



# PLANNING AND ZONING COMMISSION

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## MINUTES PLANNING & ZONING COMMISSION THURSDAY MAY 21, 2020 REGULAR MEETING 7:00 P.M.

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

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

Commissioners Absent: F. Russo

Staff Present: H. Smith-Town Planner, K. Piazza-Asst. Town Planner,  
M. Martin-Clerk

The meeting started at 7:12 p.m.

Chairperson Andres introduced the Commission and Staff present.

Asst. Town Planner K. Piazza reviewed the Zoom meeting procedures.

Chairperson Andres reviewed the Public Hearing procedures.

Chairperson Andres noted that Consulting Planner John Guskowski of CME/CHA Associates was present on behalf of the town.

H. Smith said a gentleman wants to talk about an item that is not on the agenda. Chairperson Andres said he will take up anytime not on the agenda at the end of the meeting if they have time.

Secretary M. Palluzzi read the Public Hearing notice into the record.

### **PUBLIC HEARINGS:**

1. A. Secondino & Son, Inc., c/o Alfred Secondino – Applicant  
Bittersweet Partners LLC, & Alterra Holdings, LLC- Owners  
779-803 East Main Street & 21 Sycamore Way  
Special Exception – New Laboratory Office building & associated grading and earth movement  
**Application #19-12.1**  
**A/R 12/5/19, PH opened 2/20/20, continued from 4/16/20**

Chris Gagnon (BL Companies) was present and represented the applicant. He noted that the abutters were notified and said The only outstanding item is how the property sits on the 2 parcels. He said the applicant will file an application for a re-subdivision shortly.

The Commission had no comments.

### **PUBLIC COMMENT:**

1. Perry Maresca-(Chairman –Economic Development Commission) He read aloud a letter of support from the EDC. The letter asked the Planning & Zoning commission to approve this application to allow this project to move ahead.

**Chairperson Andres closed the Public Hearing.**

2. 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**  
**To be A/R, PH set for 5/21/20**

Chairperson Andres said some of the abutter notices stated the time of the Public Hearing was 8 p.m. so he will defer this item until then to give people a chance to comment if they wish to.

This item was discussed after Public Hearing #3.

Attorney John Knuff (Cherry St, Milford) spoke first explaining this project proposes construction of an Aldi Supermarket and A Chase Bank. It has Inland Wetland and topographic challenges. He noted this will be a nice gateway site. It was approved last week by the Inland Wetlands Commission.

Tim Myjack (BL Companies) spoke next and gave a history of the site. He explained that most of the site was previously remediated. He then explained what tests were performed and the results of them. He also noted what further remediation is needed.

John Schmitz- (BL Companies) reviewed the site plans including parking, stormwater plan, utilities, erosion control and Landscaping.

Mike Shipley( BL Company -Traffic Engineer) spoke and reviewed the traffic data that was collected.

Wayne Violette (BL Company-Landscape Architect) he reviewed photo illustrations of the site as well as architectural drawings. He also reviewed the landscape plan.

John Guszowski (Senior Planner- CME Associates) reviewed his staff report. They have no significant concerns with the project, noting it is a positive development .

The Commission asked a few questions.

PUBLIC COMMENT:

- 1.Jacey Wyatt- she asked if a bank was necessary? Did the applicant look at any locations for this project? Did They look across the street at that area as a possible location? She asked if they wanted to add some historical Elements to the building.
- 2.Franklin Pilicy- (represented Rock Ledge Condo Assn). noted that the Rock Ledge Condo Assn supports the project.
- 3.Jeff Dow-(listing broker on the property) he felt that both uses are beneficial to the site. He supports the project.
- 4.Bill Horne-Pleasant Point Rd. –He noted he has attended PZ meetings for over 20 years. He spoke of Mill creek watershed and rainfall. He is concerned the basin will not contain possible flooding. He had other concerns and read his letter which was submitted into the record.
- 5.Perry Maresca- (Chairman of the Economic Development Commission) noted the Commission is in favor of the project.
- 6.Kate Galombus- spoke about the POCD and how it refers to Exit 53.She noted that she avoids that area because there is too much traffic there. She said native plants should be used in the front of the project as well as the back.
7. Kait Piazza read a question from Shirley McCarthy which asked if there are any renewable energy use associated with this project and if there will be any vehicle chargers.

