



PLANNING AND ZONING COMMISSION

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MINUTES PLANNING & ZONING COMMISSION THURSDAY JUNE 13, 2019 SPECIAL MEETING 7:00 P.M. CANOE BROOK SENIOR CENTER 11 CHERRY HILL ROAD

Commissioners Present: J. Lust, J. Vaiuso, F. Russo, P. Higgins, C. Andres, M. Palluzzi
Commissioners Absent: J. Chadwick, D. Dyer
Staff Present: H. Smith – Town Planner, R. Stoecker - Asst. Town Planner,
Danielle Bercury of Brenner, Saltzman & Wallman LLP (the Town Counsel's
Law Firm), M. Martin - Clerk

Chairperson Andres introduced the Commission and the Staff present.
Secretary Palluzzi read the Public Hearing Notice into the record.
Chairperson Andres reviewed the Public Hearing procedures.

PUBLIC HEARINGS:

1. Nicholas Fischer-Applicant & Owner
3 Watrous Avenue
Special Exception Modification-demolish & rebuild a two family home
Application #19-5.2
A/R & PH set for 6/13/19

Jim Pretti (Criscuolo Engineering) represented the applicant. He reviewed the application explaining this is a proposal to remove and replace the current house. The new house will be two units, with a slightly larger footprint. He said the Applicant has received the necessary variances.

R. Stoecker reviewed the Staff Report.

PUBLIC INPUT:

No one spoke

Chairperson Andres closed the Public Hearing.

MINUTES: 5/30/19

P. Higgins made a motion to approve the meeting minutes.
J. Lust seconded the motion which passed unanimously.

CORRESPONDENCE:

H. Smith said he had received many documents directly that pertained to the Crescent Bluff Avenue C. G. S. Section 8-24 referral item and he asked Chairperson Andres if describing them should wait and bring them to the Commission's attention when the Crescent Bluff C. G. S. Section 8-24 Referral agenda item is addressed later in the meeting. Chairperson Andres asked that they be brought up then.

RETURN TO TABLE:

2. Nicholas Fischer-Applicant & Owner
3 Watrous Avenue
Special Exception Modification-demolish & rebuild a two family home
Application #19-5.2
A/R & PH set for 6/13/19

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

- 1) **Prior to the start of construction, the 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 and Architectural drawing revisions shall be addressed to the satisfaction of the Town Planner or other staff of the Planning and Zoning Commission as may be indicated:**
 - a) **Provide additional landscape screening of the parking area along the Rte. 146 frontage to lessen the visual impact of the parking area to the satisfaction of the Town Planner.**
 - b) **Consider installing sidewalks along the west side Watrous Avenue or along Rte. 146 per Sect. 6.15 D Pedestrian Facilities of the regulations.**
- 3) **To ensure continued compliance with the Zoning Regulations, landscaping must be maintained as an on-going requirement of this approval to ensure survival of all required landscaping shown on the approved plan. If the landscaping element does not survive or is irreparably damaged, it must be replaced in kind.**
- 4) **No additional signage or lighting with a light source greater than 900 lumens without staff or Commission approval as may be appropriate.**
- 5) **Dust control shall be undertaken as may be determined by the Zoning Enforcement Officer.**
- 6) **Site shall not be graded to direct stormwater flow onto adjoining residential properties.**

J. Vaiuso seconded the motion which passed unanimously.

OLD BUSINESS:

1. Tidal Basin LLC & Branford Land Development ,LLC-
Applicants & Owners
2,5,4-6 Indian Neck Avenue
PDD /Master Plan Amendment (Zoning Map Amendment)-to add Food Preparation for on-site consumption as an accessory use.
Application #19-4.4
A/R 4/22/19 & PH set for 6/6/19, PH closed 6/6/19 & Tabled to 6/13/19

R. Stoecker said that since the last meeting he had sent out the required referrals received a comment from the Town Engineer which he reviewed. P. Higgins recused himself from this vote since he was absent from the meeting when this was discussed. The Commission discussed the application briefly.

