



# PLANNING AND ZONING COMMISSION

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## MINUTES PLANNING & ZONING COMMISSION THURSDAY, JANUARY 19, 2017 REGULAR MEETING 7:00 P.M. BRANFORD FIRE HEADQUARTERS 45 NORTH MAIN STREET

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

Commissioners Absent: M. Palluzzi, C. Kelly

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

The meeting started at 7 p.m.

P. Higgins read the Public Notice into the record.

Chairperson Andres introduced the Commission and the Staff present.

Chairperson Andres then reviewed the public hearing procedures.

### 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 for continuing PH thru 1/19/17**

H. Smith noted the Applicant has requested this item be continued to the 2/16/17 meeting and has granted the extension of time to complete the Public Hearing until the 2/16/17 meeting.

Chairperson Andres asked if anyone wished to add to public input.

No one spoke.

This Public Hearing will be continued to the 2/16/17 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, Time extension accepted, Continued until 1/19/17**

H. Smith stated the applicant is requesting the hearing be continued without Any further testimony until the 2/2/17 meeting and has granted a 30 day time extension.

Chairperson Andres asked if anyone intended to speak on this issue and can't attend the 2/2/17, they are welcome to do so now. No one spoke.

3. 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**

Kristina Porter (Carrol, Curseaden & Moore, LLC) represented the applicant who was also present. She submitted the following items into the record: Certified mail receipts, Lease agreement terms, a report from the Fire Marshal (Milford, CT), Documentation of water mains, Floor plans, and a full size copy of the revised Site plan which was submitted at the meeting.

She stated this this is the resubmission modification to the first plan that was submitted. She noted that this plan has three units, while the first plan had six units. The units will Have a garage level and two levels of living space. Each unit will have one parking space. The new site plan addresses the town comments. She then highlighted the differences between the first site plan and the revised one. She also highlighted the affordability plan and briefly discussed the environmental concerns as well as drainage issues. She noted that their fire expert stated this project will cause no undue hardship relative to firefighting or emergency operations. She noted that Branford does fall short of the 8-30G Housing requirement and this project would add one 8-30G certified Housing unit to Branford.

H. Smith noted this is a modification to the previous application. He noted the Commission has 65 days to render a decision from the date this application is received. He stated there are 33 exhibits in the record which were present at the meeting. He reiterated for the record that all the exhibits from the previous application #16-5 should be considered entered in this application. He then entered into the record a letter from John Gaucher (DEEP) from 2003 and a series of aerial photographs of the site. He also noted that several letters have been received and copies of those letters will be sent to the Commission for review per the Chairperson's request.

H. Smith then read the most recent comment letter from DEEP dated January 17, 2017 into the record per Ct. Statute. He then highlighted his concerns and reviewed the Staff Report.

The Commission asked a few questions and had a brief discussion.

#### **PUBLIC INPUT:**

1. **Joseph Schwartz**(Attorney for Pat & Steven Small of 235 Pawson Rd) – He urged the Commission to remember the previous application and all the work that was involved with that .The applicant has submitted an application that is incomplete and it's a lot of work and time to review it. He reminded the Commission that that the Applicant came to the second meeting with no additional information even though it was requested. He noted the Site plan submitted at this meeting wasn't submitted with the modified application and it's different that the one that was first submitted. He pointed out it was not a site plan; there were no credentials on the plan. We don't know who drew it. He then submitted into the record a copy of a letter he drafted. He then summarized it. He then briefly reviewed the history of the lot. He urged the Commission to deny the application because it is incomplete and inconsistent and he then reviewed his reasons. Then he spoke of the reasons why an affordable housing application differs from other applications.

He spoke of Jennifer O' Donnell and the extensive report she presented at The Public Hearing for the previous application. He stated she will be speaking at this meeting as well. He urged the Commission to review both DEEP letters that were submitted. He then submitted copies of photos of the site which he previously submitted for the last application.