**This Public Hearing will be continued to the 6-4 meeting.**

3. 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 set for 5/21/20**

J. Pretti (Criscuolo Engineering) represented the applicant (who was also present) and explained this project entails removing the Quonset hut and constructing a two family duplex house. He displayed photos and plans .The Commissioners asked a few questions.

Asst. Town Planner K. Piazza reviewed the staff report, noting the applicant is requesting a landscaping requirement waiver.

PUBLIC INPUT:

- 1.Patricia Altermatt -24 Howd Ave.- she owns the Quonset hut next to 8 Howd Ave. She said she likes Nick Fisher but she has concerns. This is a 2 family home on a tiny street, and they already have a water problem with

Inadequate drainage. She talked of the part of the road that is private and that the neighbors maintain that section of the road. She asked if they could get a drywell. She said this project would be a burden to the area.

2. Jake Lang- 4 Howd Ave.- He said he sent a letter and petition into the office that was signed by several neighbors. They are concerned, they feel it will create more people and more cars. It's too dense. He noted the water issue and traffic. This would be a rental property and this is a tight knit neighborhood. They want to keep it single family homes.

3. Alex Altermatt- 24 Howd Ave.-He spoke of the water problem and explained he had to raise dirt in front of his house to divert water. He talked of an old maple tree that will die due to the root damage that will be caused from the installation of the septic system.

4. Marie Kelly- She lives across from the property. She is concerned , most of the houses are small single familys. This project is too big, the street is narrow.

5. Dennis Kelly- He noted all single family houses are on the street, why make an exception to put a two family there?

6. Perry Maresca –(Chairman of the Economic Development Commission)-spoke and said he know Nick Fisher he dosen't think he would do anything to harm the neighbors. He builds a good product. He has Never had issues with any of his tenants.

7. Dave Swirsky- 5 Howd Ave.-He has lived there since 1984, it was a good place to build a family. He asked that The street remain single family homes.

8. Richard Dering – corner of Leetes Island & Howd Ave.-He has lived there 56 years. He said the street has always been single family homes, please leave it that way.

J. Pretti commented on some of the concerns raised. He noted that this house is less of an impact then what the applicant has a right to build there.

The Commissioners asked a few questions. Chairperson Andres summarized the public comments made And said no vote will be taken at this meeting. He wanted to go and view the neighborhood. The Commissioners agreed. This item is continued to the 6-4-20 meeting.

The Commission then discussed Public Hearing #2 (1151 West Main St.)

4. 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 set for 5/21/20**

Chairperson Andres reminded the Commission that he was recusing himself from this application. Commission J. Lust took over as acting Chairperson for this Public Hearing and application.

Kevin Curry and Attorney Barry Pontolillo were present. Attorney Pontolillo noted that parking was the current issue. He knows that some of the neighbors have concerns but there have not been any problems with the site. Kevin Curry talked of parking and of the employees using the commuter parking lot. He noted the uses on the site will not overlap with each other and there is no increase in the building size.

Larry Stout- (owner of Pepes Service Station) spoke and said he has acquired some offsite parking from Giovanni Auto Repair a few doors down. He has submitted a letter from them. He said he won't need more than 12 parking spaces for auto repair business. The traffic increase won't increase that much, he noted. It will be a small convenience store. He asked the Commission to approve this project.

Kevin Curry noted that the application went before the Town Center Revitalization Review Board to make the gas station look historical.

H. Smith gave a brief recap of the history of the application and read the letter aloud from Giovanni Auto Repair regarding the offer of parking. He also noted that the Giovanni site is empty now but someone could reactivate the repair use and said the letter did not offer a guarantee of parking availability in the future. He then reviewed his recent staff report.

H. Smith noted that Commissioner P. Higgins has listened to the audio recordings of the past meetings that he has missed. Comm. P. Higgins spoke and attested to that.

H. Smith noted that Comm. P. Higgins is seated in place of Chairperson Andres.

Ivor Hay –Home Place- He is opposed. He noted that over the years things have changed a lot, traffic, etc. There will be a lot more traffic. He spoke of the parking and traffic problems by Shelly's. It is not a weekend problem, it is every day. He likes Larry, but he is retiring, we don't know the people who will take over. He mentioned the store opening at 5am and closing at 9pm.He asked the Commission to deny the application.

Kevin Curry replied to some of the comments.

H. Smith read a letter from the Angel Paw's Dog Grooming & Spa (across the street from Pepes service station) into the record. They are opposed to the project.

