Therefore, they cannot expand the business because it's non-conforming. The business owner had previously requested a showroom to display his products and the Commission denied that request. But this request is for in house training.

The commission discussed this and decided this is an intensification of the use, not an expansion.

R. Stoecker said the second item is a request for a liquor permit that was received from Branford Yacht club. He explained that in the past, the club has obtained temporary liquor permits for the events that were held there. They now are requesting a permit for a permanent bar in the club. They have submitted the proposed hours of operation for the bar and it poses no problem since it's in a residential zone. It will be built in a section of the now existing kitchen and will not be open to the public.

R. Stoecker said he thought this was an accessory use to the club.

Chairman Andres said this is similar to the previous item in that it is a nonconforming use in a residential zone.

**The Commission discussed this briefly and had no concerns with it.**

#### 1. Planner's Report

H. Smith noted that all the legally required transmittals for the new POCD (Plan of Conservation & Development) have been made and it's on the Town of Branford website.

The meeting adjourned at 7:42 p.m.

The motion was then rescinded because there was an erosion control bond that needed to be added to the agenda and acted upon.

2. H. Smith said the bond is for Erosion Controls at 5-7 Euclid Street. The Engineering Department is recommending a bond for \$2,841.00.

**J. Vaiuso made a motion to add the bond to the agenda and accept the bond.  
D. Dyer seconded the motion which passed unanimously.**

The meeting adjourned at 7:45 pm.