



PLANNING AND ZONING COMMISSION

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MINUTES PLANNING & ZONING COMMISSION THURSDAY, OCTOBER 18, 2018 REGULAR MEETING 7:00 P.M. BRANFORD FIRE HEADQUARTERS 45 NORTH MAIN STREET

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

Commissioners Absent: D. Dyer

Staff Present: H. Smith-Town Planner, J. Frederick-ZEO, M. Martin- Clerk

Chairperson Andres introduced the Commission and the Staff Present.

He then reviewed the Public Hearing procedures.

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

The Commission opened the Public Hearing and continued it to the 11-1-18 MEETING AT the Applicant's request.

MINUTES: 10/04/18

The 10/4/18 Regular Minutes will be amended and discussed at the 11/1/18 meeting in order to add more information regarding the tree removal at 250 North Main Street and the correction of Tony Hendrick listed as an Engineer.

CORRESPONDENCE:

1. H. Smith said that several emails were received regarding the tree that was cut down at 250 North Main Street. He then distributed copies of them to the Commission. He said there is a section in the Regulations that addresses replacing a cut tree with trees equaling the same diameter as the cut tree. This was discussed at the last Planning & Zoning meeting. His understanding is that he will speak to the Applicant/Developer and explain the Commission is not sure how the tree came down but since it was a significant tree; the developer should make a significant effort to replace it. What that may involve should come from the Applicant then the Commission will respond to that. He stated he has discussed the possibility of a zoning regulation change to address this with the Tree Warden. He will follow up with the developer.
The Commission then discussed this briefly.

OLD BUSINESS:

1. Marjorie Bunney-Applicant & Owner
30 Wakefield Road
Special Exception Modification & CAM-
Shoreline Flood & Erosion Control Structure

Application #18-8.1

A/R 9/6/18 & Tabled from 10/04/18

J. Pretti (Criscuolo Engineering) represented the Applicant and reviewed the project explaining that during construction of the house, there was a small retaining wall built that was not on the approved plans so you could reach a portion of the house. It is built on ledge. The Zoning Enforcement Officer said this would require a Special Exception approval. Deep reviewed the application and said the wall was a flood and erosion control structure. J. Pretti discussed it with the DEEP representative.

Robert Sonnichsen, P.E. (Waldo & Associates) spoke next. He submitted a letter with his findings into the record which he reviewed. He visited the site and explained the process he used to come up with his conclusion that the wall was not a shoreline flood and erosion control structure since a more precise evaluation of the FEMA methodology he prepared documented that the wall was not located in an area likely to experience flooding once in a hundred years. He provided documentation concerning this for the record. He said in his opinion the wall does not meet the definition of a flood and erosion control structure. And the wall will have no effect on coastal erosion. He said the wall is a landscape feature.

The Commission discussed this briefly.

J. Pretti noted the applicant has requested a waiver of the public hearing.

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

M. Palluzzi made a motion to approve the application with the acknowledgement of the expert evidence received by Mr. Sonnichsen and the testimony by Mr. Pretti about the consistency with the Coastal Area Management Act and also the finding that it is consistent with all applicable goals and policies of the Coastal Area Management Act and incorporates as conditions the modifications and all reasonable measures that would mitigate the adverse impacts of the proposed activity on the coastal resources and future water dependent activities.

J. Lust seconded the motion which passed unanimously.

2. William C. Lyons-Applicant
Barbara R. Lyons-Owner
190 Damascus Road
Re-subdivision & Special Exception-Interior (Rear) Lot

Application #18-8.3

A/R 9/6/18 & PH set for 10/4/18, PH closed 10/4/18, Tabled from 10/4/18

H. Smith reviewed the supplemental Staff Report which addressed some of the questions that were raised in the Public Hearing held on 10/4/18. He mentioned drainage, and the contours shown on the drawing. He read a condition that he suggested be included if the Commission approved the application. He then referred to the last sheet in the Staff Report and noted it was already submitted into the Public Hearing record noting a number of rear interior lots in the general vicinity of this proposal. He said that they added the acreage from the town information to those because that was a question brought up at the Public Hearing. He then talked of the possible deed restriction and he did not find any evidence in the deed for this property when it was transferred after the Subdivision was created. He also noted the residential area within the town zoning is in the R-4 zone. He then referred to the last sheet with the various interior lots, many of them are in the Pine Orchard zoning area.

