



# PLANNING AND ZONING COMMISSION

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## MINUTES PLANNING & ZONING COMMISSION THURSDAY, FEBRUARY 16, 2017 REGULAR MEETING 7:00 P.M. BRANFORD FIRE HEADQUARTERS 45 NORTH MAIN STREET

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

Commissioners Absent: J. Lust, C. Kelly

Staff Present: H. Smith- Town Planner, R. Stoecker-Assistant Town Planner,  
M. Arbachouskas- Clerk

Chairperson introduced the Staff and the Commission present.

Secretary M. Palluzzi read the Public Hearing notices into the record.  
Chairperson Andres then reviewed the Public hearing procedures.

### REGULAR MEETING 7:00 P.M.

#### PUBLIC HEARINGS:

1. Solar City Corp. (c/o Robinson & Cole LLP.  
Attorney Kenneth Baldwin)-Applicant  
Town of Branford-Owner  
100 Tabor Drive  
Special Exception & CAM – for Solar-based electrical generating  
Facility to provide power to Town of Branford facilities  
**Application #16-10.1**  
**A/R 10/6/16, PH opened 11/17/16, Time Extension**  
**granted for continuing PH thru 2/16/17, continued to 2/16/17**

Attorney Ken Baldwin represented the Applicant. Also present was Justin Paradis (Solar City)  
and Joe Perugini- (Professional Engineer with Weston & Sampson).

Attorney Baldwin highlighted the application. He noted they also met with the Solid Waste Commission and the  
First Selectman.

Joe Perugini then reviewed the major items that were addressed since the last Planning & Zoning  
Meeting. The items included stormwater calculations, a driveway turn around, fencing, landscaping  
and the location of the panels.

The Commission asked some questions.

H. Smith responded to some of the items that were addressed. He noted in terms of the Coastal Site plan  
review there aren't any coastal impacts. He referred to a letter from J. Gaucher (DEEP) stating in his opinion,  
the Commission does have the authority to consider the impact on public views to some extent as part of a  
Coastal Site Plan.

He mentioned possibly elevating the gazebo a few feet so you could have one point where you could  
Keep the views you have now.

H. Smith also noted perhaps adding a provision for a close out facility. So, if in the future, for some reason, the panels are no longer wanted, that the Solar Company would come in and dismantle them.

The Commission had a brief discussion.

Justin from Solar City noted that weather does not affect the solar panels. If something happens to any of the panels, Solar City will replace the panel. The average life span of a panel is twenty years.

Attorney Baldwin noted that the facilities are owned by Solar City and the Town purchases the power. It is essentially a ground lease for the use of the property. Solar City pays for all the construction costs, the panels, fencing, installation, operation and maintenance of the panels. It then sells the power thru the contract to the Town. The town is required to buy the power at a reduced rate. Once the contract has expired, Solar City is responsible for removing the panels.

### **PUBLIC INPUT:**

1. **Paul Munis**== (Chairman of the Solid Waste Management Commission) noted they fully support the solar installation idea at the landfill. This project been underway for 2 years. It involves property that is overseen by the Commission (Ecology Park). The Commission provided comments regarding the proposed design about six weeks ago within a week and a half of seeing the design documents for the first time in two years. The Applicants did attend the Solid Waste Management Commission's meeting last week for the first time ever. That is the only information the Commission has seen regarding this project. He personally applauds the revisions the applicant provided. The Commission still has some concerns regarding the design of the array. He said Ecology Park is unique and has great views. This project will change the functionality of the park as a park. It will take on more of a green industrial look. He noted that Branford has spent \$185,000 to maximize the park like environment. The question is whether or not the use of the park and the unique viewing location will be compromised beyond further use, and whether or not an alternative site could be used and maximize more power? The third alternative would be closing the park and lease the entire area to generate more energy for the town. The Commission sent comments to the Town Planner about six weeks ago. He pointed out that the gazebo does have a railing. He reviewed briefly the history of this in 2012 and 2015. The Commission looks forward to seeing something built at the park, whether it's this configuration or a larger configuration.  
Paul noted when you come up the hill your looking at an industrial park. You will see the panels. It won't look like a park.  
  
