



PLANNING AND ZONING COMMISSION

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MINUTES PLANNING & ZONING COMMISSION THURSDAY JUNE 4, 2020 REGULAR MEETING 7:00 P.M.

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

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

Staff Present: H. Smith-Town Planner, K. Piazza- Asst. Town Planner, M. Martin-Clerk
Chairperson Andres introduced the Commission and Staff present. He then reviewed the
Public Hearing procedure.

Asst. Town Planner K. Piazza reviewed the rules for the zoom meeting.

PUBLIC HEARINGS:

1. Sound Development Group, LLC-Applicant
Melissa Maturo, et al-Owner
1151 West Main Street
Special Exception/Site Plan/ Coastal Site Plan – New Bank and Grocery Store and associated
grading and earth movement.
Application #20-3.3

Attorney John Knuff (146 Broad St., Milford) was present and represented the applicant. He reviewed
the prior comments that were received and their replies.

John Schmitz (Engineer, BL Companies) displayed revised plans for the Commission and he briefly
reviewed some of the comments they received and their replies.

Wayne Violette (Landscape Architect, BL Companies) spoke next and reviewed the revisions that
were made to the Landscape Plan.

H. Smith made some brief comments as well as some of the Commissioners.

PUBLIC INPUT:

1. Shirley McCarthy complimented the Commission for using native plants. She asked if one of
the trees could be swapped for a different species.
2. Attorney Franklin Pilicy- (Atty. For Rockledge Condo Association) noted that the Condo
Association has no exception to the rock crushing during normal work hours.
3. Gregg Ames-273 Thimble Island Rd. – (member of the Branford Clean Energy Commission)
read a statement from the Commission into the record.
4. Nancy Mancini -43 Mill Creek Rd. - She was concerned that this project is getting the green
light too quickly. She asked the Commission to take a closer look at the development;
including the stormwater plan.

Chairperson Andres closed the Public Hearing.

2. 8 Howd, LLC
c/o Nicholas Fischer-Applicant & Owner
8 Howd Avenue
Special Exception & Coastal Site Plan - Two-Family House
Application #20-3.2
A/R 4/2/20, PH continued from 5/21/20

J. Pretti (Criscuolo Engineering) represented the applicant and repeated this project is a two family house and noted the septic design is the same as a single family house. He replied to a few of the prior comments.

PUBLIC INPUT:

1. Jake Lange- 4 Howd Avenue-He referred to the Zoning Regulations pertaining to Stony Creek. He is opposed to a two family house on that lot. He noted that traffic is an issue. He asked whether a fence or landscape buffer could be installed if the project is approved. He also asked when the project would begin.
2. Richard Dering- he is opposed stating there is already a water issue there.
3. David Swirsky - 5 Howd Ave.-He is opposed. He pleaded for the Commission to keep the project a single family.
4. Dennis Kelly- 3 Howd Ave. – They said it is zoned for single family homes, keep it that way. He wants the town to follow the law.

J. Pretti responded to some of the comments.

Chairperson Andres closed the Public Hearing.

MINUTES: 4/2/20 & 5/21/20

The 4/2/20 minutes are TABLED.

J. Lust made a motion to approve the 5/21/20 minutes as written.

J. Chadwick seconded the motion which passed unanimously.

CORRESPONDENCE:

None.

RETURN TO TABLE:

1. Sound Development Group, LLC-Applicant
Melissa Maturo, et al-Owner
1151 West Main Street
Special Exception/Site Plan/ Coastal Site Plan – New Bank and Grocery Store and associated grading and earth movement.
Application #20-3.3

The Commission had a discussion and asked a few questions.

H. Smith reviewed the Staff Recommendations.

J. Chadwick made a motion to approve the application with the findings and conditions below:

Findings:

1. Subject to compliance with the adopted 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.
2. The Coastal Site Plan is consistent with the goals and policies of the Coastal Area Management Act (CGS Section 22a-92) and incorporates conditions and modifications necessary to mitigate adverse impacts on coastal resources and any future water dependent activities.