Chairperson Andres spoke and said the debate for the Commission is regarding the section (6-11 , F2) in the regulations that refers to whether in interior lot it would harm the development pattern of a neighborhood. The question is then; what is the established development pattern of the neighborhood? And what is a neighborhood?

The Commission then discussed these questions.

After the discussion, the consensus of the Commission was the development of the interior lot would damage the developed pattern of the neighborhood surrounding 190 Damascus Road.

Chairperson Andres asked H. Smith to draft a written resolution for denial and the reasons for denial. It will be presented at the next meeting on 11/1/18.

This is TABLED to 11/1/18.

3. Stephanie Ferris-Applicant & Owner
22 Prospect Street
Special Exception- Major Home Business in detached Barn
Application #18-10.1
A/R 10/4/18, PH set for 11/1/18

This Application is WITHDRAWN.

NEW BUSINESS:

1. Christine Redden-Applicant & Owner
28 Mill Plain Road
Special Exception-Two Family Home
Application #18-10.2
To be A/R & PH to be set

The Commission A/R and set the Public Hearing for 11/1/18.

2. Daniel Cusack –Applicant & Owner
14 Tipping Drive
Site Plan Modification- Boat Repair/Storage
Application #18-10.3
To be A/R

J. Pretti (Criscuolo Engineering) represented the Applicant and reviewed the application. He explained the original Site Plan was approved in 2016. This included a requirement that metal grates be installed over a two foot deep compensatory storage area for flood water. In lieu of grating, the applicant wants to install a 4ft high fence all around the perimeter as well as installing a jersey barrier.

J. Lust made a motion to approve the application with condition 3B from the revised Staff Report.
J. Chadwick seconded the application which passed unanimously.

3. Sound Real Estate, LLC, c/o
Larry Merriam-Applicant & Owner
139 West Main Street
Special Exception Modification-
Motor Vehicle Sales/ Limited Repair
Application #18-10.4
To be A/R

J. Pretti (Criscuolo Engineering) represented the applicant and reviewed the site plan. This application has been submitted to modify the lighting plan that was approved in 2017.

H. Smith highlighted the staff report briefly.

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

M. Palluzzi made a motion to approve the application with the condition that the 2017 approval condition remain in effect. J. Chadwick seconded the motion which passed unanimously.

4. 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
To be A/R & PH to be set

The Commission A/R and set the PH for 11/15/18.

5. Donmar Development Corp. c/o
Michael DiGioia-Applicant & Owner
47 Gould Lane
Subdivision Modification
Application #18-10.6
To be A/R

H.Smith explained this application was submitted this week and is a modification to an Open space Residential Development Subdivision which will also require an application to modify the associated Special Exception approval. . This is a modification of the previously approved plan. This application is to modify drainage and curbs. Also, some of the units that were previously on slabs are now going to have basements. He suggested tabling this application to the 11/1/18 meeting and authorizing staff to set a date for the Public Hearing for the special exception.

OTHER BUSINESS:

1. Designation of new Zoning Enforcement Officer.

H. Smith introduced Jaymie Frederick as the new Zoning Enforcement Officer.

2. Planner's Report

H. Smith referred to the joint meeting of the Plan of Conservation & Development (POCD) Steering Committee and the Planning & Zoning Commission held the night before. He asked the Commission if they were comfortable with the current draft of the proposed POCD that was submitted to them by the Steering Committee. If so, he would have the consultant correct the typos that were pointed out and present it at the 11/1/18 Planning & Zoning Meeting. Then the Commission could set the date for the Public Hearing at that time.

The Chairman said he wanted to suggest some additional wording changes and asked the Commission if they would agree to him working on these with the Town Planner and the Town's POCD Planning Consultant, Glenn Chalder. The Commission agreed.

The meeting adjourned at 8:35 pm.