F. Russo made a motion to approve with the finding that the application is consistent with the Comprehensive Plan and that the 2008 Plan of Conservation & Development has been considered and that, in accordance with Section 9.10.F of the Regulations;

- (1) Another existing zoning district could not be appropriately established to accomplish such purposes;**
- (2) The petitioner has provided, where appropriate, for the continued maintenance of the development in general, including those open space and recreational areas not dedicated for general public use;**
- (3) The streets and drives will be suitable and adequate to accommodate anticipated traffic and projected development intensity will not generate traffic in such amounts as to overload the street system in the area;**
- (4) The existing and proposed utility services are adequate for the proposed development and the utilities and drainage have been so arranged as to not overburden the capacity of the facilities connected therewith.**

J. Lust seconded the motion which passed unanimously.

3. Beacon Communities Development LLC,
c/o Attorney Timothy Hollister-Applicant
Town of Branford Housing Authority-Owner
Application for a Site Plan Modification / Coastal Site Plan) under CGS Section 8-30g Affordable Housing Land Use Appeals for property located at 115 South Montowese Street (Parkside Village I) for (1) deletion of Condition #3a of the amended Resolution adopted on 1/3/2019 approving application #17-9.6 and (2) a revision of the approved Site Plan to show use of Sliney Road as a supplemental emergency access to the redeveloped building.
Application #19-2.4
A/R 2/21/19 & PH continued to 5/16/19, PH closed 5/16/19
Decision Required by 6/27/19 (includes offer and acceptance of the Time Extensions totaling 60 days)

H. Smith reviewed the Draft Resolution and proposed minor corrections. The Commission briefly discussed the draft and noted two additional typographical corrections.

J. Lust made a motion to approve the application with the Draft Resolution with corrections stated by H. Smith and the Commission.

J. Vaiuso seconded the motion.

The final vote was 3 for and 2 opposed.

4. Digestive Disease Associates, c/o Dr. Christopher Illick-
Applicant & Owner
657-697 Main Street
Special Exception Modification - Medical Office
Application #19-5.6
A/R 6/6/19 & Tabled to 6/13/19, Public Hearing waived

J. Pretti (Criscuolo Engineering) represented the applicant and explained that DOT reviewed the site and said revisions to the driveways needed to be made.

R. Stoecker reviewed the Staff Report.

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

- 1. No additional signage or new or replacement lighting shall be installed without staff or Commission approval, as appropriate, for its compliance with the Zoning Regulations.**
- 2. All conditions of previous approvals regarding this property shall remain in full force and effect as they may still apply.**

P. Higgins seconded the motion which passed unanimously.

5. Attorney Bernard Pellegrino-Applicant
26 Cherry Hill Rd. c/o John Mancini-Owner
26 Cherry Hill Road
ReSubdivision Modification
Application # 19-5.7
A/R 6/6/19 & Tabled to 6/13/19

H. Smith explained this application was filed to eliminate an inconsistency between the requirements of two Deed Restrictions and the previously approved Subdivision Map

The deed restrictions require an additional note be placed on the map. He then read the note that is proposed to be added. He also noted that the Subdivision Map needs to be modified to comply with the Subdivision Regulations to show the provision of appropriate monumentation (iron pins or concrete monuments) to mark the boundaries of the Conservation Easement and the signature block on the map needs to be corrected.

M .Palluzzi made a motion to approve the application with the conditions noted in the staff report.

P. Higgins seconded the motion which passed unanimously.

6. Audra Nuzzo- Applicant
Zoning Regulation Amendment-Addition of new Accessory Use to a Farm use (by Special Exception) "Non-Agricultural Farm Events"
Application #19-6.1
A/R 6/6/19 & PH set for 7/11/19

NEW BUSINESS:

1. Terri Mallory-Applicant & Owner
240 Thimble Island Rd.
Special Exception & CAM-Demolish & Rebuild Single Family Home
Application #19-6.2
To be A/R & PH to be set

The Commission A/R and set the PH for 7/11/19

2. API-Sycamore, LLC, c/o Victor Cassella-Applicant & Owner
8 Sycamore Way
Special Exception-Warehouse
Application #19-6.3
To be A/R & PH to be set

