



PLANNING AND ZONING COMMISSION

1019 Main Street, PO Box 150, Branford, CT 06405
Tel: (203) 488 - 1255, Fax: (203) 315 -
2188

MINUTES – REVISED PLANNING & ZONING COMMISSION THURSDAY JUNE 3, 2021 REGULAR MEETING 7:00 P.M.

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

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

Chairperson Andres introduced the Commission and Staff.
Secretary M. Palluzzi read the Public Hearing notice into the record.
Chairperson Andres reviewed the Public Hearing procedures.
E. Breining reviewed the procedures to participate in the Public Hearing portion
of the meeting.

PUBLIC HEARINGS:

1. Stony Creek Estates, LLC c/o Michael Di Gioia-Applicant & Owner
47 Gould Lane
Special Exception Modification-Residential Open Space Development-
Modification to restriction on development of Units #'s 24-29 to be accessed via Luisa Court
Application #20-11.3
A/R 11/5/20 & PH opened 4/15/21 & continued from 5/20/21
2. Stony Creek Estates, LLC c/o Michael Di Gioia-Applicant & Owner
47 Gould Lane
Subdivision Modification-Residential Open Space Development-
Modification to restriction on development of Units #'s 24-29 to be accessed via Luisa Court
Application #21-3.12
A/R 4/1/20, PH opened 4/15/21 & continued from 5/20/21

Chairperson Andres noted these two items are being heard together and he gave a brief
history of the applications.

Michael Di Gioia (Applicant) spoke and said the material that was previously requested has been
submitted to the Planning & Zoning Office.
He also noted he has received the draft Resolutions from the Town Planner and has no issues
with them or the changes proposed by H. Smith.

H. Smith reviewed the draft Resolutions which he displayed on the screen noting two minor changes
from the version sent to the Commission and posted on the drop box. He also displayed the email
from T. Carr dated 6-3-21 and noted it is entered into the record for both applications.

PUBLIC INPUT: No one spoke.

Chairperson Andres closed the public hearing for Application 20-11.3 and 21-3.12.

3. Montowese Development Group, LLC-Applicant
John R. & Anne Hines-(Owners of 14 Buckley Rd.)
Branford Building Supplies-(Owners of 16 Buckley Rd)
Branford Building Supplies – (Owners of 0 Buckley Rd)
14, 16 & 0 Buckley Road
Special Exception & Coastal Site Plan –Open Space Residential Development
Application #21-3.11
A/R 4/1/21 & PH opened and continued from 5/20/21

Chairperson Andres said the applicant has requested this item be continued without testimony until the next meeting on 6/17/21. He recommended holding any public comments until then.

PUBLIC INPUT:

There were no comments from the public.
The Public Hearing was continued to 6/17/21.

4. DeMartino Development & Construction LLC,
c/o Dominick DeMartino-Applicant & Owner
96,102 & 104 Stony Creek Road
Special Exception – Grading (Section 6.8)
Application #21-4.8
A/R on 5/6/21 & PH to be rescheduled

Chairperson Andres noted the legal notice was incorrect so it needs to be renoticed. This item was TABLED to the 6/17/21 meeting.

5. Lazarus & Sargeat, c/o Steven Lazaruz-Applicant
Shirley Martin & Allen William-Owners
10 Buena Vista Road
Special Exception- One car garage with loft
Application #21-5.8
A/R on 5/20/21 & PH set for 6/3/21

Steven Lazaruz (Applicant) spoke and explained this project is to raise the roof of the garage to a height of 19 feet to make space for an artist loft.
E. Breining reviewed the staff report.

PUBLIC INPUT: There were no comments from the public.

Chairperson Andres closed the public hearing.

6. Will Brierley-Applicant
Alison H. Brierly- Owner
18 Whiting Farm Road
Special Exception - Accessory Apartment
Application # 21-5.7
To be A/R & PH set for 6/3/21

J. Pretti (Criscuolo Engineering) represented the applicant and highlighted the application. He explained this was an existing apartment which was not previously approved and the property owner decided to go thru the zoning approval process after a pipe burst and repairs needed to be made to the apartment and new utility lines run to the building.
J. Pretti displayed the site plan.
H. Smith reviewed the staff report.

PUBLIC INPUT:

1. Stephen Goglia-(24 Whiting Farm Rd.)He said he and his wife have no objections to the application. He noted that Mr. Brierly has taken great care of his property.

