



PLANNING AND ZONING COMMISSION

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MINUTES PLANNING & ZONING COMMISSION THURSDAY, NOVEMBER 15, 2018 REGULAR MEETING 7:00 P.M. BRANFORD FIRE HEADQUARTERS 45 NORTH MAIN STREET

Commissioners Present: C. Andres, J. Lust and J. Chadwick (arrived at approximately 7:20 pm).

Commissioners Absent: J. Vaiuso, M. Palluzzi, F. Russo, P. Higgins and D. Dyer.

Staff Present: H. Smith-Town Planner, Attorney William Aniskovich

Chairperson Andres announced at 7:10 p.m. for the record that a quorum of the membership of the Commission was not present. He expects one other Commissioner to arrive shortly which will create a quorum.

The last item on the agenda is an Executive Session. However, the Commissioner that is on his way will be recused from that item. Chairperson Andres announced that the Commissioners present (Chairperson Andres and Commissioner J. Lust) will go into Executive Session and invited Town Planner H. Smith and Attorney William Aniskovich to attend.

He said a matter of litigation *Housing Authority (Town of Branford) v. the Planning & Zoning Commission* will be discussed.

The Executive Session began at 7:16 pm.

Commissioner J. Chadwick arrived a few minutes later, but did not enter the Executive Session.

The Executive Session ended at 7:29 pm. Chairman Andres said that no votes were taken during Executive Session.

Chairperson Andres announced that since there was a quorum of the Commission membership now present he would proceed with the other items on the meeting agenda.

PUBLIC HEARINGS:

1. 26 Cherry Hill Road LLC.-Applicant & Owner
26 Cherry Hill Road
PDD Site Plan/Special Exception (Section 6.8; Grading & Earth Removal Activities)-
Multi-Family Residential
Application #18-8.5
A/R 9/6/18 & PH set for 10/18/18, PH opened 10/18/18 & Continued from 11/1/18

H. Smith stated the Applicant is requesting the hearing be continued to the December 6 meeting and they offered a time extension of 35 days which the Commission accepted.

Bill Horne spoke briefly stating that he had suggested some edits to the draft Conservation Easement to the applicant's attorney and contacted both the Branford Land Trust and the Branford Historical Society about accepting the Conservation Easement but that neither organization had committed to doing so yet.

Chairperson Andres stated that in view of the request and Time Extension the Public Hearing was continued to the Commission's Regular Meeting on December 6th.

2. Legacy Theatre, Inc. c/o-
Jim Strub-Applicant & Owner
128 Thimble Island Road
Special Exception Modification & CAM-
Legacy Theatre-Changes to building & site
Application #18-10.5
A/R 10/18/18 & PH set for 11/15/18

Attorney Jim Stub was present as well as Rick Weiss (Gregg, Weiss & Gardner Architects, LLC), Stephanie Williams (President of Legacy Theatre), David Peterson (Wyeth Architects, LLC), Ty Triplett (Anne Penniman Associates, LLC, Landscape Architecture) and Jim Pretti (Criscuolo Engineering).

J. Stub reviewed the history of the site and the recent Zoning Permit, ZBA decision to uphold the issuance of a Zoning Permit and Stipulated Judgement that settled a court appeal of the ZBA's decision. He also noted that the Applicant just obtained variances regarding modifications being proposed to the existing theater building and reviewed the discussion and recommendation of the Stony Creek Architectural Review Board (SCARB) from their meeting on Nov. 14th.

Dave Peterson (Wyeth Architects LLC) spoke next. He highlighted the plans for the interior space and exterior area (being created to provide an exterior assembly space during intermissions, etc. to keep patrons off the sidewalks) He also discussed the proposed wheelchair lift.

J. Pretti provided some additional information regarding the site work proposed including the drainage system and new septic system.

H. Smith reviewed the Staff Report, discussing the proposed landscaping, lighting, drainage, septic, alternatives shown on the submitted plans and the material alternatives discussed with the SCARB.

There was a discussion regarding the use of the preexisting "vitrines" as signage and whether or not they would be considered by the Commission to be a pre-existing non-conforming aspect of the historic theater use of the property.

PUBLIC INPUT:

Brian Ameche - (lives across Thimble Islands Road from the theater) had two concerns, one was the parking issue - which is a serious quality of life issue. The other item is the noise ordinance. He hopes it will be enforced.

Chairperson Andres said this item will be continued to the 12/6/18 meeting at 7pm at Fire Headquarters.

3. Donmar Development Corp.-

Applicant & Owner

47 Gould Lane

Application #18-10.6 - Subdivision Modification, **A/R 10/18/18**

Application #18-10.7 - Special Exception Modification-Open Space, **A/R 11/1/18**

Residential Development

PH set for 11/15/18

Ryan McAvoy P.E., (Milone & MacBroom Inc.) represented the applicant and spoke first. He reviewed the modifications they were seeking (modification of a drainage outfall and the use of asphalt instead of cement Concrete curbing on the proposed Town Road. He noted that the request for the removal of a condition limiting construction of several of the units to "on-slab" without basements had been rescinded by his client, Donmar Development. He said they have reviewed and accepted the Staff recommendations for approval.