The Commission A/R and set the PH for 7/11/19

3. John Petrosky-Applicant & Owner
East Crib Island
Special Exception-Renovation of existing generator building
Application #19-6.4
A/R & PH to be set

The Commission A/R and set the PH for 7/11/19

OTHER BUSINESS:

1. CGS Section 8-24 Referral for condemnation proceedings for Crescent Bluff Avenue.

H. Smith said he received several documents from an attorney representing the Town, Ted O'Hanlan of the Robinson and Cole LLC, documents, the current property owner of the fee in Crescent Bluff Road, a media article on the condemnation proposal, etc.

Mr. O'Hanlan provided a review of the history of the issue, town history of maintaining the road and utilities located under it, and discussed related legal actions including a 2013 court decision that determined that Crescent Bluff was not a town road.

He said that this private road is unique in that it is owned by a single entity rather than by an association of abutting property owners.

C. Andres asked questions about the prior lawsuit and what the portions of the Crescent Bluff Road property the Town is seeking to condemn. He thinks the opposing party may think that the Town is asking for more now than they would have obtained if they won the prior lawsuit.

F. Russo asked if they could hear from the property owner of the road. C. Andres said yes.

David Hardy, an attorney representing the owner of the Road introduced his client Barbara Saggese of Beachcroft LLC. She reviewed her ownership of the house at the north side of the road along the waterfront and how she acquired title to Crescent Bluff Road to the waterfront. She said she maintains the lawn area at the waterfront and has fixed the seawall, etc. She reviewed her perspective of the disputes between her and the other property owners on the Road and the Town.

She said that Beachcroft LCC would sell the road and grassy strips between the pavement and the properties of the other residents along Crescent Bluff but that she wants fair market value.

D. Hardy then reviewed several additional information regarding the Road and other property owned by Beachcroft, LLC including a survey and he showed the commission where the property is located.

First Selectman Jamie Cosgrove then spoke. He said that the Town was pulled into the situation. The Town has tried to stay out of the litigation. The Town's on-going position has been that Crescent Bluff is a Town Road. He said given the result of the court case he understood that using eminent domain was the most efficient way to resolve the issue.

Other individuals also spoke regarding the history of the situation.

C. Andres said the statute requires the Commission to issue a report in 35 days from the date of referral which was in early June, so this item could not be tabled until the Commission's next meeting on July 11th. He asked First Selectman Cosgrove if the Town would withdraw the referral and resubmit. Mr. O'Hanlan stated that the Town was withdrawing the referral.

2. CGS Section 8-24 Purchase of 16 Summer Island Road

Jaime Cosgrove (First Selectman) spoke and explained that most of the parcel (1 ¼ acre) is Inland Wetlands and Tidal Wetlands. He noted there was an RV parked on this property for several years. The property owner removed the berm that was there which caused nuisance flooding over the road.

He also said he ordered an appraisal for the property and its value was appraised at twenty three thousand dollars. He noted that the RV has since been removed from the

property and the berm reestablished. The owner of the property has passed away and the property is now in probate. A request has been submitted to the Probate court stating the Town is interested in acquiring the property.

Bill Horne (Pleasant Point Rd) spoke briefly and said he thought it was a good idea for the town to acquire this parcel which he thought would be consistent with the Plan of Conservation & Development.

P. Higgins made a motion to send a positive report regarding this CGS Section 8-24 referral.

J. Vaiuso seconded the motion which passed unanimously.

3. Interpretation of Section 4.3.C of the Zoning Regulations

H. Smith said someone has asked about the possibility of building an assisted living facility on East Main Street (near Bill Miller's Castle). The question is whether the units in the facility should be considered dwelling units for the purposes of applying Section 4.3.C of the Zoning Regulations to which he referred the Commission.

The Commission discussed this briefly and the final consensus was yes, they are considered dwelling units.

4. Planner's Report- Nothing was discussed.

The meeting adjourned at 9:37 pm