



PLANNING AND ZONING COMMISSION

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

MINUTES PLANNING & ZONING COMMISSION THURSDAY, NOVEMBER 1, 2018 REGULAR MEETING 7:00 P.M. BRANFORD FIRE HEADQUARTERS 45 NORTH MAIN STREET

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

Commissioners Absent: J.Lust, 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 C. Andres introduced the Commission and the staff present.
Chairperson then reviewed the Public Hearing procedures.

PLAN OF CONSERVATION AND DEVELOPMENT (POCD):

1. Review and possible endorsement for Public Hearing – Proposed changes (dated October 26, 2018) to September 27, 2018 Draft 2018 POCD submitted by the POCD Update Steering Committee.

Glenn Chalder reviewed the proposed changes to the POCD. The next step is for the Commission to schedule a Public Hearing for January 2019.

Chairperson Andres distributed some of his comments to the Commission which he reviewed and then asked the Commission for their assent on each suggested change, his and those documented by Mr. Chalder.

Commissioner F. Russo was seated for Commissioner J. Lust who was absent.

F. Russo made a motion to set a Public Hearing for 1/17/2019 regarding the 9/27/18 draft POCD submitted by the Steering Committee with the changes agreed upon by the Commission tonight.

J. Chadwick seconded the motion which passed unanimously.

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 to 11/1/18

Attorney Bernard Pellegrino (Pellegrino Law Firm) represented the applicant. He noted this is the second step under the PDD Regulations for the detailed site plan and that he thought all the information was submitted.

Matthew Ducsay, PE (Milone & Macbroom) spoke next and reviewed the Site Plan.

Peter MacPartland (Elm City Architects) then spoke and said the Town Center Review Revitalization Board approved this in September 2018. He then reviewed the architectural plans.

H. Smith then reviewed the revised Staff Report and the list in it of information missing from the application. H. Smith noted his biggest concern is the Conservation Easement which as proposed has several problematic exceptions. He then discussed this briefly.

Attorney Pellegrino then responded to some of the comments. The Commission discussed this briefly.

PUBLIC INPUT:

1. Bill Horne- 246 Pleasant Point Road- Noted he was speaking for himself. He said he was the land trust representative that was contacted for the conservation easement. He reviewed some of the points. He would suggest at least a statement saying should any trees or shrubs be planted then they should be native species. Also he suggested adding additional wording to point G to say; as part of an integrated pest management plan it should be conducted by a licensed professional. He then spoke of utilities and how the applicant should list them on the site plan. He noted the land trust has Applied for national accreditation. One of the requirements is for their records up to the national standards. One of the items is when the Land Trust gets a conservation easement, you should get a baseline of what the conditions are and both parties sign it. So this eliminates any question as to what was there in the beginning.

The Commission discussed the Easement briefly.

2. Pam Roy-60 Featherbed Lane-She said a long time ago, they talked of a tree That may or may not survive due to the grading that will be done. Will a licensed arborist look at the tree to see if it will survive? She noted it was a significant tree.
3. Rich Stokes-23 Cherry Hill Road-He and his wife live with Ed and Ann Keenan. Mrs. Keenan has lived in the house since 1937. He said the Keenan's are elderly and asked if they could have advance notice when the blasting will occur. He said Mr. Keenan is worried about the lot that borders Cherry Hill Road and the height of the existing trees and vegetation in the case of a weather event. This would be a possible safety issue.
He also asked the price of the duplexes.

Chairperson Andres said this item will be continued to the November 15, 2018 meeting at 7pm at the Fire Headquarters on North Main Street.

The Commission then took a 5 minute break at 8:40 pm.

2. Christine Redden-Applicant & Owner
28 Mill Plain Road
Special Exception-Two Family Home
Application #18-10.2
A/R 10/18/18, PH set for 11/1/18

Joe Lepre (General Contractor) represented the applicant. He explained the building on the property had previously had a fire. They want to dismantle the damaged house and rebuild it into a two family house. The garage is nonconforming now so they will demolish it and replace it with parking and landscaping. He then reviewed the landscaping plan. He said the house blends with the neighborhood and it meets or exceeds the standards for the R1 zone.