Conditions:

1. All construction, site work, and architectural design of the proposed building on the subject property is limited to and shall substantially follow that depicted on the most recently submitted revisions of the submitted plans and documents ("Approved Plans") except as they may be modified to conform to the requirements of this approval or be further modified by the Planning and Zoning Commission or be modified for, construction related, minor changes approved by the Town Planner per Section 9.6.B.5.
2. All revisions to these Approved Plans shall be submitted as part of a complete set of all of the most current Approved Plans with all sheets stamped/sealed and signed by the professionals responsible for their preparation, three full-size paper copies of which shall be submitted for review.
3. Prior to the start of any construction activity including tree removal/clearing (beyond that needed to complete items c. and d. below) the following shall be accomplished to the satisfaction of the Zoning Enforcement Officer:
 - a. Modifications to the Site Plans clearly indicating the following:
 - i. the provision of an additional sheet indicating construction layout including all proposed topsoil and other earth material stockpiles, construction staging, and construction related parking areas all as reviewed and approved by the Town Planner.
 - b. A pre-construction meeting including the Zoning Enforcement Officer, Town Planner (or designee), Town Engineer or designee, applicant's construction supervisor, applicant's Licensed Connecticut Arborist and applicant's Connecticut licensed Professional Engineer.
 - c. Installation of construction fencing along the limit of disturbance as defined on Sheet EC-1.
 - d. Installation of the sedimentation and erosion control measures.
 - e. Submittal of a Soil and Erosion Control Financial Guarantee in favor of the Town of Branford pursuant to Section 6.8.F.1 of form, content, and amount as determined by the Town Planner or Zoning Enforcement Officer as he may be advised by the Town Engineer and the Town Attorney, except that this financial guarantee shall not be in the form of a surety bond.
4. To reduce glare, all fixtures shall be demonstrated to meet the IES full-cutoff definition unless they are emergency lights or very low level accent lights (less than 900 lumen output – less than an incandescent 100 watt bulb). Fixed, not adjustable, arm mounts shall be used for all fixtures. The correlated color temperature of the light source for all exterior fixtures, either building or pole mounted, shall be equal to or less than 3000 Kelvin (K). Information on all building mounted light fixtures shall to be provided including cut sheets with all model choices indicated and an updated photometric plan (Sheet LP-1) including an updated schedule providing information on the different types of fixture (maker & model number, mounting height, lumens generated, etc.) and

surface light level projections in foot-candles that are in compliance with the requirements of the Zoning Regulations.

5. To comply with Section 6.8, the Applicant shall submit the following for the review and approval of the Town Planner or Zoning Enforcement Officer, as he may be advised by the Fire Marshal, prior to beginning any work on site requiring a Blasting Permit:
 - a. Submittal of additional information to specify the amount of blasting and location of blasting as required by Section 6.8.F.10.
 - b. Documentation that an offer of a pre-blast survey was made to owners of all structures any part of which is within 250 feet of the area of the blasting as identified above.

All blasting shall comply with any Blasting Permit issued as well as the submitted Blasting Plan and be limited to Monday through Friday 9:00 am to 3:00 pm.

6. The on-site use of fixed machinery or rock crushing equipment for the processing of excavated or blasted rock or earth material (or other earth material brought into the site) shall meet Section 6.8.G requirements and be limited to 9:00 am to 5:00 pm, Monday-Friday.
7. Topsoil shall be stockpiled on-site for reuse as mandated by Section 6.8.F.7 but removal of excess topsoil is not permitted without the written approval of the Planning and Zoning Commission.
8. The Special Exception approval under Section 6.8 granted with the approval of this application shall expire one-year from the date of decision on this application unless renewed by the Commission pursuant to Section 6.8.L.
9. Foundation as-builts are required for the two buildings proposed.
10. Prior to the issuance of a Zoning Permit or the zoning authorization of a Building Permit the applicant shall submit for review and approval by the Zoning Enforcement Officer/Town Planner, etc. any required evidence requested to document compliance with Condition #'s 3, 4 and 5 above and modifications to the Plans and Application Documents addressing the following:
 - a. Changes approved to address Condition (3) a. above.
 - b. Changes and/or additional information from Condition (5) a. above.
 - c. Modification to the Landscape Plan (Sheet LL-3, dated 11/6/2019 as last revised 5/29/20) to designate protection areas extending to at least the edge of the drip line of the trees beyond the Limits of Disturbance (LOD) shown on Sheet LL-3 and a fifty-foot buffer around the drip line or the designation of trees that cannot be provided such protection as to be removed.
 - d. Final design plans, prepared by a CT licensed Professional Engineer, for all retaining walls over three feet (3') in height that meet all of the requirements of Section 6.13.C of the Zoning Regulations and demonstrating the compliance of all proposed walls with the eight-foot (8') height limitation and three-foot (3') wall separation requirements of Section 6.13.C and addressing the additional landscaping requirements of Section 6.13.C .11.
 - e. Modify the detail for the dumpster enclosure, including gate, consisting of materials acceptable to the Town Planner or the Planning and Zoning Commission rather than the chain link fencing and slats proposed.
 - f. A note on the Site Plan shall be included indicating that the contractor shall be responsible for conducting all grading and earth removal activities in compliance with Section 6.8 of the Zoning Regulations.