Chairperson Andres closed the public hearing.

MINUTES: 5/20/21

- J. Lust made a motion to approve the 5/20/21 minutes as written.**
J. Chadwick seconded the motion which passed unanimously.

CORRESPONDENCE:

1. Notification received from North Branford regarding a Zoning Regulation change. A public Hearing will be held 7/8/21 if anyone is interested in attending, contact the Planning & Zoning office for more information.

RETURN TO TABLE:

For the record, Commissioner F. Russo was seated for Commissioner J. Vaiuso for Public Hearing items #1 and 2 who was absent for a prior portion of the Public Hearing on these applications.

1. Stony Creek Estates, LLC c/o Michael Di Gioia-Applicant & Owner
47 Gould Lane
Special Exception Modification-Residential Open Space Development-
Modification to restriction on development of Units #'s 24-29 to be accessed via Luisa Court
Application #20-11.3
A/R 11/5/20 & PH opened 4/15/21 & continued from 5/20/21

M. Palluzzi made a motion to approve the application by adopting the Resolution with the changes made by H. Smith. (Attached)

J. Chadwick seconded the motion which passed unanimously.

2. Stony Creek Estates, LLC c/o Michael Di Gioia-Applicant & Owner
47 Gould Lane
Subdivision Modification-Residential Open Space Development-
Modification to restriction on development of Units #'s 24-29 to be accessed via Luisa Court
Application #21-3.12
A/R 4/1/20, PH opened 4/15/21 & continued from 5/20/21

F. Russo made a motion to approve the application by adopting the Resolution with the changes made by H. Smith. (Attached)

M. Palluzzi seconded the motion which passed unanimously.

3. Lazarus & Sargeat, c/o Steven Lazaruz-Applicant
Shirley Martin & Allen William-Owners
10 Buena Vista Road
Special Exception- One car garage with loft
Application #21-5.8
A/R on 5/20/21 & PH set for 6/3/21

J. Chadwick made a motion to approve the application with the Finding below:

1. 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.

J. Lust seconded the motion which passed unanimously.

4. Will Brierley-Applicant
Alison H. Brierly- Owner
18 Whiting Farm Road
Special Exception - Accessory Apartment
Application # 21-5.7
To be A/R & PH set for 6/3/21

J. Lust made a motion to approve the application with the Conditions listed below:

1. Prior to the commencement of any work and prior to the issuance of a zoning permit or the zoning authorization for the issuance of a building permit, the applicant shall demonstrate that the following has been addressed to the satisfaction of the ZEO, Town Planner or his designee:
 - a. A Road Excavation Permit has been obtained from the Town Engineer or it has been determined not to be required.
 - b. That a deed restriction has been placed on the Branford Land Records applicable to the subject property which states that if rented, the apartment be rented at or below prices that would qualify the apartment as "affordable housing" as defined in CGS Section 8-30g. 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".
 - c. The site plan has been revised to indicate :
 - a. The total size of the apartment (in square feet).
 - b. The property is subject to a deed restriction referenced in condition 1(b) and includes the language of such restriction.

J. Vaiuso seconded the motion which passed unanimously.

OLD BUSINESS:

1. Branford Electric RR Assn, Inc. c/o John Proto-
Applicant & Owner
45-55 & 46-52 Alex Warfield Rd.
Special Exception - Grading (Section 6.8)
Application #21-4.7
A/R on 5/6/21 & PH to be set

This item was TABLED pending Inland Wetlands approval.

2. Syed Sami- Applicant
Oil Barons Inc. c/o Robert Hartmann-Owner
49 Leetes Island Road
Special Exception Modification-Convenience Store
Application #21-5.4
A/R 5/20/21 & PH to be set

This item was TABLED due to missing information.

NEW BUSINESS:

1. Brenna Begley-Applicant
RGA Realty Management,
c/o Robert Audet-Owner
539 Main Street
Site Plan – Skincare Spa
Application #21-5.9
To be A/R

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2. Joseph Lepre-Applicant & Owner
8 Svea Avenue
Special Exception-Two Family Dwelling
Application #21-5.10
To be A/R & PH to be set

PH to be set by Chairperson and Staff.

3. Amy Allen- Applicant
Renz Development, LLC-Owner
365 East Main Street
Site Plan – Fast Food Restaurant
Application #21-6.1
To be A/R

This item was TABLED.

