



PLANNING AND ZONING COMMISSION

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MINUTES PLANNING & ZONING COMMISSION THURSDAY FEBRUARY 18, 2021 REGULAR MEETING 7:00 P.M.

To Be Held by remote technology as authorized by Executive Orders 7B and 7I.

Commissioners Present: C. Andres, P. Higgins, M. Liguori, J. Vaiuso, J. Chadwick, M. Palluzzi
F. Russo, J. Lust

Staff Present: H. Smith-Town Planner, E. Breining-Asst. Town Planner, M. Martin-
Clerk

Chairperson Andres reviewed the Public Hearing procedures.
M. Palluzzi read the Public Hearing notice into the record.
H. Smith reviewed the procedures to participate in a Zoom Meeting.

PUBLIC HEARINGS:

1. Goodsell Point, LLC c/o Sal Marottoli-
Applicant & Owner
61, 65-71, 67 & 73 Goodsell Point Road
PDD Master Plan- Mixed Use (Marina & Residential)
Application #20-10.4
A/R 10/15/20, PH opened & continued from 1/28/21

Attorney Marjorie Shansky was present along with Sal Marottoli, Tod Ritchie (SLR), Dave Sullivan (SLR). She noted that she had received the public input letters and emails from the Planning Office and was planning to address the many concerns that people had.

Dave Sullivan (Traffic Engineer) spoke first addressing the traffic concerns that members of the public had and noted that they are considering widening Goodsell Point Road in a few areas.

Todd Ritchie (SLR) spoke of the Coastal Resiliency Plan and the Zoning Regulations in relation to the development. He addressed a few of the concerns that residents have voiced.

H. Smith said there are no formal comments from staff but noted that this application is for rezoning, not just the development.

PUBLIC INPUT:

1. Beth- Talked of traffic problems in the area since the intersection is not in direct alignment. She asked what the plan was to alleviate the problems.
2. James Boyd- Said he was a lifelong Branford resident and he supported the project. He noted that getting city sewers in that area would be good for the river.

3. Lisa Liscio- She is a longtime resident and realtor. She supports the project and noted it's an enhancement for the town.
4. Todd Petrowski- He supports the project and noted Goodsell Point Road has had traffic for years. He noted that the Marina was open last year and traffic wasn't an issue. He also didn't think coastal sea rise would be an issue.
5. Mame Wells- she asked why the current zoning regulations were being bypassed to allow this project? Also, why are 15 units being allowed instead of 11?

Attorney Shansky replied to her question.
H. Smith also commented on her question.

2. John Petrofsky-Applicant
Virginia C. Borgia-Owner
8 Sawmill Road
Special Exception-for Grading (Section 6.8)
Application #20-12.2
A/R 12/10/20, PH opened & continued from 1/28/21

Chuck Mandel represented the applicant and highlighted the project and reviewed the site plan.

PUBLIC INPUT:

1. Bob Sista- He is a neighbor who had previously submitted photos of his property. He is concerned about flooding of his property from this project. He is concerned that the installation of the septic tank with blasting may damage his septic tank.

This was briefly discussed and H. Smith suggested continuing the public hearing to obtain more information and obtain comments from the Town Engineer.

Chairperson Andres noted this item is continued to the March 4 Planning & Zoning Meeting.

3. Edward & Nancy Carroll-Applicant & Owner
18 Sunrise Cove Camp
Special Exception & Coastal Site Plan- Demo & Rebuild Single Family House
Application #21-1.2
A/R 1/28/21 & PH set for 2/18/21

H. Smith said additional information is still needed. He suggested opening the Public Hearing and continuing the item to the 3/4/21 meeting.

Chairperson Andres repeated that this item is continued to the 3/4/21 meeting.

4. John Ceneri-Applicant
Patricia Montagnino (Trustee) –Owner
24 Old New England Rd.
Special Exception- Grading

**Application#21-1.4
A/R 1/28/21 & PH set for 2/18/21**

J. Pretti (Criscuolo Engineering) represented the applicant and highlighted the project explaining this application is for grading for the construction of a new house.

H. Smith reviewed the Staff Report.

PUBLIC INPUT:
No one spoke.

