



# PLANNING AND ZONING COMMISSION

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

**MINUTES**  
**PLANNING & ZONING COMMISSION**  
**THURSDAY, JUNE 7, 2018**  
**REGULAR MEETING 7:00 P.M.**  
**BRANFORD FIRE HEADQUARTERS**  
**45 NORTH MAIN STREET**

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

Commissioners Absent: D. Dyer

Staff Present: H. Smith-Town Planner, R. Stoecker-Asst. Town Planner, M. Martin-Clerk

Secretary M. Palluzzi read the Public Hearing Notice into the record.  
Chairperson Andres reviewed the Public Hearing procedure.

**REGULAR MEETING 7:00 P.M.**  
**PUBLIC HEARINGS:**

1. 250 North Main St. Branford LLC-Applicant  
J & J Property LLC- (Owner of 244 North Main St.)  
250 No Main St. LLC-(Owner of 250 North Main St.)  
244 & 250 North Main Street  
Special Exception- Retail Use building & (parking lot and  
associated site development, grading/excavation for site  
development and new traffic light)  
**Application #18-2.4**  
**A/R 3/1/18 PH opened 4/5/18 & continued from 5/17/18**

John Schmitz, P.E. (BL Companies) reviewed the revised site plans that were recently submitted.

Domonic Catruda (Landscape Architect) then reviewed the revised Landscaping Plans.

H. Smith noted he quickly reviewed the revised plans since they were just submitted a few days ago. He suggested the possibility of adding additional one or two sections of fence to what is being proposed near the corner going north. He then asked about the 36 inch oak tree on the plan. Domonic Catruda (Landscape Architect) explained they originally identified the tree from an aerial photo. They then went to the site and it has been positively identified although it is not clearly shown on the Landscape Plan. He noted the tree will remain at the site.

H. Smith said he realizes it is difficult to design cohesive landscaping because of the wetlands and the high knoll that is present, but he feels the landscaping plan meets the zoning requirements. He said he appreciates the Applicant taking another look at the knoll and the rock cut again. He suggested a possible idea for Commission consideration may be to eliminate a few more parking spaces to preserve another piece of the knoll. It is a judgement call for the Commission in terms of where the Commission draws the line.

The Applicant said they would be willing to consider that.

H. Smith noted the Town Engineer has reviewed the comments pertaining to the Traffic Study. She takes no exception to what the Applicant has submitted. H. Smith noted he has not reviewed the lighting information in detail yet.

The Commission had a brief discussion.

**PUBLIC INPUT:**

1. Janet Reisman- 699 East Main St.-Said it still bothers her that we don't know who the tenant is. It is unfair. It will set a precedent for other Applicants in the future, so other developers could proceed in a more secretive way. By not knowing who the tenant is it may be unfair to the merchants of Branford. She gave examples- supermarket or retail. Her second point concerned the revised plans that were recently submitted. She noted she reviewed them for several hours today. She was under the impression that at the last PZ meeting, the Town Planner and the Commission asked the Applicant to consult with the land owner about reducing the size of the building and to reduce the number of parking spaces and the nature of the rock wall. She found that the Applicant made no attempt to reduce the size of the building or address the concerns of the POCD. She said the Applicant claims to have reduced the number of parking spaces but she disagrees. She urged the Commission to review the revised plans very carefully. She is also unsure how the Applicant plans to reduce the rock wall. Will there be further blasting? She urged the Commission to deny the Application.
2. Lauren Brown--- She referred to the POCD and the phone survey. She gave the percentages and wanted to point out that most people wanted to improve the streetscape on Rt. 1.
3. Steve Mazzacaine— Said 24 thousand dollars a year; that's what the Applicant has paid in taxes every year. He noted the property has been on the market for 10 years. He's not for or against the plan because he doesn't know what it is. At one point, Costco wanted to come here. This application is half the size of Costco and people think it's too big. It will look fine from the road. He doesn't care what goes there. But the property owner is paying taxes. He asked Commission to use reason and logic.
4. Matt Obuck -4 Louis Dr.-He asked why the name of the new store is not being given? It seems fair to know what it is. He didn't realize that the Applicant doesn't have to disclose the name.
5. Shirley McCarthy- (Community Forest Commission member) – Said the Planning & Zoning Commission's job is to preserve the sense of community fostered by cohesive neighborhoods and to preserve the town and historic natural resources. She thinks this development is counter to this mission. She noted that trees reduce stress, which is a problem for humans. We should maximize the preservation of the trees and outcroppings. She said don't blow up the ridge or remove any more trees until we know who the tenant is.
6. Kate Galambos—Said the property owner has the right to develop their land; it's important to recognize that. But there are many ways to develop land. We are defaulting to retail without a tenant. She said-maybe there could be another way to develop this without destroying the rock outcropping. She then asked about the signage and where it would be located. She also said she felt the traffic light is overkill.
7. Matt Obuck-4 Louis Dr.- mentioned the Walmart parking lot in Branford and how it is a mess with the many weeds there. The property owner does have the right to development their land, but maybe there is another way to use the land. Perhaps making a community space that many people could use.