R. Stoecker reviewed the staff report.

PUBLIC INPUT:

No one spoke.

Chairperson Andres closed the Public Hearing.

MINUTES: 10/04/18 & 10/18/18

J. Chadwick made a motion to approve the 10/4/18 revised minutes.

J. Vaiuso seconded the motion which passed unanimously.

J. Vaiuso made a motion to approve the 10/18/18 minutes.

J. Chadwick seconded the motion which passed unanimously.

CORRESPONDENCE:

H. Smith said he received an mail from Pam Roy and Shirley McCarthy regarding the tree that was removed at 250 North Main Street.

A letter was received in the office today from the Forest Commission and has been distributed to each of the Commission members.

Also received was a correspondence from the CT Siting Council regarding the proposed Wallingford to Branford upgrade project consisting of the replacement of approximately 10 miles of its existing electric lines. H. Smith said he has more information if anyone is interested.

Chairperson Andres asked that H. Smith send the correspondence that was received regarding the tree at 250 North Main Street to the developer.

Lauren Brown spoke and said she was confused. The Zoning Regulations are straightforward. Why wasn't this issue brought to the Zoning Enforcement Officer?

The Commission discussed this a bit and the Chairman gave his thoughts saying maybe there should be a fine ordinance. Maybe they could ask the developer to modify the plan now that tree is gone? He would like additional information from the developer stating what happened.

The Commission agreed that the developer should respond with more information.

RETURN TO TABLE:

1. Christine Redden- Applicant & Owner
28 Mill Plain Road
Special Exception-Two Family Home
Application #18-10.2
A/R 10/18/18, PH set for 11/1/18

F. Russo made a motion to approve the application with the conditions listed below:

- 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 Site Plan revisions 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) Provide landscape details on a revised Landscaping Plan to fully address front yard, planting bed and rear and side yard requirements to the satisfaction of the Town Planner including more detailed information on the location, type of species, caliper size, and number of plantings. The landscaping plan shall also include clarification of the existing vegetation to remain and what is being proposed.
 - b) The site plan shall be revised to show replacement of the 4" sewer lateral with a 6" lateral and proof of payment of an additional sewer assessment shall be submitted to the Assistant Town Engineer prior to issuance of the Building Permit.
 - c) No additional new lighting shall be installed without staff or Commission approval, as appropriate, for its compliance with the Zoning Regulations.
 - d) Stormwater drainage improvements and any plans and calculations required by the Town Engineer to eliminate any post-development increase in stormwater runoff from the site due to an increase of impervious surface associated with proposed rear parking area, etc. or a demonstration satisfactory to the Town Engineer that the proposed construction will not result in any post-development increase in stormwater runoff. Any needed plans and calculations or demonstration shall be prepared by a professional engineer licensed to practice in the State of Connecticut.

- e) Soil erosion control silt fencing, along with any details of tracking pad or construction staging area.

J. Vaiuso seconded the motion which passed unanimously.

OLD BUSINESS:

- 1. William C. Lyons-Applicant
Barbara R. Lyons-Owner
190 Damascus Road
Special Exception-Interior (Rear) Lot - **Application #18-8.3**
Re-subdivision – **Application #18-8.7**
A/R 9/6/18 & PH set for 10/4/18, PH closed 10/4/18, Tabled from 10/18/18

H. Smith reviewed the revised resolution for the Special Exception Application.

J. Vaiuso made a motion to deny the Special Exception Application (18-8.3) with the reasons listed in the attached Resolution.

J. Chadwick seconded the motion which passed unanimously.

J. Chadwick made a motion to deny the Re-Subdivision Application (18-8.7) with the reasons listed in the attached Resolution.

F. Russo seconded the motion which passed unanimously.

- 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

- 3. Donmar Development Corp. c/o
Michael DiGioia-Applicant & Owner
47 Gould Lane
Subdivision Modification
Application #18-10.6
A/R 10/18/18, Tabled from 11/1/18

Tabled to the 11/15/18 meeting.