Then Solar City showed the commission photos and H. Smith passed out photos from the previous staff report.
2. **Jaycee Wyatt**- She said she was in favor of this project until she came to the meeting. She has some concerns. She noted the Chairman of the Solid Waste Management Commission stated he is in favor of the project but has some concerns. She spoke of the money the town has paid to improve the park and now they want to change it. Now, how much will the town have to pay?  
She asked about the contract, is there limitations? She asked about the fence surrounding the panels; is it gated? If so, who has access? Is there cameras monitoring for vandalism? She then asked about maintenance of the panels. How often are they maintained? What will happen if a panel breaks?
3. **Steve Mazzacaine**--- He mentioned he has been to every meeting since this project started. He said the \$185,000 that the Town spent included some of the infrastructure for these panels. He clarified that these Solar Panels were always part of the plan. This is not a new idea. There was a RFP for this in 2012. The initial savings was 20 million over 12 years. But with the reduction in size the savings are 9 million over 20 years. He said when the park first opened, he was one of the first people to see it and there is only one parking space (a handicapped space). He's been there many times and there are rarely a lot of people there. There is a walking trail, and meant for hiking. He understands people are enjoying the view, but the solar panels were always part of the plan. At the end of the day it shouldn't be a question of if, it should be some alterations to the plan to make it more palatable.

4. **Bill Horne**— He stated he agrees with Paul Munis. He was excited in 2012 when he learned the Solid Waste Commission was looking into Solar Panels. He feels that solar is a good idea and it would make sense to install solar in other areas of town as well. He noted as the roofs need to be replaced in Town buildings, it would make sense to install solar panels at that time. He spoke of a new idea for community solar, where individuals could buy into solar if their house is not suited for panels. He recognizes the difficulties that this project will raise. The park does have great views. He personally would be willing to give up the view in order to have some renewable power for the town.

The Applicant briefly responded to some of the public comments.

Commissioner C. Kelly arrived at 8:15 p.m.

Chairperson Andres closed the Public Hearing.

2. 401 Main Street Realty Associates, LLC,  
c/o Bruno Ciccone (Member)-Applicant & Owner  
401 Main Street  
Special Exception Modification-P&M Deli  
**Application #16-10.11,**  
**A/R on 11/3/16, PH opened 12/15/16, continued to 2/2/17, Time extension**  
**granted for PH to be through 3/2/17 meeting, continued to 2/16/17**

Jim Pretti- (Criscuolo Engineering) represented the Applicant. He highlighted the application, noting that this Special Exception was originally approved in 2007. This application is for minor site modifications including parking restriping, installation of a new sidewalk, repair of the dumpster gates, as well as a landscape island and a street tree and new shrubs.

The Commission asked a few questions.

R. Stoecker reviewed the Staff Report, noting that the Town Center Revitalization Board has reviewed it.

**PUBLIC INPUT:**

No one spoke.

**Chairperson Andres closed the public hearing.**

3. Premier Realty Holdings, LLC,  
Robert Alvine, President –Applicant & Owner  
155,165,175 North Main Street  
Special Exception-New Auto Dealership  
**Application #16-12.3**  
**A/R 12/15/16, PH opened 2/2/17, continued to 2/16/17**

Michael Harkin (Harkin Engineering) represented the Applicant. Also present was Mr. Alvine (Applicant) and John Cunningham (Landscape Architect) and Del Simmons (John Matthews Architects).

M. Harkin reminded the Commission they gave a full detailed presentation of the project. They asked that the project be tabled since Town Staff had to prepare a Staff Report. They addressed the comments from the report with revised plans but Staff did not have enough time to review the revised plans, so that is why it is tabled until tonight. In the interim, they received an updated Staff Report from the Town Planner. He felt that they have addressed all the concerns that were in the report. He noted they agree with all the conditions listed on the staff report.

H. Smith reviewed the Staff Report.

**PUBLIC INPUT:**

No one spoke.  
Chairperson Andres closed the Public Hearing.

4. Alex Vigliotti c/o  
Vigliotti Construction-Applicant  
Daniel P. Cosgrove-Owner  
19 Parish Farm Road  
ReSubdivion  
**Application #17-1.5**  
**A/R 2/2/17, PH set for 2/16/17**

Attorney Nicholas N. Mingione (Fasano, Ippolito, Lee & Florentine, LLC) represented the Applicant. He stated this application was approved in March 2016. There was a probate dispute and the extensions to file the Mylar were not requested .So, the failure to file the Mylar on time is the reason for this application.

This Application is for Lot 7 on 19 Parish Farm Road.

R. Stoecker- reviewed the Staff Report.

**PUBLIC INPUT:**

1. Jaycee Wyatt- asked where this Subdivision was located.

Chairperson Andres closed the Public Hearing closed the public hearing.