H. Smith reviewed the Staff Report and the Town Engineers comments.

PUBLIC INPUT:

Bill Horne- He said he was concerned about the erosion problem. He took some photos and noted that portions of the silt fence have held up admirably. He submitted a Petition for Intervention under C.G.S. Section 22a-19(a) on behalf of the Branford Land Trust.

The Applicant responded to some of Mr. Horne's comments.

Chairperson Andres closed the Public Hearing.

4. Dr. Norman Dahl III-Applicant

BBL Enterprises LLC, c/o

Luigi Ceniccola-Owner

906-930 West Main Street

Special Exception - Dental Office

Application #18-11.1

A/R 11/1/18, PH set for 11/15/18

H. Smith noted that the Applicant and the Owner were not present. He suggested opening the Public Hearing and continuing this item to the Special Meeting on 11/20/18 at the Senior Center.

The Commission opened the Public Hearing and continued it to a Special Meeting to be held on 11/20/18 at the Canoe Brook Senior Center at 7:00 pm

MINUTES: 11/1/18

J. Chadwick made a motion to approve the 11/1/18 minutes as written.

J. Lust seconded the motion which passed unanimously.

RETURN TO TABLE:

1. Donmar Development Corp.-

Applicant & Owner

47 Gould Lane

Application #18-10.6 - Subdivision Modification, **A/R 10/18/18**

Application #18-10.7 - Special Exception Modification-Open Space, **A/R 11/1/18**

Residential Development

PH set for 11/15/18

J. Lust made a motion to approve the Special Exception Application (18-10.7) with the 3 conditions listed below from the 11/15/18 memo from the Town Planner as follows:

1. *All Conditions from the previous approvals shall remain in full force and effect as they may be determined by the Town Planner to still be required.*
2. *A proposal for a permanent barrier (i.e. fence) between the adjacent property and the storm drainage feature proposed for modification shall be provided to the Town Engineer for review and approval and once approved shall be installed prior to acceptance of the system by the Town. A revised easement map and Schedule A shall be provided to the Town Engineer for review and approval before the easement is filed.*
3. *Revisions to the Soil and Erosion Control Plan shall be prepared by a qualified P.E. registered to practice in the State of Connecticut proposing additional Soil and Erosion Control measures (both seasonal and year round during construction) to be installed in portions of the steeper, already regraded areas determined by the Zoning Enforcement Officer (ZEO) to warrant such additional protection for the review and approval by the ZEO. Measures determined to be necessary shall be immediately implemented and prior to the issuance of any additional Zoning Permits or the zoning authorization for the issuance of any building permits.*

J. Chadwick seconded the motion which passed unanimously.

CORRESPONDENCE:

None.

OLD BUSINESS:

1. David & Diane DeBell- Applicants & Owners
21 Seaview Avenue
Coastal Site Plan-Demolish existing home and rebuild new FEMA compliant home
Application #18-10.10
A/R 11/1/18, Tabled from 11/1/18

J. Pretti (Criscuolo Engineering) represented the Applicant. He explained this application is for the demolition of the existing house and the construction of a new FEMA compliant house.

H. Smith reviewed the Staff Report.

J. Lust approved the application with the finding and the condition 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.

Condition -

1.Prior to the start of construction, the sedimentation and erosion control measures shall be installed to the satisfaction of the Zoning Enforcement Officer.

J. Chadwick seconded the motion which passed unanimously.

2. SGM Associates LLC,
c/o Norman Milles-Applicant & Owner
12 North Harbor Street (aka Lot3)
Special Exception-Renovation to change use from single-family to two-family home
Application #18-10.11
A/R 11/1/18, PH set for 12/6/18

NEW BUSINESS:

1. RTS, LLC, c/o Michael Ranfone-Applicant
River Run LLC, c/o Robert Davidson-Owner
593-59 School Ground Road
Special Exception- Indoor Recreation Use
Application #18-11.2
To be A/R & PH to be set

Commission A/R and set the Public Hearing for 12/6/18

OTHER BUSINESS:

1. Discuss nominations for officers (Chairman and Secretary) for 2019.

This item was tabled to the 12/6/18 meeting.

2. Regular Meeting Dates (Calendar for 2019) – Discuss and Adopt

The Commission adopted the 2019 calendar as written.

3. Planner's Report

No items to discuss.

4. To consider and, if appropriate, approve the submittal of a petition appealing the 10/24/18 State of Connecticut Superior Court decision (Trial Docket No. 18 60914665) in the matter of *Housing Authority of the Town of Branford vs. Town of Branford Planning and Zoning Commission*

The Commission tabled this item to a Special Meeting to be held on 11/20/18 at the Canoe Brook Senior Center at 7:00 pm.

EXECUTIVE SESSION

1. Discuss strategy in the matter of *Housing Authority of the Town of Branford v. Town of Branford Planning and Zoning Commission (Trial Docket No. 18 60914665)*.

This item was tabled to a Special Meeting to be held on 11/20/18 at the Canoe Brook Senior Center at 7:00 pm.

The meeting adjourned at 9:10 p.m.