



PLANNING AND ZONING COMMISSION

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MINUTES PLANNING & ZONING COMMISSION THURSDAY, MARCH 7, 2019 REGULAR MEETING 7:00 P.M. BRANFORD FIRE HEADQUARTERS 45 NORTH MAIN STREET

Commissioners Present: J. Lust, J. Chadwick, J. Vaiuso, F. Russo, C. Andres
Commissioners Absent: P. Higgins, M. Palluzzi, D. Dyer
Staff Present: H. Smith- Town Planner, R. Stoecker-Asst. Town Planner,
M.Martin- Clerk

Chairperson Andres introduced the Commission and the Staff.
Commissioner J. Lust read the Public Hearing Notice into the record.
Chairperson Andres reviewed the Public Hearing procedures.

PUBLIC HEARINGS:

1. Jamie Brecciaroli-Applicant
John Damato Jr. –Owner
83 School Ground Road (Units 4 & 5)
Special Exception (Section 4.8.I (line 5)-Automotive Repair
A/R 12/6/18 & PH opened 1/17/19, continued from 2/21/19

This Application has been WITHDRAWN.

2. Carole Barber –Applicant & Owner
67A & 67B Stony Creek Road
Special Exception (Section 6.8) - Installation of Ground Mount Solar System
Application # 19-1.5
A/R 2/7/19 & PH set for 3/7/19

The Applicant (Carole Barber) and her husband (Doug Colter) reviewed the Application. They explained they want to install a ground mount solar system on their property. It will consist of 4 raised arrays that are 15x15 feet. None of the neighbors will be able to see the system and they won't have to remove any important trees to install it. The trees that will be removed were damaged by previous storms.

R. Stoecker highlighted the Staff Report.

PUBLIC INPUT:

1. Bill Horne- 246 Pleasant Point Rd. - Spoke in favor of the application. He spoke of the importance of this application and he hope other Branford residents will take steps to reduce their footprint.

Chairperson Andres closed the Public Hearing.

3. Michele Burgess- Applicant & Owner
40 Thimble Islands Road
Special Exception (Section 7.4) Accessory Apartment and oversized accessory structure (Section 3.8.B.5)

Application #19-2.1

A/R 2/7/19 & PH set for 3/7/19

J. Pretti (Criscuolo Engineering) spoke about the application. The Applicant was also present along with Attorney Robert Harrington.

The proposal consists of removing the present garage and build a 852 sq. foot cottage in the footprint. The applicant will live in the cottage and her daughter and grandchild will live in the main house. The Stony Creek Architectural Review Board had no issues with the application. The applicant received the necessary variances as well.

R. Stoecker reviewed the Staff Report.

Attorney Robert Harrington (124 East Main St.) spoke and said he represented the Applicant at the Zoning Board of Appeals meeting and none of the neighbors came to the meeting to object. He brought two letters of support and read them into the record.

PUBLIC INPUT:

No one spoke.

Chairperson Andres closed the Public Hearing.

4. Donald Welch-Applicant & Owner
8 Fellsmere Farm Road
Special Exception (Section 6.8) Grading for a single family home
Application # 19-2.2

A/R 2/7/19 & PH set for 3/7/19

The applicant was present and explained he has owned the property for over 30 years and he did some grading in preparation for building a house for a family member. He was unaware that he needed to get a Special Exception because of the amount of clearing. This application is a corrective action to retroactively approve the clearing.

R. Stocker reviewed the Staff Report.

PUBLIC INPUT:

No one spoke.

Chairperson Andres closed the Public Hearing.

MINUTES: 2/21/19

F. Russo made a motion to approve the 2/21/19 minutes as written. J. Vaiuso seconded the motion which passed unanimously.

CORRESPONDENCE:

Cell tower equipment swap located at 171 Short Beach Road.

RETURN TO TABLE:

1. Carole Barber –Applicant & Owner
67A & 67B Stony Creek Road
Special Exception (Section 6.8) - Installation of Ground Mount Solar System
Application # 19-1.5
A/R 2/7/19 & PH set for 3/7/19

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

- 1) The installation of erosion controls and anti-tracking pad shall be inspected by the Zoning Enforcement Officer prior to start of construction.

- 2) All debris from vegetation/tree clearing shall be removed from the site/property unless other arrangements are expressly approved by the Planning and Zoning Commission.
- 3) An As-Built Plan signed and sealed by a professional that provides location of solar array panels, planting beds and stone access road demonstrating compliance with the approved plans shall be submitted prior to final approval of the solar apparatus by the Building Department or the issuance of a Certificate of Zoning Conformance.

