



# PLANNING AND ZONING COMMISSION

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## MINUTES PLANNING & ZONING COMMISSION THURSDAY, NOVEMBER 16, 2017 REGULAR MEETING 7:00 P.M. BRANFORD FIRE HEADQUARTERS 45 NORTH MAIN STREET

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

Staff Present: H. Smith-Town Planner, R. Stoecker- Assistant Town Planner, Attorney William  
Aniskovich, Attorney Danielle Bercury, M. Martin- Clerk

Chairperson Andres introduced the Commission and the Staff present and then explained the Public Hearing procedures.

### REGULAR MEETING 7:00 P.M.

#### PUBLIC HEARINGS:

1. Supported Recovery LLC- Applicant & Owner  
Sweitzer Enterprises LLC-Applicant & Owner (Units 9-2, 9-3,9-4)  
7-9 Business Park Drive  
Special Exception- Church  
**Application #17-10.3**  
**A/R 10/5/17, PH opened 11/2/17and continued to 11/16/17**

Peter MacPartland (Elm City Architects) represented the applicant and highlighted the application.

The Applicant is purchasing Units 1-4 (Business Park Drive) for the Shoreline Community Church. This is a change of use but no exterior changes will be made to the building or the site. There is adequate parking for this use. They also asked for a waiver of the Site Plan and explained they are using a prior plan.

Pastor Paul Allen of the Shoreline Community Church was present and explained that the church currently rents two locations now and the goal was to consolidate and have one location for the church and its activities.

R. Stoecker reviewed the Staff Report.

#### PUBLIC INPUT:

No one spoke.

Chairperson Andres closed the Public Hearing.  
The Commission had a brief discussion and asked a few questions.

2. Tidal Basin LLC.-Attorney Gregg Burton, Agent-  
Applicant & Owner  
60 Maple St. & 2 & 5 Indian Neck Avenue &  
4 & 6 Indian Neck Avenue

PDD Modification/Master Plan Amendment

**Application #17-10.1**

**A/R 10/5/17, PH set for 11/16/17**

**H. Smith noted the Applicant agreed in writing to continue the Public Hearing without testimony to the 12/07 meeting and a written request was received.**

3. Beacon Communities-Applicant  
Branford Housing Authority-Owner  
115 South Montowese Street (Parkside Village I)  
Zoning Regulation Amendment under CGS Section 8-30g (Affordable Housing Land Use Appeals)  
**Application #17-9.4**  
**A/R 10/5/17 & PH continued from 11/02/17**

Commissioner J. Chadwick recused himself from the application.

Attorney Tim Hollister submitted new material for the Commission's review including: a book entitled Third and Final Supplemental Materials, a letter from TPA Design Group regarding additional details for construction phasing and logistics and a large document labeled Appendix A which he explained were the appendices to the Phase 1 Environmental Assessment.

Attorney Hollister noted that the Site Plan has not changed.

David Sacco – (TPA Design Group) spoke next and said he and landscape Architect(David Golebiewski) met with Town Planner Harry Smith, Fire Marshal Shaun Heffernan and Building Official Anthony Cinicola to review construction related concerns . They have addressed the Fire Marshal's concerns. He explained how parking and access for emergency vehicles during construction will be maintained.

Attorney Hollister then briefly reviewed the new materials he submitted which included: conditions of approval, age restriction, funding, occupancy standards as well as a resident relocation plan and affordability plan

Doug Dennes-(Chair-Branford Housing Authority) - spoke briefly noting they don't receive enough money in rental income to support the existing units. They are not ADA compliant. He said Branford is underserved by Affordable Housing. The BHA has been working hard. Branford Hills School was a possible site of the project but it wasn't viable.

H. Smith noted that a time extension is needed from the Applicant to allow the Public Hearing to be continued to the December 7 meeting. The protest petition is being evaluated and more information will be presented at the next meeting regarding that.

#### **PUBLIC INPUT:**

1. Sandy Kraus-18 Montgomery Pkwy. - She talked of the number of units and the number of possible children in the units and of the cost to educate each child. She said there is plenty of affordable housing in Branford now. Also, she noted there are not enough parking spaces for the number of possible residents. She also mentioned previous meeting minutes and what was discussed as well as other possible sites for the project.
2. Jonathan Katz- 27 Sybil Creek Place-He supports the project. He is not worried about the number of possible kids. He is also not concerned about the additional cars and the effect

on traffic on South Montowese. He noted the current Parkside location is not up to date, not ADA compliant. People deserve standard housing to live in. He feels it's in Branford's best interest to build this project.