- 4. Donmar Development Corp.-
Applicant & Owner
47 Gould Lane
Special Exception Modification-Open Space
Residential Development
Application #18-10.7
To be A/R, PH set for 11/15/18

NEW BUSINESS:

1. Trinity Episcopal Church-Applicant
Town of Branford/First Congregational Church of Branford-Owner
1109 Main Street
Special Exception Modification-Replace Stairs in Southeast Corner
Application #18-10.8
To be A/R

H. Smith explained that this minor modification application is to allow enlargement of the existing landing and stairs in the Southeast Corner of the property which are non-compliant with building/fire codes. He then highlighted the plans for the Commission. He then reviewed the conditions for approval from the staff report.

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

M. Palluzzi made a motion to approve the application with the two conditions listed below:

- 1) All conditions from the July 26, 2018 approval shall remain in full force and effect as they may still apply.
- 2) Add a new condition 1 e) to the July 26, 2018 approval conditions to read as follows:
"e) modify details of the proposed-sidewalk construction as may be determined to be necessary by the Town Engineer to consist at a minimum of cement concrete".

J. Valuso seconded the motion which passed unanimously.

2. Russell Frost-Applicant & Owner
150 Brushy Plain Road
Special Exception Modification-Storage Space to Recreational Use
Application # 18-10.9
To be A/R

R. Stoecker reviewed staff report and noted the Applicant is seeking a waiver of the Public Hearing.

The Applicant wants to convert the second floor storage space in his detached accessory structure to a recording studio. The building is in the rear of the property.

M. Palluzzi made a motion to waive the public hearing. J. Chadwick seconded the motion which passed unanimously.

M. Palluzzi made a motion to approve the application with the 3 conditions listed below:

- 1) All previous approvals for the Site Plan #02-3.2 shall remain in full force and effect as they may apply.

- 2) The approval of use is limited to personal recreational use as part of the residence and shall not be utilized as a home business as defined in the zoning regulations in Sect. 3.10 Home based businesses in residential districts without further approvals.
- 3) The statement of use for the Special Exception #02-3.12 shall now read as follows:
Existing text: Detached 2 car garage with adjoining wood workshop. Garage to be used as a two car garage, wood workshop for hobby use and **extra storage area** above workshop.
Proposed new text: Detached 2 car garage with adjoining wood workshop. Garage to be used as a two car garage, wood workshop for hobby use and **personal recreational use and practice studio** above the wood workshop.

J. Chadwick seconded the motion which passed unanimously.

3. David & Diane DeBell- Applicants & Owners
21 Seaview Avenue
Coastal Site Plan-Demolish existing home and
rebuild new FEMA compliant home
Application #18-10.10
To be A/R

Tabled to 11/15/18 meeting

4. SGM Associates LLC,
c/o Norman Milles-Applicant & Owner
12 North Harbor Street (aka Lot3)
Special Exception-Renovation from single family
to two family home
Application #18-10.11
To be A/R and PH to be set

Commission A/R and set the PH for 12/6/18

H. Smith said there is an additional item that needs to be added to the agenda. It is a Special Exception for a dental office located at 906-930 West Main Street. A public hearing needs to be set and the Applicant is willing to pay the additional cost to advertise in the New Haven newspaper. He recommends 11/15/18 for the Public Hearing.

OTHER BUSINESS:

1. Formal vote to designate new Zoning Enforcement Officer
F. Russo made a motion to nominate Jaymie Frederick as the new Zoning Enforcement Officer for the Town of Branford replacing Jennifer Acquino who has resigned.
M. Palluzzi seconded the motion which passed unanimously.

2. Planner's Report
None

The meeting adjourned at 9:35p.m.



TOWN OF BRANFORD PLANNING AND ZONING COMMISSION

1019 Main Street, Branford, CT 06405 ☉ Tel: (203) 488 – 1255

RESOLUTION

190 Damascus Road Special Exception for Interior Lot Application #18-8.3

WHEREAS, in the matter of the Special Exception application of William C. Lyons for approval of the creation of an Interior Lot from a portion of property located at 190 Damascus Road, the Commission considered the following:

1. A two-sheet plan set, prepared by Hendricks Associates, entitled “LOT 1 “Patrick Lane”, #190 Damascus Road, Branford, Conn. which includes Sheet 1: “Record Re-Subdivision Map” (revised to 6/5/18); and Sheet 2: “Site Development/Soil Erosion Control Plan” (revised to 8/6/18);
2. Comments and documents submitted at a duly noticed public hearing on 10/4/18;
3. Observations made during site visits, staff reviews, discussions and reports;