2. **Patrick Monroe**-7 Etzel Road-He spoke of the storms and how they affect the site. During Irene and Sandy, this area was underwater. He felt this project is a liability for the town. He noted you can't rescue people in a storm. During a storm, the land disappears. He also mentioned sewer issues. This parcel doesn't have a sewer connection and the nearby pump station is already taxed by the neighborhood. He stated that during previous storms, the fire rescue could not get down the street. People would have to be rescued by boat.
3. **Tom Hayes**- 5 Pawson Trail-He noted he has only lived in Branford for six months. He had to do significant modifications to an existing structure in order to comply with the FEMA regulations. He also had to go before the Zoning Board of Appeals to obtain variances. It was his understanding that this parcel was not a building lot. Quite a bit of excavation will need to be done on this parcel. No soil samples have been taken. You may have to dig deep (as much as 20 feet) for footings to support the structure. He asked- is all this work worth it to obtain one affordable housing unit? He felt the Affordable Housing Law was probably a good idea but in practice it's not working out well. Building in CT is expensive. Would the other two units end of paying for this one affordable unit? How will the owner recoup his investment? He spoke of the problem with the sprinklers. We don't have the water flow information that is needed. In case of a fire, will the water be sucked from the neighbors? He has seen it happen before. He noted that the various department leaders in Branford have stated that this is not a good plan. If we give an inch here and there then it sets a bad precedent.
4. **Jennifer O' Donnell**-(co-founder of Coastal Analytics)was hired by Pat & Steven Small. She noted she was present at the meeting as a Coastal Engineer. She stated she had spoken to the Planning & Zoning Commission on the previous application that was submitted and had submitted a report. She stated the site plan that was submitted by the Applicant at this meeting is not a proper engineering site plan. It does not have the required data table. Nor does it have a label, scale or legend. There is not sufficient information provided to make a decision. The parking is insufficient as well as the plan views and elevations. she noted there are no dimensions or scale on the drawing. She said assumptions on things we don't know cannot be made. Grading information as well as drainage information is missing. This is critical to know since this parcel is in a critical coastal resource. The plans are incomplete and inconsistent. She said it's a small site and it's in a coastal flood plain. There are too many unanswered questions to review this application correctly.
5. **Bill Moorehead**-(Consulting Botanist & Plant Community Ecologist)He was hired by Pat & Steven Small. He said he prepared a report which he submitted into the record. He gave the Commissioners a copy. He explained

he conducted a review of the site to identify existing biological coastal resources and access what measure the resources would be impacted by this project. He noted that he based his assessment on the last site plan that was submitted at the December 15, 2016 meeting. It is his conclusion that this proposed development is inconsistent with the Coastal Management Act because it entails the destruction or degradation of several designated coastal resources. He stated there is a reasonable likelihood that this development will cause pollution and despoliation of the adjacent title wetlands. He then highlighted his reasons. Next, he read his report, highlighting the inventory of the site as well as the soil types.

**The Chairperson then adjourned the meeting for a 10 minute break.**

6. **Pat Small**- 235 Pawson Rd.-Her property abuts 239 Pawson Rd. She agrees with the previous speakers. She is opposed. She mentioned the small lot size, the many parking issues and the amount of wildlife she has observed that would be destroyed if this project is built.
7. **Francoise Roux**- 185 Pawson Road- She stated her house is pretty high up but when there is a high tide and a full moon the marsh is totally covered with water. It becomes a lake. She has lived at her current address since 2003. She noted the construction will damage the environment and critical habitat and the lot and the housing unit will flood. Also, she asked, where will the visitors to the apartments park? Also it's a problem of how will the emergency vehicles get to the site? She also asked- if this building floods, how will the residents who live there afford to replace all their belongings? She concluded by mentioning the high cost of flood insurance, which will be necessary in that location.
8. **Bill Horne**- 246 Pleasant Point Rd.-He submitted a CD with the documents he had previously submitted at the Public Hearing for Application #16-6.5 as well as new documents which consist of: a letter from DEEP, a graph, screenshot, 2 articles from the Washington Post. He noted his education background and his many years of experience. He explained the nuisance flooding which will occur in the future. He stated This application is inconsistent with the CT State Plan for Conservation & Development. He then explained the reasons why. He noted the Salt Marsh Sparrow is considered to be a globally endangered species. In part because Its habitat breeding areas are restricted to the salt marsh along the north part of the Atlantic coast. He then asked- is it fair to place people who are struggling to make ends Meet in an area where they are likely to be flooded out? He then explained the sea level ice rise in the ocean and why it is a concern. This could cause the sea level to rise.
4. **Amy Small**- 73 Sunset Beach Road- She stated it doesn't make sense to have one parking space per unit. She then noted the units are already small to begin with, then you have to add the mechanicals into each unit which will further reduce their size. She stated this application is silly and exhausting. The affordable housing act does not apply to this application. She mentioned State Representative Lonnie Reed and her work pertaining to this act and the applications that are submitted.