Chairperson Andres closed the Public Hearing. He noted the Commission was not going to make a decision at the meeting.

2. Total Estates LLC ,c/o Joshua Onofrio-Applicant & Owner  
119 Cedar Street  
Special Exception-Multi Family  
**Application #18-4.5**

**A/R 3/15/18 & PH opened 5/17/18 & continued from 5/17/18**

**The Commission accepted a 35 day time extension offered by the Applicant and Tabled this item to the 6/21/18 meeting.**

3. Doug Anderson & Anderson Wilcox-Applicants  
Stewart & Doris Nodelman-Owners  
7 Euclid Street  
Special Exception & Coastal Site Plan  
**Application #18-5.4**  
**A/R 5/17/18 & PH set for 6/7/18**

Jim Pretti(Criscuolo engineering) represented the Applicant. He explained this application is a request for a lot split and construction of 2 single family homes. This is also a Coastal Site Plan Application. He then highlighted the Site Plans.

R. Stoecker reviewed the Staff Report.

**PUBLIC INPUT:**

1. Bill Horne-246 Pleasant Point Rd.- He noted the Branford Land Trust owns property to the north of this site. He is confident that Criscuolo Engineering will do the best job possible. He was questioning the reduction of the height of the retaining wall and what is happening with the slope.
2. Henry M.- Alps Rd- He asked if it was 2 single family homes and how far is the first house off the street? He then asked about the 2 driveways.

**Chairperson Andres closed the Public Hearing.**

4. Dennis Pantani-Applicant  
Paul Bruno- Owner  
8 Louis Drive  
Special Exception & Coastal Site Plan –Grading  
**Application#18-5.9**  
**A/R 5/17/18 & PH set for 6/7/18**

Todd Anderson-(Anderson Associates- Guilford) represented the Applicant. He said this is the last lot in the subdivision. It was previously approved in 2012 by the Zoning Board of Appeals and the Planning & Zoning Commission; but the PZ approval lapsed. This application is for a new house design in essentially the same location as the previous approval. The only difference is the last application had a patio where this application has a side deck. He then reviewed the Site Plans, noting the house is FEMA compliant.

R. Stoecker reviewed the Staff Report.

**PUBLIC INPUT:**

Matt Obuck- 4 Louis Dr.-He lives next door and has been there almost 3 years. The lot is overgrown and he is happy about this project. The last house they built last year took a while to build. He's worried about the construction excavation and grading, they will get the brunt of it. He requested that his house be cleaned after the construction is complete. He also hopes there will be adequate fencing, not just silt fences. He wants the fencing to be maintained. He doesn't have to worry about the kids, etc. The lot is uniquely shaped. He wants to be treated fairly.

H. Smith said in the past, conditions have been put in place regarding the dust control.

**Chairperson Andres closed the Public Hearing.**

MINUTES: 5/17/18

Two errors were noted: one was the misspelling of Commissioner Joe Vaiuso's name and the other error was on page 3 where it was noted the Public Hearing for 250 North Main Street was closed when it was actually continued to the June 7 meeting.

**F. Russo made a motion to approve the meeting minutes with the corrections noted above.**

**J. Lust seconded the motion which passed unanimously 5-0.**

CORRESPONDENCE:

1. A notice from Siting Council was received regarding work on Eversource transmission structures in various locations.
2. A notice from DEEP regarding a license for a dock on Big Curtis Island.
3. A new Section 106 filing for the cell tower smokestack at 50 Maple Street was received. This will be reviewed and if it doesn't follow the previous comments that were submitted, H. Smith will resubmit.

RETURN TO TABLE:

1. Doug Anderson & Anderson Wilcox-Applicants  
Stewart & Doris Nodelman-Owners  
7 Euclid Street  
Special Exception & Coastal Site Plan  
**Application #18-5.4**  
**A/R 5/17/18 & PH set for 6/7/18**

**J. Chadwick made a motion to approve the application with the finding and the conditions listed below:**

FINDING:

- 1)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)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 shall be addressed to the satisfaction of the Zoning Enforcement Officer or other staff of the Planning and Zoning Commission as may be indicated:
  - a) A note should be added to the Plot Plan 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.
  - b) The proposed houses need WPCA approval to be able to tie into town sewer system.
  - c) The plan shall be modified to eliminate the proposed vegetation removal and regrading within the

100 foot inland wetlands upland review area or it shall be demonstrated to the satisfaction of the Town Planner or the Planning and Zoning Commission that no feasible alternative to it is possible.

d) An erosion control bond shall be issued to protect against any offsite impacts on adjacent lot and tidal wetlands.