5. Justin Gargano, CEO  
Thimble Island Brewery-Applicant  
Charles E. Weber, Jr. (managing member),  
16 Business Park LLC. - Owner  
16 Business Park Drive  
Special Exception Modification-Expansion of Retail Space  
**A/R 1/19/17, PH set for 2/16/17**

**PUBLIC INPUT:**

No one spoke.

R. Stoecker stated the Applicant is requesting this Public Hearing be continued to the March 2, 2017 meeting.

**RETURN TO TABLE:**

1. Solar City Corp. (c/o Robinson & Cole LLP.  
Attorney Kenneth Baldwin)-Applicant  
Town of Branford-Owner  
100 Tabor Drive  
Special Exception & CAM – for Solar-based electrical generating  
Facility to provide power to Town of Branford facilities  
**Application #16-10.1**  
**A/R 10/6/16, PH opened 11/17/16, Time Extension**  
**granted for continuing PH thru 2/16/17, continued to 2/16/17**

The Commission discussed this briefly. It will be continued to the March 2, 2017 meeting.

2. 401 Main Street Realty Associates, LLC,  
c/o Bruno Ciccone (Member)-Applicant & Owner  
401 Main Street  
Special Exception Modification- P&M Deli  
**Application #16-10.11,**  
**A/R on 11/3/16, PH opened 12/15/16, continued to 2/2/17, Time extension**  
**granted for PH to be through 3/2/17 meeting, continued to 2/16/17**

The Commission had a brief discussion.

M. Palluzzi made a motion to approve the Application with the conditions listed on the Staff Report and the additional condition added by H. Smith. J. Chadwick seconded the motion which passed unanimously.

3. Premier Realty Holdings, LLC,  
Robert Alvine, President –Applicant & Owner  
155,165,175 North Main Street  
Special Exception-New Auto Dealership  
**Application #16-12.3**  
**A/R 12/15/16, PH opened 2/2/17, continued to 2/16/17**

The Commission discussed this briefly.

F. Russo is seated for C. Kelly who was absent for the last meeting.

M. Palluzzi made a motion to approve the Application with the three findings and the seven conditions listed on the Staff Report. F. Russo seconded the motion which passed unanimously.

4. Alex Vigliotti c/o  
Vigliotti Construction-Applicant  
Daniel P. Cosgrove-Owner  
19 Parish Farm Road  
ReSubdivision  
**Application #17-1.5**  
**A/R 2/2/17, PH set for 2/16/17**

M. Palluzzi made a motion to approve the Application with the finding and the two conditions listed on the Staff Report. J. Chadwick seconded the motion which passed unanimously.

#### **MINUTES: 02-02-17**

J. Chadwick made a motion to approve the February 2, 2017 meeting minutes as written.

F. Russo seconded the motion.

Chairperson Andres suggested the Commission take a break to read the draft resolution for 239 Pawson Road that was given to them by H. Smith.

The Commission then took a 10 minute break.

Chairperson Andres noted they received a request to hear Old Business Item #5 out of order and hear it next.

M. Palluzzi made a motion to hear Old Business Item #5 next. J. Chadwick seconded the motion which passed unanimously.

**CORRESPONDENCE:**

**OLD BUSINESS:**

1. Pawson Point LLC ,Arsalan Altaf (member)-  
c/o Attorney Kevin J. Curseaden -  
Applicant & Owner  
239 Pawson Road  
Modification to CGS Section 8-30G denial -  
Special Exception & Coastal Site Plan for Three  
Residential Affordable Housing Units  
**Application #16-12.1**  
**A/R 12/15/16, PH set for 1/19/17, PH closed 1/19/17,**  
**Tabled from 2/2/17**

Chairperson Andres briefly reminded the Commission what had been discussed at the last Planning & Zoning Meeting.

H. Smith briefly highlighted the draft resolution. He noted the Town Attorney has also reviewed it.

The Commission had a discussion and noted a few minor details and a misspelling in the resolution.

**J. Chadwick made a motion to adopt the draft resolution as the decision of the Commission to deny the Application with the changes made.**

**F. Russo seconded the motion.**

2. Matthew Ginty, BNY Mellon N.A., Trustee  
Clarence D. Fleming Jr.-Charitable Remainder Unitrust-  
Applicant  
Town of Branford (James B. Cosgrove)-Owner  
2 Halstead Lane  
Coastal Site Plan  
**Application #16-11.3**  
**A/R on 11/17/16, Tabled to 2/16/17, Time extension granted**  
**to table application thru 2/16/17.**

**H. Smith noted the Applicant is requesting this item be Tabled to the March 2, 2017 meeting.**

3. Tricia Robinson-(Total Learning Group)-Applicant  
Gary Dubin-Owner  
80 East Main Street  
Special Exception Modification-Professional Office  
**Application #16-11.6**  
**A/R 12/15/16, Public Hearing Waived, tabled from 2/2/17.**

M. Palluzzi recused herself from this Application.

Tricia Robinson (Applicant) spoke. She has an offer in to purchase the property. It is currently a dentist office. The proposed use is a professional office. She plans to plant shrubs and cut the overgrowth and the trees down in the rear of the property.