3. Rita Berkson—113 Linden Ave.-She is in support. She likes the diversity of the neighborhood. She thinks mixing the ages of residents is a good thing. She had neighbors that were older and she watched out for them. She enjoys living among younger families.
4. Damien Platosh- 133 South Montowese St. - He is opposed for many reasons. He feels this is spot zoning and after this project is complete, it will continue to Parkside 2 and go on and on. The Indian Neck Village will be ruined. He feels this project is too big for the area. He said he attended many of the previous meetings and felt the public had no choice in the decisions. He had a list of several reasons why this project should be denied. He urged the Commission to deny it.
5. Nancy Kendrick-90 Indian Neck Ave-She said the project will cost money, which is ok. But why isn't the town of Branford taking on this project? She asked why Beacon is involved.
6. Attorney John Parese- (representing the neighborhood group) He is resentful regarding choices that have been presented, that the residents of Parkside have been allowed to languish in lousy buildings. He submitted a letter into the record which he referred to. He noted 2 studies that discourage the development in this area. Why bother to do the studies if people are not listening? He said the idea of "Shelter in Place" is not an option for everyone. He is opposed to this project.
7. Steve Della-- simply asked the Commission to do what's best for Branford.
8. Jay Pottenger- (Co-President of Open Communities Alliance) - He emailed a letter and also submitted copies. The Open Communities Alliance is in support of this project.
9. Jennifer Ryan- 104 South Montowese St. - She submitted copies of previous Branford Housing Authority Meeting Minutes as well as newspaper articles which she referred to. She also spoke of the original mission of the Branford Housing Authority, which was created to serve elderly residents.
10. Caroline Sires-98 South Montowese St.-She feels nothing has been done to protect the elderly residents. She is concerned there are no waivers to guarantee that the current residents can move into the new building. She submitted several emails into the record which she referred to. She had many concerns which she briefly named. She is in support of Attorney Parese comments. She also noted that Beacon Communities can exit their part in the project earlier than the 15 years but there will be a fee. She mentioned a coastal study that stated this would be a dangerous location for the project. The residents could shelter in place but that is unsafe. The seniors deserve better housing.
11. Steve Mazzacane – (Branford Seven) - He asked how the access road is happening? He's unclear. He asked if the public get more information on this.

There was a brief discussion regarding the access road. Attorney Hollister noted the road needs to be completed.

12. Josephine Golia- 54 Indian Neck Ave. - She had a copy of BHA Feasibility Study done in Nov. 2013 which addresses a number of concerns of the elderly which she read from. She reviewed the items including occupancy and parking issues.

13. Dr. Thomas Halaszynski-(Professor at Yale University Medical School) He talked of the age diversity issue, citing census study numbers. He explained the difference in life expectancy with the various living arrangements in the research, noting that mixing the older residents with younger people could be very detrimental for the older people. He submitted the information into the record.

Attorney T. Hollister verbally granted a time extension for the Public Hearing to remain open thru 12-7-17. Chairperson Andres said that in view of the time extension thru 12/07 offered and accepted by the Commission this item will be continued to the 12/7/17 meeting. The Commission took a 10 minute break at 9:03 P.M.

4. Beacon Communities-Applicant  
Branford Housing Authority-Owner  
115 South Montowese Street (Parkside Village I)  
Zoning Map Amendment under CGS Section 8-30g (Affordable Housing Land Use Appeals)  
**Application #17-9.5**  
**A/R 10/5/17 & PH continued from 11/02/17**

**The Public Hearing for this item was also included in the time extension for Public Hearing for Item 3 and the Public Hearing was continued to the 12/7/17 Meeting.**

**MINUTES:** 10-19-17(Special Meeting) & 11/2/17

**J. Chadwick made a motion to approve the 10/19/17 and 11/2/17 Meeting Minutes as written. M. Palluzzi seconded the motion which passed unanimously.**

**RETURN TO TABLE:**

1. Supported Recovery LLC- Applicant & Owner  
Sweitzer Enterprises LLC-Applicant & Owner (Units 9-2, 9-3,9-4)  
7-9 Business Park Drive  
Special Exception- Church  
**Application #17-10.3**  
**A/R 10/5/17, PH opened 11/2/17and continued to 11/16/17**

**J. Lust made a motion to approve the application with the three conditions listed in the Staff Report.J. Chadwick seconded the motion which passed unanimously 5-0.**

**CORRESPONDENCE:**

1. Correspondence regarding a Cell Phone Antenna swap at 21 Acorn Road.  
H. Smith noted this is a standard antenna swap at 21 Acorn Road.
2. Correspondence from the Town of North Branford re: an application for a residential subdivision at 67 Totoket Rd. has been submitted to the Planning & Zoning Commission.
3. A letter from the Stony Creek Association regarding the threshold calculation for applications that are being reviewed by the Board.  
H. Smith noted this item can be included as a discussion for a future meeting.