3) 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.

**J. Lust seconded the motion which passed unanimously 5-0.**

2. Dennis Pantani-Applicant  
Paul Bruno- Owner  
8 Louis Drive  
Special Exception & Coastal Site Plan –Grading  
**Application#18-5.9**  
**A/R 5/17/18 & PH set for 6/7/18**

**J. Lust made a motion to approve the application with the Finding and the revised conditions listed below:**

FINDING:

- 1) 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) Prior to the start of construction, the erosion control measures improving installation of construction fencing along the line of the erosion control shall be installed to the satisfaction of the Zoning Enforcement Officer and maintained throughout the project.
  - 2) A note on the Site Plan should 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.
  - 3) 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.
  - 4) Any needed measures to control dust shall be taken as directed by the Zoning Enforcement Officer.
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3. 250 North Main St. Branford LLC-Applicant  
J & J Property LLC- (Owner of 244 North Main St.)  
250 No Main St. LLC-(Owner of 250 North Main St.)  
244 & 250 North Main Street  
Special Exception- Retail Use building & (parking lot and associated site development, grading/excavation for site development and new traffic light)  
**Application #18-2.4**  
**A/R 3/1/18 PH opened 4/5/18 & continued from 5/17/18**

Chairperson asked the Commission if they wanted to discuss this application or wait until the next meeting? Commissioner J. Vaiuso said he was absent for the May 17 PZ meeting and will be absent for the upcoming July 12 meeting. After a brief discussion, it was decided that alternate Commissioner F. Russo will be seated for him.

Chairperson Andres gave his thoughts and the Commission discussed the application briefly and said they will discuss it further at the next meeting. However, the consensus was to approve the application with conditions.

**OLD BUSINESS:**

1. 26 Cherry Hill Rd, LLC- Applicant & Owner  
26 Cherry Hill Road  
ReSubdivision-(2 Lot)  
**Application #18-4.8**  
**A/R 5/17/18 & PH set for 6/21/18**
  
2. 26 Cherry Hill Rd, LLC- Applicant & Owner  
26 Cherry Hill Road  
Zoning Map Amendment/Master Plan Amendment-  
PDD Modification  
**Application #18-4.9**  
**A/R 5/17/18 & PH set for 6/21/18**
  
3. 330 E. Main St. Associates, LLC. c/o  
Chris Zane-Applicant & Owner  
330 East Main Street  
Site Plan-Bank fit-up inside existing building  
**Application #18-5.2**  
**A/R 5/17/18 & Tabled from 5/17/18**

Jim Pretti (Criscuolo Engineering) represented the applicant. He reminded the Commission this was previously discussed at the last meeting. This application is for a remote ATM machine in the parking lot. He submitted a revised plan which he reviewed as well as parking data.

H. Smith noted this application is actually a Special Exception Modification, not a Site Plan because it was previously approved as a Special Exception because of the drive thru window at the bank. The Applicant doesn't want to void that approval. They would like to maintain the possibility that they may activate the drive thru window at some future point. On the Applicant's behalf J. Pretti said he was requesting a waiver of the Public Hearing requirement.

**J. Vaiuso made a motion to waive the Public Hearing since it is a minor modification. J. Chadwick seconded the motion which passed unanimously.**

H. Smith reviewed the conditions proposed in his Staff Report.

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

1. All conditions of previous Commission approvals for this site shall remain in full force and effect as they may still apply.
  
2. The approval of the ATM is as an accessory use to the full tenancy of the bank as indicated on the application materials. This approval shall not be construed as establishing the ATM as a separate use that may remain on site independent of the principal Bank use of the full tenant space indicated in the application site plans and materials. If the use by the bank decreases in size or ceases then the ATM shall

discontinue operations and be removed from the site and the original parking lot configuration re-established.

3. A landscaping plan indicating the planting of the portions of the proposed island not being used for the placement of the ATM and bollards with a small tree, native shrubs and/or perennials shall be submitted for the review and approval of the Town Planner or the Planning and Zoning Commission prior to the issuance of a Zoning Permit or the authorization for the issuance of a Building Permit.
4. The debris from the northwestern-most parking space shall be removed prior to the issuance of a Certificate of Zoning Conformance or the zoning authorization of the issuance of a Certificate of Occupancy.
5. 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. Any landscaping element that does not survive or that becomes significantly damaged must be replaced in-kind.
6. 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.