J. Lust seconded the motion which passed unanimously.

2. Michele Burgess- Applicant & Owner

40 Thimble Islands Road

Special Exception (Section 7.4) Accessory Apartment and oversized accessory structure (Section 3.8.B.5)

Application #19-2.1

A/R 2/7/19 & PH set for 3/7/19

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

1. Prior to the issuance of a Zoning Permit or the zoning authorization for the issuance of a Building Permit -

A)The owner of the accessory apartment property must file a deed restriction on the land records requiring that the unit, **if rented** be rented at or below prices that would qualify the apartment as “affordable housing” as defined in CGS Section 8-39a. The deed restriction is to be reviewed by the Town Attorney with evidence that the recording of executed Town Attorney is the approved version of the deed restriction.

B)The proposed height calculations for the accessory structure shall be submitted prior to the issuance of a Zoning Permit or the zoning authorization for the issuance of a Building Permit.

C)The East Shore Health District approval of proposed new Septic system shall be submitted.

D)The design of the accessory structure shall be modified to address the modifications recommended by the Stony Creek Architectural Review Board

noted in the Staff Report from Assistant Planner R. Stocker for the 3/7/19 Planning & Zoning Commission meeting.

2. 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.

F. Russo seconded the motion which passed unanimously.

3. Donald Welch-Applicant & Owner
8 Fellsmere Farm Road
Special Exception (Section 6.8) Grading for a single family home
Application # 19-2.2
A/R 2/7/19 & PH set for 3/7/19

J. Vaiuso made a motion to approve the application with the conditions listed below:

1. 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 revised Plot Plan shall be submitted that includes:
 - i) Existing grades and proposed finished grades, and location of the tracking pad
 - ii) Zoning Standards Table for the R-4 zoning district.
 - iii) On site storm water storage methods.
 - iv) Comprehensive Erosion & Sedimentation Control Plan detailing the full construction schedule sequencing and location of any stockpiled top soil hay bales and silt fencing.
 - v) A note should be added to the Plot Plan indicating that the contractor shall be responsible for conducting all grading activities in compliance with Section 6.8 of the Zoning Regulations.
 - vi) Any other information necessary to demonstrate compliance with Section 6.8.F and specifically Section 6.8.F.7.
2. The installation of erosion controls shall be inspected by the Zoning Enforcement Officer prior to start of construction.

3. An As-Built plan shall be submitted demonstrating compliance with this approval and shall be approved by the Town Engineer per Section 6.8.H.1 prior to the zoning authorization for a Certificate of Occupancy or issuance of a Certificate of Zoning Conformance.
4. This approval will expire one-year from the date of issuance per Section 6.8.L.1

J. Chadwick seconded the motion which passed unanimously.

OLD BUSINESS:

1. Kris Shapiro- Applicant
Zoning Regulation Amendment –Proposed Local Business-Hybrid (BL-H) District
Application #19-2.3
A/R 2/21/19 & PH set for 4/4/19
2. Beacon Communities Development LLC.
Town of Branford Housing Authority-Owner
115 South Montowese Street (Parkside Village I)
Application for (1) deletion of the Melrose Avenue condition and (2) a revision of the approved Site Plan to show use of Sliney Road.
Application #19-2.4
A/R 2/21/19 & PH set for 4/4/19

H. Smith noted an offer of a 30 day time extension was received from the applicant which the Commission accepted.

3. Jean Hackley-Applicant & Owner
189 Shore Drive
Coastal Site Plan- Repair & Reinforce Shoreline Flood & Erosion Control Structure
Application #19-2.5
A/R 2/21/19 & Tabled from 2/21/19

Azure Dee Sleicher, PE (RACE Coastal Engineering)-represented the applicant and explained that this application is for the repair of an existing seawall that was damaged in a recent storm. The applicant has received the necessary approvals from DEEP (Dept. of Energy & Environmental Protection) as well as the Army Corp. of Engineers.

R. Stoecker reviewed the Staff Report.

H. Smith read the DEEP comment letter into the record as required.

J. Chadwick 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 the installation of features shown on the approved erosion and sedimentation control plan including anti tracking pad, temporary stockpile area, with silt fence enclosure, silt fencing, hay bale locations, etc.