**OLD BUSINESS:**

1. 110 North Main LLC-Applicant  
110 North Main LLC & Elm City Mfg. Jewelers, Inc.-Owners  
110 & 112 North Main Street  
Site Plan- Retail Store  
**Application #17-8.3**  
**A/R 9/7/17, Tabled from 11/02/17**

**This item was Tabled to the 12/7/17 meeting. The Commission had accepted a time extension previously offered by the applicant allowing the time for action to be extended to the 12/7/17 meeting.**

2. Raffaele Aschettino-Applicant  
Raffaele & Lucia Aschettino-Owners  
101 Sunset Beach Road  
Coastal Site Plan  
**Application #17-9.3**  
**A/R 10/5/17, Tabled to 12/7/17, pending ZBA Approval of related variance request**

3. Beacon Communities- Applicant  
Branford Housing Authority-Owner  
115 South Montowese Street (Parkside Village I)  
Site Plan & Coastal Site Plan under CGS Section 8-30g (Affordable Housing Land Use Appeals)  
**Application #17-9.6**  
**A/R 10/5/17, Tabled from 11/02/17**

**This item was Tabled to the 12/7/17 meeting.**

4. Tidal Basin LLC.-Attorney Gregg Burton, Agent-Applicant & Owner  
60 Maple St. & 2 & 5 Indian Neck Avenue &  
4 & 6 Indian Neck Avenue  
Site Plan /Coastal Site Plan  
**Application #17-10.2**  
**A/R 10/5/17, Tabled from 11/02/17**

**This item was Tabled to the 12/7/17 meeting. The PDD Application must be approved prior to this application being acted upon.**

**NEW BUSINESS:**

1. 755 East Main Street LLC, c/o  
Victor Cassella (member)-Applicant & Owner  
755 East Main Street  
Site Plan-Industrial Building  
**Application #17-11.1**

**The Commission A/R and Tabled to the 12/7/17 meeting.**

2. William DaSilva- Applicant  
DaSilva & Sons LLC-Owner

972 West Main Street  
Special Exception- Automotive Service & Repair Facility  
**Application #17-11.2**  
**To be A/R & PH to be set**

**The Commission A/R and set a Public Hearing for 12/7/17**

3. Diane W. Whitney (Pullman & Comley)-  
Agent for the Owner  
595 Corporate Circle-Owner  
Zoning Regulation Amendment  
**Application # 17-11.3**  
**To be A/R & PH to be set**  
**The Commission A/R and set the PH for 1/4/18**

#### **OTHER BUSINESS:**

1. Discussion- Possible amendments to Planned Development District requirements

H. Smith explained there have been observations made regarding the inconsistency of the current provisions of the PDD regulations and the development of multi-phase PDD's, specifically Section 5.4G & 5.4H. Section 5.4G creates a one year time limit for the completion of common facilities that are subject to a financial guarantee. The one year starts from when the first Certificate of Occupancy is issued. Right now, this is considered on a whole project basis. He noted there are a few multi-phase PDD Developments in town now and there is no provision to allow compliance with the one year timeframe of this section to be allowed on a phased basis for a multi-phase project.

The other concern is Section 5.4H which currently includes a five year development time clock for the completion of the entire development from the effective date of the Planned Development District. This is problematic for a PDD if there is a lawsuit and it's delayed a couple years and it's a multi-phase project, making it difficult or impossible to complete the entire project within the five year time frame. H. Smith said those are the two concerns that have been raised and the question is; is the Commission willing to entertain modifications to these regulations through an application it would sponsor?

The Commission then discussed it and the consensus was that they would be willing to modify the Regulations as a Commission initiated application.

H. Smith said he would meet with Chairperson Andres to work on the wording of the new Regulations. H. Smith would then circulate the wording to the Commission for their review. Then this item will be on a future agenda.

2. Planning & Zoning 2018 Meeting Dates

The Commission reviewed the dates. The Commission decided to change the time of the September 20, 2018 meeting to 8 pm because the previous day begins the Jewish Holiday of Yom Kippur which runs thru Sundown of the following day.

Chairperson Andres also noted that the election of officers for the Commission should take place at the next meeting in December.

**J. Chadwick approved the 2018 Meeting dates with the change to the Sept. 20, 2018 meeting time. J. Vaiuso seconded the motion which passed unanimously.**

3. Planner's Report

H. Smith distributed the Plan of Conservation & Development flyer advertising the upcoming Public Meeting to be held on November 29 at the Walsh Intermediate School. He suggested the Commission post the flyer in different locations around town to raise awareness of the meeting.

The meeting adjourned at 9:40 P.M.