4. Andrew Rainone-Applicant
KIOP Branford LLC, c/o Kimco Realty- Owner
1025-1091 West Main Street
Special Exception minor modification-Upgrade Security Lighting
Application #21-5.5s
To be A/R & PH to be set

PH to be set by Chairperson and Staff.

This item was TABLED.

OTHER BUSINESS:

- a. Time Extension Request – 1 additional year for Section 6.8(Grading) approval-
58 East Industrial Drive.
- H. Smith briefly discussed this and the item was **TABLED** to the next meeting.
- b. Partial Bond Release – 159 cherry Hill Road
J. Vaiuso made a motion to approve a partial return of the bond in the amount of \$3,350.00.
J. Lust seconded the motion which passed unanimously.
- c. Partial Bond Release-81 Todds Hill Road
J. Lust made a motion to approve a partial return of the bond in the amount of \$3,347.50.
J. Vaiuso seconded the motion which passed unanimously.
- d. Partial Bond Release-155 Cherry Hill Road
J. Lust made a motion to approve a partial release of the bond in the amount of \$3,135.00.
J. Vaiuso seconded the motion which passed unanimously.
- e. Partial Bond Release-93 Todds Hill Road
J. Lust made a motion to approve a partial release of the bond in the amount of \$3,300.00.
J. Vaiuso seconded the motion which passed unanimously.
- f. Bond establishment for 8 Howd Avenue
J. Lust made a motion to establish the bond in the amount of \$805.00.
J. Vaiuso seconded the motion which passed unanimously.

g. Planner's Report

H. Smith said there are currently a few bills pending in the Legislature and hopefully we will have some resolution on how to proceed with meetings.
He noted there are a few options such as hybrid meetings which he reviewed briefly.

Chairperson Andres asked the Commission what their preference was; in person or zoom meetings?

The consensus was the Commission would prefer to have in person meetings but the Executive order will direct us.

H. Smith said he will keep the Commission updated.

The meeting adjourned at 8:30 p.m.



TOWN OF BRANFORD PLANNING AND ZONING COMMISSION

1019 Main Street, Branford, CT 06405 ☎ Tel: (203) 488 – 1255, Fax: (203) 315 – 2188

RESOLUTION

Stony Creek Estates LLC, Gould Lane Open Space Residential Development
47 Gould Lane
Application #20-11.3

WHEREAS, in the matter of the application by Stony Creek Estates LLC for a modification to the 3/20/2014 approval of application #13-12.5 for a Special Exception to allow a thirty (30) unit Open Space Residential Development (OSRD) consisting of 20 individual lots and 10 s/f detached units in a common interest community located at 47 Gould Lane, the Commission considered the following:

1. The general requirements the Branford Zoning regulations along with the specific requirements for OSRD developments in Section 7.3,
2. Application materials and documents submitted by the applicant including:
 - a. Sheet 3A of Plans prepared by Milone & MacBroom as revised through 2/05/14,
 - b. Letters and attachments from George Andrews, LEP of Loureiro Associates dated 10/28/2020 and 5/19/2021,
3. Information presented at a public hearing held on April 15, 2021, May 6, 2021, May 20, 2021 and June 3, 2021 including testimony from Timothy Carr, LEP, a subject matter expert retained by the Town of Branford,
4. Inland Wetlands Permits IW #13.06.03 and IW # 20.07.02,
5. Staff Report prepared by Town Planner Harry Smith dated April 8, 2021 for the meeting of April 15, 2021,
6. Other exhibits submitted into the record of this application,

WHEREAS, the applicant's Professional Engineer and Licensed Environmental Professional, George Andrews has provided written testimony that a mapping error that occurred regarding the actual ground elevation *"now places the construction grade of the basement footings well above the historical elevation of the water table,"*

WHEREAS, the applicant's Professional Engineer and Licensed Environmental Professional, George Andrews has also provided written testimony that *"Based upon the fact that the foundation footings will be bearing on the upper B-Horizon, which is approximately 6-8-inches below the pre-existing grade and the observations recorded by Nafis & Young and further documented throughout the roadway and utility construction activities defining a natural water table of 8-feet below grade or greater, there should not be any encounters with groundwater at the three units that the applicant is requesting to construct the basements (units 24, 25 and 26),"*

WHEREAS, there is an accompanying subdivision approval modification application that is subject to conditions of approval,