F. Russo seconded the motion which passed unanimously.

NEW BUSINESS:

1. Nicole Letsinger –Applicant
Ten Properties, LLC- Owner
22A Limewood Avenue
Coastal Site Plan & Site Plan – Single Family FEMA compliant home
Application #19-2.6
The Commission A/R and TABLED this item to 3/21/19.

2. Danby Gasoline Marketers, Inc. c/o
Kevin Curry- Applicant
Charles J. Pepe, Executor of Estate of Anthony C. Pepe-Owner
165 & 195 Main Street
Special Exception-Modification of Parking Requirements for property with existing Auto Service with Gas, Liquor Store and Office on which is proposed a New Convenience Store.
Application #19-2.7
To be A/R & PH to be set

The Commission A/R and set the PH for 3/21/19.

H. Smith noted this meeting will be held at the Canoe Brook Senior Center.

3. Anthony & Audra Nuzzo-Applicants

Nuzzo Properties, LLC- Owner

736 East Main Street

Special Exception – Restaurant, table service (proposed to include event venue with contained Farmer’s Market, Café, Food Trailer & on Premises Liquor Permit)

Application #19-2.8

To be A/R & PH to be set

H. Smith said this application contains a request for a restaurant which requires a Public Hearing. He reminded the Commission that Chairperson Andres will not be attending the 4/18/19 meeting. He asked them if they wanted to hold a Special Meeting on April 22 and cancel the April 18 Meeting. The Commission discussed this briefly and agreed.

The Commission A/R and set the PH for 4/22/19.

4. 26 Cherry Hill LLC.-Applicant & Owner

26 Cherry Hill Road

ReSubdivision- (2 Lot)

Application #19-3.1

To be A/R & PH to be set

The Commission A/R and set the PH for 4/4/19.

5. Planning & Zoning Commission- Applicant

Zoning Regulation Change- Section 7.4 Line 11

(Accessory Apartments)

J. Lust made a motion to add this item to the agenda.

J. Vaiuso seconded the motion which passed unanimously.

6. Gould Lane(Subdivision)- Time Extension request

J. Vaiuso made a motion to add this item to the agenda.

J. Lust seconded the motion which passed unanimously.

The Commission decided to discuss these two items after the following bonds were voted on.

OTHER BUSINESS:

1. Cash Bond Establishment for 9 Laurel Hill Rd.

H. Smith said this bond was for a driveway apron and 2 street trees. The total of the bond is \$1500.00.

F. Russo made a motion to accept the bond. J. Chadwick seconded the motion which passed unanimously.

2. Cash Bond Establishment for 698 Main Street

H. Smith explained there are many outstanding items on this property such as: landscaping, new sidewalks, an ADA ramp, curbing, lights and others. The recommended amount for the bond is \$49,880.50.

J. Chadwick made a motion to accept the bond. J. Vauiso seconded the motion which passed unanimously.

3. Planning & Zoning Commission- Applicant
Zoning Regulation Change- Section 7.4 Line 11
(Accessory Apartments)

Chairperson Andres said there are many definitions of affordable housing in the statute. At the current time, Branford is not getting credit for having any deed restricted housing (affordable housing). Accessory Apartments are good affordable housing. If the wording on the deed restriction for the accessory apartments is changed to read Section 830g, then the town will get credit for that unit of housing. He felt it was a good idea for the Commission to sponsor this Zoning Regulation change.

After a brief discussion, the Commission agreed.

He noted that this application has to be referred to DEEP prior to the Public Hearing for their comments. **A Public Hearing will be scheduled at the next Planning & Zoning Meeting.**

7. Gould Lane (Subdivision) - Time Extension request

H. Smith explained that this Subdivision was approved in March 20, 2014 so the original approval would expire on March 20, 2019.

This was appealed in court and the final court settlement resulted in an amendment resolution approval dated October 16, 2014 and he believes, because the applications were appealed, that new date would then start the 5 year time period and the Applicant's attorney agrees. The Applicant and his attorney are requesting that if the Commission disagrees with that, then they grant a time extension before the March 20, 2019 date.

H. Smith read the letter from Attorney Herbst aloud.

Chairperson Andres said he agrees that the approval expires five years from the court settlement date of October 16, 2014. Also, if the applicant needs a time extension from that date, then they should specify the amount of time they need to the Planning & Zoning Commission and the reason for the delay in completing the project.

4. Planner's Report

H. Smith reminded the Commission that the meeting in April will be the 22nd, not the 18th. Meeting adjourned at 8:14 pm.