- g. Also, if suitable topsoil that can be stockpiled and reused is not present on the site, notations that such suitable soil will be used to a depth of four inches over all disturbed area shall be added.
 - h. The submittal and approval by the Town Planner of revisions to the Landscaping Plan to include plantings at the retaining walls to comply with Section 6.13.C.11 of the Zoning Regulations and plans/measures developed by a Licensed Connecticut Arborist sufficient to demonstrate compliance with the requirements of Section 6.3.C (2) for preservation of the Significant Trees indicated on the plans as to be preserved.
 - i. The Erosion and Sedimentation Control Plan shall be amended to include provision for the placement of erosion control mats as may be directed by the Zoning Enforcement Officer if it is not seasonally appropriate to conduct the final topsoil placement and seeding at the completion of the site work and grading changes in addition to the circumstance for placement of them already noted on the Approved Plans.
 - j. Modifications to the Landscaping Plans to:
 - i. provide streets trees (canopy trees) every 50' along the developed frontage of the property as required by Section 6.3 of the Zoning Regulations as possible given the constraints and utility easements and overhead power lines, and
 - ii. revisions to modify the proposed front yard landscaping to fully comply with Sections 6.14 and 6.3 of the Zoning Regulations and satisfy Special Exception criteria 9.8.F.1 with respect to address the recommendation that strong gateways to the community be established (Chapter 7, page 60) to the satisfaction of the Town Planner, and
 - iii. the addition of further changes to address the comments raised by the Consulting Planner in his Staff Report as revised to 6/3/20 regarding compliance with Section 6.3 of the Zoning Regulation to the satisfaction of the Town Planner, and
 - iv. change the "Kwanzan" Cherry Tree to a native species.
 - k. Submittal of two full sets of the plans enumerated in Condition 1 above modified only to address the conditions of this approval to the satisfaction of the Zoning Enforcement Officer and Town Planner stamper/sealed and signed by the appropriate professional who prepared the individual sheets.
11. Prior to the issuance of any Certificate of Zoning Compliance or the zoning authorization for the issuance of any Certificate of Occupancy the following shall be addressed to the satisfaction of the Zoning Enforcement Officer:
- a. The completion of all site work or an appropriate bond established per Section 9.6.G.
 - b. Documentation that an offer of a post-blast survey was made to owners of all structures any part of which is within 250 feet of the area of the blasting as identified above in Condition 5 a. to document any changes in conditions from the pre-blast survey required above and a remediation plan proposed, approved and executed to address any conditions altered by the blasting.
 - c. Documentation to demonstrate compliance with Section 6.8.F.3 (2) certifying the stability of the rock slope.
 - d. Submittal of final as-builts of the development.
 - e. Submittal of a Financial Guarantee to ensure the survival of plant materials in favor of the Town of Branford pursuant to Section 6.3.M.3 of form, content, and amount as determined by the Zoning Enforcement Officer as he may be advised by the Town Engineer and the Town Attorney, except that this financial guarantee shall not be in the form of a surety bond.