5. 56 Stony Creek Rd. Inc./o Leigh Small-Applicant
Farids Stony Creek LLC c/o Tariq Farid-Owner
56 Stony Creek Road
Special Exception- Grading (Section 6.8)
**Application #21-1.5
A/R 1/28/21 & PH set for 2/18/21**

J. Pretti (Criscuolo Engineering) represented the applicant and noted that there are a few items that are still pending.

H. Smith noted the Applicant wants to make changes to the application and suggested discussing this item at a future meeting.

Chairperson Andres said the public Hearing is open and it will be continued to the 3/4/21 meeting.

6. Thomas Girard- Applicant & Owner
42 Second Avenue
Special Exception- Accessory Apartment
**Application #21-1.6
A/R 1/28/21 & PH set for 2/18/21**

Thomas Girard (Applicant) spoke explaining this application is for an 800 sq. ft. accessory apartment for his parents. He noted it meets all the zoning requirements.

E. Breining reviewed the staff report.

PUBLIC INPUT:
No one spoke.

MINUTES: 12/3/20 & 1/28/21

**J. Vaiuso made a motion to approve the 12/3/20 minutes as written.
J. Lust seconded the motion which passed unanimously.**

**J. Chadwick made a motion to approve the 1/28/21 minutes as written.
J. Lust seconded the motion which passed unanimously.**

RETURN TO TABLE:

1. John Ceneri-Applicant
Patricia Montagnino (Trustee) –Owner
24 Old New England Rd.
Special Exception- Grading
Application#21-1.4
A/R 1/28/21 & PH set for 2/18/21

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

CONDITION:

1. Prior to the issuance of a zoning permit or the zoning authorization for the issuance of a building permit, erosion and sedimentation controls shall be installed to the satisfaction of the Zoning Enforcement Officer and maintained thru out the construction period until new vegetation has been satisfactorily established in all disturbed areas.

M. Palluzzi seconded the motion which passed unanimously.

2. Thomas Girard- Applicant & Owner
42 Second Avenue
Special Exception- Accessory Apartment
Application #21-1.6
A/R 1/28/21 & PH set for 2/18/21

J. Chadwick made a motion to approve the application with the Findings & Conditions 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 per section 9.8 of the zoning regulations.

CONDITIONS:

- 1) Prior to the issuance of a Zoning Permit or the zoning authorization for the issuance of a building permit the following shall be addressed:
 - a. The owner of the accessory apartment property must file a deed restriction on the land records requiring that the unit, **if rented** be rented at or below prices that would qualify the apartment as “affordable housing” as defined in CGS Section 8-39a. The deed restriction is to be reviewed by the Town Counsel with evidence

that the recording of executed deed is the deed restriction version approved by the Town Counsel.

J. Lust seconded the motion which passed unanimously.

3. Goodsell Point, LLC c/o Sal Marottoli-
Applicant & Owner
61, 65-71, 67 & 73 Goodsell Point Road
PDD Master Plan- Mixed Use (Marina & Residential)
Application #20-10.4
A/R 10/15/20, PH opened & continued from 1/28/21

The Commission deliberated on this application next. Chairperson Andres noted that 2 Commissioners were recused from this application (J. Lust & J. Vaiuso). The Commissioners that are seated for them will be F. Russo and M. Liguori. They were both present for all the meetings.

The Commissioners discussed the application and the final consensus was that the number of units propose dis acceptable and there was no negativity pertaining to the site layout.

H. Smith will try to have a draft Resolution for the 3/4/21 meeting for the Commission to approve.

CORRESPONDENCE:

None

OLD BUSINESS:

1. Stony Creek Estates, LLC-Applicant & Owner
47 Gould Lane
Special Exception Modification-Residential Open Space Development-
Modification to restriction on development of 10, 12, & 14 Luisa Court
Application #20-11.3
A/R 11/5/20 & PH to be set by Staff and Chairperson, tabled from 1/28/21

H. Smith noted this item is still **Tabled** due to environmental issues.

NEW BUSINESS:

1. Karen Yarasavage & Kevin Genda-Applicants & Owners
24 Wakefield Road
Special Exception & Coastal Site Plan – In Ground Pool
Application #21-2.1
To be A/R & PH to be set

The Commission A/R and the PH will be set by Staff and Chairperson

2. Beacon Communities-Applicant
Branford Housing Authority-Owner
115 South Montowese Street (Parkside Village I)
Site Plan & Coastal Site Plan under CGS Section 8-30g (Affordable Housing Land Use Appeals) - **Application #17-9.6**
Action to Modify decision as directed by the State of Connecticut Superior Court decision regarding *Housing Authority of the Town of Branford, et al. v. Town of Branford Planning and Zoning Commission* (Docket nos. HHD-CV19-6115394-S and HHD-CV20-6122425-S)

Chairperson Andres briefly reviewed the history of this application. He said this item is TABLED so the attorneys can review it and more information will follow.