WHEREAS, having considered submitted documents including a Staff Report and Supplemental Staff Report, definitions of the word “neighborhood” in a comprehensive dictionary, the testimony of the applicant and his representatives, and the testimony received during the public hearing; and

NOW THEREFORE, the Commission makes the following findings in addition to those in the foregoing whereas clauses:

1. The neighborhood is considered by the Commission to include the area shown on the map designated Exhibit #13 in the record of this application to the east of the intersection of Damascus Road and Windmill Road, west of the intersection of Damascus Road and Totoket Road, north of the area within the Zoning jurisdiction of the Pine Orchard Association (south of Damascus Road, south and east of the Walsh Intermediate School property, west of Totoket Rd.), and south of the interstate I-95 as depicted more clearly on a printout from the Town’s Geographic Information System included as an attachment to a document entitled “Supplemental Staff Report from Harry A. Smith, AICP Town Planner and Richard Stoecker, Assistant Town Planner” noted as prepared for the 10/18/18 Town of Branford Planning and Zoning Commission meeting (“Supplemental Staff Report”).
2. The existing, previously approved Interior Lots within the above defined neighborhood shown on Exhibit #13 (and more clearly identified on a printout from the Town’s Geographic Information System attached to the Supplemental Staff Report as A, B, C, and D) are few in number and significantly larger than the proposed Interior Lot.

*Town of Branford
Planning and Zoning Commission
RESOLUTION
190 Damascus Road
Special Exception for Interior Lot
Application #18-8.3*

3. Based on the testimony presented the Commission finds that, with respect to Section 6.11.F.2 of the Zoning Regulations, the “established development pattern” of the above defined neighborhood would be damaged by the creation of an Interior Lot that is substantially smaller than other Interior Lots in the above defined neighborhood and would create a precedent that would support the development of additional interior lots from existing properties to the northwest of the intersection of Featherbed Lane and Damascus Road that would potentially result in further significant damage to the established development pattern of the above defined neighborhood.

NOW THEREFORE, BE IT RESOLVED THAT Application # 18-8.3 be denied for the following reasons:

The application fails to meet 6.11.F.2 of the Zoning Regulations for the reasons enumerated in the Findings noted above and additional reasons that may be found in the record of the public hearing and deliberations on this application.

Resolution approved by the Commission on November 1, 2018

Moved by J. Vaisuo

Seconded by J. Chadwick

Vote for the resolution 5

Vote against the resolution 0



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RESOLUTION

190 Damascus Road Re-subdivision of “Patrick Lane Subdivision” Application #18-8.7

WHEREAS, in the matter of the Subdivision application of William C. Lyons for property located at 190 Damascus Road, the Commission considered the following:

1. A two-sheet plan set, prepared by Hendricks Associates, entitled “LOT 1 “Patrick Lane”, #190 Damascus Road, Branford, Conn. which includes Sheet 1: “Record Re-Subdivision Map” (revised to 6/5/18); and Sheet 2: “Site Development/Soil Erosion Control Plan” (revised to 8/6/18);
2. Comments and documents submitted at a duly noticed public hearing on /7/10;
3. Observations made during site visits, staff reviews, discussions and reports;

WHEREAS, having considered submitted documents and in view of the denial by the Commission of an associated application for the approval of a Special Exception to approve Lot 1B as an Interior Lot, the Commission finds that the proposed Lot 1B does not conform to the Lot Frontage requirement of Section 3.4.A; and

NOW THEREFORE BE IT RESOLVED THAT Application # 18-8.7 be denied for the following reason:

Proposed Lot 1B lacks the one-hundred and ten feet (110’) of frontage, defined in Section 2.2 of the Branford Zoning Regulations as “The length of a property line bounded by a public street,” required for a lot in the R-4 zone by Section 3.4.A of the Branford Zoning Regulations.

Resolution approved by the Commission on November 1, 2018.

Moved by J. Chadwick

Seconded by F. Russo

Vote for the resolution 5

Vote against the resolution 0