12. No additional signage or new or replacement lighting shall be installed without Planning or Zoning Commission approval, or that of its staff whichever may be appropriate, for compliance of the proposed signage or lighting with the Zoning Regulations.
13. As may be directed by the Zoning Enforcement Officer, necessary measures to control any dust generated by fill brought into the site or movement of earth material on site shall be implemented and any additional measures to control soil and erosion determined to be necessary to address conditions during construction.
14. To ensure continued compliance with the Zoning Regulations (Section 6.3) all landscaping must be maintained as an on-going requirement of this approval to ensure survival of the landscaping. Any landscaping element that does not survive or that becomes significantly damaged must be replaced in-kind.
15. Any modifications to the site, building, statement of use, or other aspects of the property from those approved herein shall require further approval as provided by Section 5.4 and 9.6 of the Zoning Regulations. It is acknowledged that the Town Planner will be authorized to issue a Minor Site Plan amendment to the Site Plan approved as part of this Special Exception approval to approved changes to the Approved Plans proposed to address the requirements of the associated Inland Wetlands and Watercourses Agency approval.
16. Due to the presence of inland wetlands within 100' of portions of the site work, the following additional measures regarding site and soil stabilization shall be undertaken during construction (time period between the issuance of a zoning/building permit and the issuance of the final Certificate of Compliance/Occupancy:
 - a. The applicant shall provide monthly progress reports per Section 6.10.F.4 unless waives the requirement is waived by the Zoning Enforcement Officer, who may reinstitute it as he may determine necessary.
17. The hours of construction shall be limited to 9:00 am to 5:00 pm, Monday–Friday.
18. Conduits for future Electric Vehicle (EV) charging stations shall be installed as appropriate.

J. Vaiuso seconded the motion which passed unanimously.

2. Howd, LLC
c/o Nicholas Fischer-Applicant & Owner
8 Howd Avenue
Special Exception & Coastal Site Plan - Two-Family House
Application #20-3.2
A/R 4/2/20, PH continued from 5/21/20

The Commission discussed the application briefly.
K. Piazza reviewed the staff report.

M. Palluzzi made a motion to approve the application with conditions as amended by H. Smith.
J. Lust seconded the motion.

Voting:

M.Palluzzi: Affirmative
J.Lust: Affirmative
J. Chadwick Negative
J. Vaiuso Negative
C. Andres Negative

The motion to approve the application failed.

C. Andres made a motion to deny the application on the grounds it fails to comply with the Special Permit criteria and based on public testimony that it's inconsistent with the character of the neighborhood as evidenced by the testimony of the many residents of the neighborhood.

J. Vaiuso seconded the motion.

Voting:

C. Andres Affirmative
J. Vaiuso Affirmative
J. Lust Negative
J. Chadwick Affirmative
M. Palluzzi Negative

The motion to deny the application passed.

OLD BUSINESS:

1. 165-195 Main Street Branford LLC c/o
Kevin Curry –Applicant & Owner
165 & 195 Main Street
Special Exception-Convenience Store including request to waive parking requirement
Application#19-10.10
A/R 11/7/19, PH opened 1/9/20 - closed on 2/6/20, tabled from 4/16/20, PH re-opened and closed 5/21/20

Chairperson Andres recused himself. Commissioner P. Higgins was seated for him and stated for the record that he had reviewed the application materials and the recordings of the portions of the previous Public Hearing concerning this application that he had not attended.

Commissioner J. Vaiuso had previously recused himself from this application. Commissioner F. Russo was seated for him and stated for the record that he watched and listened to the PZ meeting that he missed.

J. Lust was the acting Chairperson for this application.

The Commission discussed the application and materials and testimony presented and each member stated their position regarding approval or disapproval.

At the direction of acting Chairperson J. Lust, H. Smith reviewed a draft resolution for denial previously prepared and proposed a few revisions.

F. Russo made a motion to deny the application and adopt the draft Resolution for Denial with the revisions made by H. Smith at the 6/4/20 meeting.

P. Higgins seconded the motion.

Voting:

F. Russo	Affirmative
P. Higgins	Affirmative
J. Chadwick	Negative
J. Lust	Affirmative
M. Palluzzi	Negative

The motion to deny the application passed.

H. Smith noted that items 2, 3 and 4 were accepted for the record on 5/21/20 and the Commission had previously authorized Staff in conjunction with the Chairperson to set the Public Hearing date.

2. Statewide Development LLC,
c/o Robert Pesapane-Applicant & Owner
41 Brainerd Road
4 Lot Resubdivision
Application #20-4.3
To be A/R, PH to be set

The Commission had previously authorized staff to set this PH date. The application is not ready to proceed so this item was **TABLED**.