Mrs. Hay – Home Place- she referred to the letter from Giovanni's Auto repair, noting they are further away than Richlin Hardware Store. She also asked where is the parking going to be for the proposed convenience store. She said Mr. Curry doesn't live here, he doesn't put up with these problems on a daily basis. Parking is a huge problem now and will get worse.

**Acting Chair J. Lust closed the Public Hearing.**

Chairperson Andres said this item will be tabled to the next meeting on June 4 so all the Commissioners will be present to vote.

**MINUTES: 4/2/20 & 5/07/20**

**J. Lust made a motion to approve the 5-7-20 meeting minutes as written.**

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

**CORRESPONDENCE:**

None.

**RETURN TO TABLE:**

1. A. Secondino & Son, Inc.,c/o Alfred Secondino – Applicant  
Bittersweet Partners LLC, & Alterra Holdings, LLC- Owners  
779-803 East Main Street & 21 Sycamore Way  
Special Exception – New Laboratory Office building & associated grading and earth movement  
**Application #19-12.1**  
**A/R 12/5/19, PH opened 2/20/20, continued from 4/16/20**

H. Smith reviewed the Staff Recommendation including proposed Findings and Conditions and suggested a few revisions.

**J. Chadwick made a motion to approve the application with the Findings and Conditions listed 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. This approval is issued based on the verbal representation made during the public hearing that the driveway shown on the submitted plans a\ś to be constructed from the end of the existing paved portion of Sycamore Way into the development will remain a private driveway and not be proposed for acceptance as a public road.

**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 addition of the "limit of clearing" on the approved Site Plans to all relevant sheets to the satisfaction of the Town Planner excluding from clearing any area not required to be disturbed for the proposed construction, and all areas as identified by applicant's Connecticut licensed Arborist required for protection of Significant Trees not noted as to be removed and any other vegetation to be retained;
    - ii. 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) is prohibited without the further approval of the Commission pursuant to Section 6.8.G.
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. A foundation as-built is required.
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. Changes to address the comments of the Town Engineer John Hoefflerle in his memorandum to Town Planner Harry Smith dated May 4, 2020.
  - d. Modification to the Landscape Plan (Sheet LL-1, dated October 2, 2019 as last revised 2/5/20) or the creation of an additional sheet to include an inventory of all trees meeting the definition in Section 6.3.C for a Significant Tree and designated protection areas extending to at least the edge of the drip line of the trees within the Limits of Construction shown on Sheet SP-1 and a fifty-foot buffer around it.
  - e. 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.
  - f. A relabeled Title Sheet with the addition of the words "AND PLANNING AND ZONING COMMISSION REVIEW/APPROVAL" to the title.
  - g. Show a 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.
  - h. 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.
  - i. 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 the disturbed area shall be added.
  - j. 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.
  - k. 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.
  - l. 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.
  - f. Evidence of the legal merger of the two properties subject to this application satisfactory to the Town Counsel.
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.

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

**OLD BUSINESS:**

1. 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**

It was noted that the Commission had approved the setting of the Public Hearing by the Staff and Chairperson.

2. 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**

It was noted that the Commission had approved the setting of the Public Hearing by the Staff and Chairperson.

**NEW BUSINESS:**

1. Informal Review of Branford River PDD, 2,5,4-6 Indian Neck Avenue-Branford River PDD-  
A Master Plan amendment is sought to allow a change to the previously approved Hotel use to an approximately 30-unit multi-family residential development.

Attorney Meaghan Miles (Carmody, Torrance, Sandak, & Hennessey, LLP) spoke first and reviewed the PDD. The 4-6 Indian Neck Avenue parcel was previously approved for a hotel but for many reasons the applicant has changed his mind. Instead, the proposal is to have three floors of apartments with the building the same as the hotel would have been. She noted there will only be a few changes to the exterior of the building and the boardwalk that was previously discussed will still be included in this plan.

Joe Sepot (Architect) displayed color illustrations and noted it's the same as the hotel building. They will change the hotel rooms into apartments with outdoor decks.

Jim Pretti (Criscuolo Engineering) this project will follow the hotel's stormwater plan and landscape plan.

The Commissioners briefly commented.

2. 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**

The Commission had approved the setting of the Public Hearing by the Staff and Chairperson.

**OTHER BUSINESS:**

1. Planner's Report

H. Smith briefly spoke of a dispute at the end of Soundview Heights concerning the installation of a fence. Eric Eyer said he had documentation that where the fence was installed is a public easement.

**ADJOURNMENT:**

The meeting was adjourned at 11:33 pm.