3. Premier Realty Holdings II,LLC c/o Robert Alvine-Applicant & Owner
132 Ivy Street
Special Exception- Vehicle Delivery Facility
Application #21-2.4
To be A/R & PH to be set

The Commission A/R and the PH will be set by Staff and Chairperson.

4. Jay Gauvin-Applicant & Owner
65 Dorchester Lane
Special Exception- Grading (Section 6.8) for New Home
Application #21-2.5
To be A/R & PH to be set

The Commission A/R and the PH will be set by Staff and Chairperson.

5. Emilie Penner Greene-Applicant
Scott Penner –Owner
1036-1040 Main Street
Special Exception- Restaurant /Café
Application #21-2.6
To be A/R & PH to be set

The Commission A/R and the PH will be set by Staff and Chairperson.

H. Smith said a new application was recently received in the Planning Office and needed to be added to the agenda. It is for a proposed brewery and tasting room located at 101 & 115 North Branford Road.

M. Palluzzi made a motion to add it to the agenda.

J. Lust seconded the motion which passed unanimously.

OTHER BUSINESS:

1. Inquiry regarding status of PDD approved in 2015 for several properties at Exit 56 on I-95 – a.k.a. the “COSTCO” PDD

H. Smith explained that a letter of inquiry was received for this and the Commission asked for Town Council’s opinion on what the status of the PDD at Exit 56 is. H. Smith displayed the email from Attorney Bill Aniskovich. Attorney Aniskovich said the Master Plan is null and void as of 7/31/19. Then the question is, how does this effect the legal status of the Exit 56 PDD? Under the regulations, the approval of the Master Plan established the PDD. Such approval is a Zoning Map Amendment (per Section 9.10). However, the regulations no longer permit the submission of a Site Plan in the absence of a Master Plan (which no longer exists). Then, what is the legal status of the PDD pursuant to which the defunct Master Plan was approved. The Regulations state the Commission is authorized by the land owners to amend the Regulations and the Zoning Map, (deleting the PDD and establishing another zoning district for such land), and the land owner is not required to take any action.

Attorney Aniskovich explained the process for deleting the PDD would involve the Commission noticing a Public Hearing on its own application to establish a new zone for the properties subject to the Exit 56 PDD. He then stated the Exit 56 PDD exists in name only and nothing can be done on the land without action by the Planning & Zoning Commission to either reactivate the PDD with a new Master Plan proposal or look for other zoning for the property.

Chairperson Andres repeated that the PDD remains in name only and you can’t build anything on the land because the Master Plan has expired.

J. Vaiuso made a motion that the Commission agrees with the explanation of the status as set forth in Town Council’s email.

J. Chadwick seconded the motion which passed unanimously.

2. Approval of the proposed appraiser for 8 Howd Avenue Subdivision Open Space fee-in-lieu

H. Smith explained the Commission is required to approve the appraiser for the proposed Subdivision provided he meets the requirements which Marc Nadeau does.

J. Lust made a motion to approve Marc Nadeau as the appraiser (to calculate the fee in lieu) for the 8 Howd Avenue Subdivision.

M. Palluzzi seconded the motion which passed unanimously.

3. Planner’s Report

- a) Discussion of Regulation changes to address new State of Connecticut Stormwater Permit Requirements

H. Smith said there is a requirement by the state of CT (MS-4) which is the Municipal Storm Sewer System which is a permit to the town to discharge stormwater.

This relates to some of the conditions the Commission places on some of the approvals in regard to stormwater systems, etc.

The Town Engineer's office has a consultant working on this and they may be proposing a few changes to the stormwater section of the Zoning Regulations. More information will be coming in the next few months.

H. Smith reminded the Commission the annual training held by the CT Bar Association is coming up in March. Normally, it is held at Wesleyan University on a Saturday but this year it will be via zoom. It is very informative and if anyone would like to attend, simply sign up and then submit proof of payment to the Planning Office and you will be reimbursed.

He then mentioned that he is working on obtaining a consultant to start working on the Affordable Housing Plan. Proposals should start coming in next week.