3. Matt & Lisa Pasco-Applicant & Owner
25 Fenway Road
Special Exception & Coastal Site Plan-Single family home & installation of flood ports and retaining wall within 100 ft. of critical coastal resources
Application #20-5.1
To be A/R, PH to be set

H. Smith noted that this revised application would be scheduled for a Public Hearing at the 6/18/20 meeting.

4. Russo Real Estate, LLC
c/o Keith Russo- Applicant & Owner
58 East Industrial Road
Special Exception- Contractor's Business & Storage Yard,
Grading & Earth Removal
Application # 20-5.2
To be A/R, PH to be set

H. Smith noted that this application is being reviewed by the Inland Wetlands and Watercourses Agency but was anticipating a Public Hearing at the 6/18/20 meeting.

NEW BUSINESS:

1. Tidal Basin, LLC. c/o Edward Crowley-Applicant & Owner
4-6 Indian Neck Avenue
Site Plan & Coastal Site Plan- Residential Development as a use in place
of the approved hotel use
Application #20-5.3
To be A/R
The Commission A/R and noted this item will be heard with New Business Item #2.
The PH is set for 7/2/20.

2. Tidal Basin, LLC., c/o Edward Crowley-Applicant & Owner
4-6 Indian Neck Avenue
PDD Modification/Master Plan Amendment- Residential Development as a use in place
of the approved hotel use
Application #20-5.4
To be A/R and PH to be set

The Commission A/R and set the PH for 7/2/20.

3. Mariners Landing, LLC, c/o Sal Marottoli-Applicant
Anchor Reef Club at Branford, LLC c/o J. Ziegler-Owner
60 Maple Street
Site Plan & Coastal Site Plan- Mixed Use Development
Application # 20-6.1

H. Smith said that items 3, 4 and 5 were recently submitted. He suggested the Commission let Staff along with Chairperson Andres set the PH date and the Commission agreed.

4. Mariners Landing, LLC, c/o Sal Marottoli-Applicant
Anchor Reef Club at Branford, LLC c/o J. Ziegler-Owner
60 Maple Street
3 Lot Resubdivision
Application # 20-6.2
To be A/R & PH to be set
5. Mariners Landing, LLC, c/o Sal Marottoli-Applicant
Anchor Reef Club at Branford, LLC c/o J. Ziegler-Owner
60 Maple Street
PDD Modification/Master Plan Amendment- Mixed Use Development
Application # 20-6.3
To be A/R & PH to be set

OTHER BUSINESS:

1. Discussion- Interpretation of Section 7.12B

This item was TABLED to the 6/18/20 meeting.

2. Time Extension Request for #15-5.8 & #15-5.9 – (271 Brushy Plain Road)
H. Smith explained a request for a (5) year extension for the Special Exception approval (#15-5.8) for an open space residential development located at 271 Brushy Plain Rd. had been made.

**J. Vaiuso made a motion to approve the extension to July 29, 2025.
J. Chadwick seconded the motion which passed unanimously.**

H. Smith explained a request for a (5) year extension for the Subdivision Approval (15-5.9) for property located at 271 Brushy Plain Road had also been made.

**J. Vaiuso made a motion to approve the extension to July 30, 2025.
J. Chadwick seconded the motion which passed unanimously.**

3. Bond Release – 906 West Main Street

This item was TABLED to the 6/18/20 meeting.

4. Appointment of a new Zoning Enforcement Officer

H. Smith announced the hiring of a new Zoning Enforcement Officer, Daniel Brennan. Dan was present and introduced himself and gave the Commission a brief review of his Experience.

J. Lust made a motion to designate Daniel Brennan as the new Zoning Enforcement Officer and Kaitlin Piazza as a “ backup” Zoning Enforcement Officer to act in Mr. Brennan’s absence.

M. Palluzzi seconded the motion which passed unanimously.

5. Bond Establishment – 3 Watrous Avenue
**J. Chadwick made a motion to establish a bond of \$5200.00 for landscaping at 3 Watrous Avenue.
M. Palluzzi seconded the motion which passed unanimously.**

6. Planner’s Report

H. Smith explained that per a change in the State Statutes’s in 2017, every 5 years towns or cities are required to adopt a Housing Plan. Requirements for this plan are being developed by a consultant working for the State Dept. of Housing and we expect it to be complete this fall. A grant from a federal assistance program will be sought to assist in the development of the plan .

The meeting adjourned at 10:14 p.m.