R. Stoecker reviewed the Staff Report.

F. Russo made a motion to approve the Application with the four conditions listed on the Staff Report. C. Kelly seconded the motion which passed unanimously.

H. Smith noted F. Russo is seated for M. Palluzzi and C. Kelly is seated for J.Lust.

4. Tomasz Wycech-Applicant  
JF Branford Properties, LLC-Owner  
880 West Main Street  
Special Exception Modification- Restaurant w/drive thru-(Burger King)  
**Application #16-12.8**  
**A/R 1/5/17, Public Hearing waiver granted, Tabled from 2/2/17.**

**H. Smith noted this item is Tabled to the March 2, 2017 meeting.**

5. James B. Cosgrove(First Selectman)-Applicant  
Town of Branford-Owner  
48-86 Tabor Drive  
Site Plan & Coastal Site Plan -Recreational Trail-Municipal Facility  
**Application #17-1.6**  
**A/R 2/2/17, Tabled from 2/2/17.**

This item was heard after the approval of the meeting minutes.

Ken Downtick (Stantec Consulting Services, 55 Church St. New Haven) They are the civil landscape architects and are representing the Town of Branford. This application is for the proposed improvements to the Shoreline Greenway Trail located on 48-86 Tabor Drive.

The proposed improvements consist of the construction of a ten foot wide multi use trail (approximately 3,750 linear feet) which will consist of stone dust as well as two parking areas. This proposed trail will follow the main walking trail already on the site. The goal of this trail is to have one main trail from East Haven to Hammonasset State Park. The Shoreline Greenway will be responsible for maintenance of the trail. He noted they have received approval from the Inland Wetlands Commission.

The Commission had a brief discussion.

R. Stoecker reviewed the Staff Report.

M. Palluzzi made a motion to approve the Site Plan and Coastal Site Plan with the condition and finding listed on the Staff Report. J. Chadwick seconded the motion which passed unanimously.

5. CGS 8-24- Shoreline Greenway Trail-

M. Palluzzi made a motion for a positive CGS 8-24 Referral. J. Chadwick seconded the motion.

6. Kurt Uihlein-Applicant  
Lisa Uihlein-Owner  
130 Riverview Avenue  
Coastal Site Plan  
**Application #17-1.7**  
**A/R 2/2/17, Tabled from 2/2/17.**

Jim Pretti (Criscuolo Engineering) represented the Applicant .The Application is the demolition of the existing house and the construction of a new one family home. He highlighted the site plans for the Commission. He noted the Short Beach Civic Association has approved this.

R. Stoecker reviewed the Staff Report.

J. Chadwick made a motion to approve the application with the finding and the condition listed on the Staff Report. M. Palluzzi seconded the motion.

After this item, the Commission went back to the 239 Pawson Road Application.

**NEW BUSINESS:**

1. Stephen W. Perrotti- Applicant & Owner  
22 Reynolds Lane  
Special Exception- Garage  
**Application #17-2.1**  
**To be A/R, PH to be set**

**H. Smith noted this Application needs to be approved by the Zoning Board of Appeals first. The Commission set the Public Hearing for the April 6, 2017 meeting.**

2. D-O Construction –Applicant  
Tracy Nigosanti- Owner  
190 Maple Street  
Special Exception- Accessory Apartment  
**Application #17-2.2**  
**To be A/R, PH to be set**

**The Commission set the Public Hearing for March 16, 2017.**

**OTHER BUSINESS:**

1. Bond Acceptance for 48 Harding Avenue

H. Smith noted this bond was approved at the last Planning & Zoning Meeting but one item was inadvertently left out.

J. Vaiuso made a motion to approve the new bond amount of Three Thousand dollars. J. Chadwick seconded the motion which passed unanimously.

2. Planner's Report

H. Smith mentioned that interviews were recently held for consultants to work on the Plan of Conservation & Development and the Transit Orient Development Study. He will keep the Commission notified of the progress.

The meeting adjourned at 10:16 p.m.