RESOLUTION

Stony Creek Estates LLC, Gould Lane Open Space Residential Development

47 Gould Lane - Application #20-11.3

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WHEREAS, provided the conditions noted below are satisfied, the proposed Open Space Residential Development will meet all applicable requirements of Branford Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Application #20-11.3 be approved with the following conditions:

1. All conditions from previous approvals for this Open Space Residential Development shall remain in full force and effect with the exception of those that conflict with the proposal of this application to develop units identified as #'s 24, 25, and 26 with full basements as proposed in the most recently revised versions of plans and documents submitted with this application as augmented by any verbal representations regarding the elevation of the proposed basement floor above the groundwater level.
2. Notwithstanding the above, the construction of the three units identified above shall include both the vapor barrier and an active sub-slab ventilation system as described in verbal testimony presented by Licensed Environmental Professional Timothy Carr and agreed to by the applicant.

Resolution approved by the Commission on June 3, 2021.

Moved by: M. Palluzzi

Seconded by: J. Chadwick

Vote for the Resolution: 5

Vote against the Resolution: 0



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RESOLUTION

Stony Creek Estates LLC, Gould Lane Open Space Residential Development
47 Gould Lane
Application #21-3.12

WHEREAS, in the matter of the application by Stony Creek Estates LLC for a modification to the 3/20/2014 approval of application #13-12.6 for a 21-lot Subdivision to allow a thirty (30) unit Open Space Residential Development (OSRD) consisting of 20 individual lots and one lot containing a common interest community located at 47 Gould Lane, the Commission considered the following:

1. The general requirements the Branford Subdivision Regulations,
2. The approval of an accompanying Special Exception Modification application (#20-11.3) under Section 7.3 of the Zoning Regulations (Open Space Residential Development),
3. Application materials and documents submitted by the applicant including:
 - a. Sheet 3A of Plans prepared by Milone & MacBroom as revised through 2/05/14,
 - b. Letters and attachments from George Andrews, LEP of Loureiro Associates dated 10/28/2020 and 5/19/2021,
4. Information presented at a public hearing held on April 15, 2021, May 6, 2021, May 20, 2021 and June 3, 2021 including testimony from Timothy Carr, LEP, a subject matter expert retained by the Town of Branford,
5. Inland Wetlands Permits IW #13.06.03 and IW # 20.07.02,
6. Staff Report prepared by Town Planner Harry Smith dated April 8, 2021 for the meeting of April 15, 2021,
7. Other exhibits submitted into the record of this application,

WHEREAS, the applicant's Professional Engineer and Licensed Environmental Professional, George Andrews has provided written testimony that a mapping error that occurred regarding the actual ground elevation *"now places the construction grade of the basement footings well above the historical elevation of the water table,"*

WHEREAS, the applicant's Professional Engineer and Licensed Environmental Professional, George Andrews has also provided written testimony that *"Based upon the fact that the foundation footings will be bearing on the upper B-Horizon, which is approximately 6-8-inches below the pre-existing grade and the observations recorded by Nafis & Young and further documented throughout the roadway and utility construction activities defining a natural water table of 8-feet below grade or greater, there should not be any encounters with groundwater at the three units that the applicant is requesting to construct the basements (units 24, 25 and 26),"*

RESOLUTION

*Stony Creek Estates LLC, Gould Lane Open Space Residential Development
47 Gould Lane - Application #20-3.12*

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WHEREAS, the Commission previously approved a Special Exception Modification application for the proposed changes to the Open Space Residential Development for the subject property with conditions,

WHEREAS, provided the conditions noted below are satisfied, the proposed Open Space Residential Development will meet all applicable requirements of Branford Subdivision and Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Application #21-3.12 be approved with the following conditions:

1. All conditions from previous approvals for this Open Space Residential Development shall remain in full force and effect with the exception of those that conflict with the proposal of this application to develop units identified as #'s 24, 25, and 26 with full basements as proposed in the most recently revised versions of plans and documents submitted with this application as augmented by any verbal representations regarding the elevation of the proposed basement floor above the groundwater level.
2. Notwithstanding the above, the construction of the three units identified above shall include both the vapor barrier and an active sub-slab ventilation system as described in verbal testimony presented by Licensed Environmental Professional Timothy Carr agreed to by the applicant.

Resolution approved by the Commission on June 3, 2021.

Moved by: F. Russo

Seconded by: M. Palluzzi

Vote for the Resolution: 5

Vote against the Resolution: 0