She stated she realizes the burden is not on the Applicant in this project, however, she recognizes this has been so expensive and time consuming for everyone but the applicant.

The Applicants Attorney briefly responded to some of the comments. She also noted that an email was sent to Harry Smith tonight at 9:16 pm and should be entered into the record, as well as the full size site plan which was discussed tonight.

Chairperson Andres closed the Public Hearing but noted that it is closed for any additional comments from the public or the Applicant but Staff is allowed to provide and comment on testimony and information entered into the record after the close of the Public Hearing. He noted the Applicant submitted additional information this evening and Town Staff will review it and provide comments for the record.

H. Smith noted in his earlier presentation he remarked that when he stated he was entering all the exhibits from the prior public hearing into the record for this application that included audio tapes and all the information presented at the hearing thru the entire record of that application.

MINUTES: 01-05-17

J. Chadwick made a motion to approve the minutes as written. F. Russo seconded the motion which passed unanimously.

F. Russo is seated in place of M. Palluzzi who is absent.

CORRESPONDENCE:

OLD BUSINESS:

1. John & Lisa Heerdt-Applicants & Owners  
24 Sunrise Cove  
Coastal Site Plan  
Application #16-10.8  
A/R 10/20/16, (Variance application continued  
**To 1/17/17 ZBA Meeting), time extension accepted,  
Tabled from 1/5/17, WITHDRAWN**
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 from 1/5/17**  
  
**The Commission accepted the time extension and  
Tabled the application to the 2/16/17 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 12/15/16.**

**The Commission Tabled this to the 2/2/17 meeting**

4. John A. Matthews-Applicant  
Premier Realty Holdings, LLC,  
Robert Alvine, President –Owner  
155,165,175 North Main Street  
Special Exception-New Auto Dealership  
**Application #16-12.3**  
**A/R 12/15/16, PH set for 2/2/17**
5. Planning & Zoning Commission- Applicant  
Zoning Regulation Amendment  
Moratorium- 2 & Multifamily Development  
For an additional six months in R-1 District  
**Application #16-12.5**  
**A/R 12/15/16, PH set for 2/2/17**
6. 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 1/5/17**

**The Commission Tabled this to the 2/2/17 meeting.**

7. David Silberkleit-Applicant  
Tin Can LLC- Owner  
59 North Harbor Street  
Site Plan- Bulk Storage  
**Application #17-1.1**  
**A/R 1/5/17, Tabled from 1/5/17**

**Commission Tabled this to the 2/2/17 meeting.**

**NEW BUSINESS:**

1. 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  
**Application#17-1.2**  
**To be A/R**

H. Smith noted the Applicant is requesting a waiver of the Public Hearing.  
The Commission discussed this briefly. The Commission set a Public Hearing for the 2/16/17 meeting.

**OTHER BUSINESS:**

1. Planner's Report  
H. Smith noted there was a letter from the Ct. Siting Council regarding the installation of a back-up generator at 21 Acorn Road. He submitted comments on his own behalf to remind them to abide by the noise ordinance and requested that the generator not be tested in the evening or weekends.  
Meeting was adjourned at 10:08 p.m.