**M. Palluzzi seconded the motion which passed unanimously 5-0.**

4. Robert Regel-Applicant  
Zoning Regulation Amendment-Amendments to  
Section 2.2 and 6.12 regarding Site Triangle definition &  
driveway requirements  
**Application #18-5.3**  
**A/R 5/17/18 & PH set for 6/21/18**
5. Alex Vigliotti- Applicant & Owner  
121 North Main Street  
Zoning Map Amendment-Change proposed from R-1 zone to BL zone  
**Application #18-5.5**  
**A/R 5/17/18 & PH set for 6/21/18**
6. Bryan D'Orlando-Applicant  
Michael & Rosemary D'Orlando-Owner  
62 Damascus Road  
Special Exception (Accessory Apartment)  
**Application #18-5.7**  
**A/R 5/17/18 & PH set for 6/21/18**
7. Digestive Disease Associates, c/o  
Christopher Illick, M.D.-Applicant  
687 Main Street LLC- Owner  
657-697 Main Street  
Special Exception-Medical Office  
**Application #18-5.8**  
**A/R 5/17/18 & PH set for 6/21/18**

**NEW BUSINESS:**

1. 288 East Main St. LLC, c/o  
Alex Vigliotti (member)-  
Applicant & Owner  
288-292 East Main St.  
Special Exception- Residential units on ground  
Floor of existing building  
**Application #18-5.10**  
**To be A/R, PH to be set**

**The Commission A/R and set the PH for 7/12/18**

2. Trinity Episcopal Church-Applicant  
Town of Branford/ First Congregational Church of Branford-Owner  
1109 Main Street  
Special Exception-Addition of accessible ramp & entrance  
**Application #18-5.11**  
**To be A/R**

**H. Smith said this is a Special Exception Modification and the Applicant is requesting a waiver of the Public Hearing and the Tabling of this Application to the July 12 meeting. J. Lust made a motion to waive the Public Hearing. J. Vaiuso seconded the motion which passed unanimously. The Commission Tabled the application to July 12, 2018.**

3. SHM Bruce & Johnson LLC, c/o  
Bruce P. Kuryla-Applicant & Owner  
47,49,55 Goodsell Point Road  
Special Exception Modification & CAM – Relocation of Pavilion  
**Application #18-6.1**  
**To be A/R**

The Applicant has requested a waiver of the Public Hearing.

**M. Palluzzi made a motion to waive the Public Hearing. J. Chadwick seconded the motion which passed unanimously.**

J. Pretti (Criscuolo Engineering) represented the Applicant. The Applicant wants to move the Pavilion 16 feet from its original location.

R. Stoecker reviewed the Staff Report.

**M. Palluzzi made a motion to approve the Application with the Finding and Conditions listed below:**

**FINDING:**

- 1) 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) Prior to the start of construction, any erosion control measures deemed necessary shall be installed to the satisfaction of the Zoning Enforcement Officer and maintained throughout the project.



- 2) All previous approvals for the Bruce and Johnsons Marina located at #47-55 Goodsell Point Road shall remain in effect.

**J. Lust seconded the motion which passed unanimously.**

4. William Miller-(Applicant & Owner of 8 Wellsweep Rd.)  
Richard & Christine Nintean-(Applicants & Owners of 12 Wellsweep Rd.)  
8 & 12 Wellsweep Road  
Subdivision Modification  
**Application #18-6.3**  
**To be A/R**

Attorney Tim Lee represented the Applicant. He explained that both lots were created in the early 1960's as part of the Oak Gate Subdivision. This Application is for a lot line revision to legalize what has been the defacto use of the property since the 60's. When the houses were built, the driveway for 12 Wellsweep Road is on the neighbor's property at 8 Wellsweep Rd. The developer used the prior old stone wall that was on the property over 100 years as the property line. The property owner at 8 Wellsweep wishes to sell his property but is waiting for the Planning & Zoning approval to do so. Attorney Lee reviewed the Site Plan for the Commission.

H. Smith said the Subdivision Regulations require the applicant to come before the Planning & Zoning Commission for a revision to lot lines created by a Subdivision. He then read the section from the Regulations.

**M. Palluzzi made a motion to approve the Lot Line Revision.**

**J. Vaiuso seconded the motion which passed unanimously.**

5. John M. Mainetti & Gary Dinicola-Applicants & Owners  
417-421 Leetes Island Road  
Coastal Site Plan –Building Addition & Grading  
**Application # 18-6.4**  
**To be A/R**

**H. Smith said an Inland Wetlands approval is required so this item needs to be Tabled to the June 21 meeting.**

H. Smith said an additional application was received after the agenda had been posted and it needs to be added to the agenda.

It is a Site Plan Modification &PDD/Master Plan Amendment for 287 East Main St. (rear).

**J. Chadwick made a motion to add the Application to the agenda and Table it to the June 21 meeting. M. Palluzzi seconded the motion and it passed unanimously.**

**OTHER BUSINESS:**

1. Planner's Report  
H. Smith said there is a Public Meeting on Wednesday June 13 from 7 to 9 pm at the Blackstone Library to review the draft of the Plan of Conservation & Development. All are welcome to attend.

The meeting adjourned at 9:14 pm.