



PLANNING AND ZONING COMMISSION

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REVISED MINUTES PLANNING & ZONING COMMISSION THURSDAY, OCTOBER 4, 2018 REGULAR MEETING 7:00 P.M. BRANFORD FIRE HEADQUARTERS 45 NORTH MAIN STREET

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

Commissioners Absent: P. Higgins, D. Dyer

Staff Present: H. Smith-Town Planner, R. Stoecker- Asst. Town Planner,
M. Martin- Clerk

Chuck introduced the Commission and the staff present.

M. Palluzzi read the public notice into the record.

Chairperson Andres reviewed the Public Hearing procedure.

PUBLIC HEARINGS:

1. Branhaven Motors, Inc., c/o
Robert Lavalley-Applicant
348 West Main Street, LLC- Owner
348-380 West Main Street
Special Exception Modification - Motor Vehicle Sales (Expansion of parking and related work)
Application #18-6.9
A/R 7/12/18 & PH opened 9/6/18 & continued to 10/4/18

Matt Bruton- (BL Companies) represented the applicant. Also present was Robert Lavalley (Applicant). M. Bruton reviewed the history of the application; noting they are now seeking approval for a gravel lot that was previously installed without Planning & Zoning approval.

R. Stoecker reviewed the Staff Report along with the revised conditions of approval. He noted that the current layout of the lot meets all the zoning regulations.

H. Smith reviewed his memo dated 10/4/18 proposing revisions to condition 6.

PUBLIC INPUT:

No one spoke.

Chairperson Andres closed the Public Hearing.

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

Attorney Jeff Beatty and Tony Hendricks (Surveyor) represented the applicant.

Tony Hendricks spoke first, giving a brief history of the interior lot application. He noted they have made a few revisions from the prior application; making the interior lot a bit larger and reoriented the

development on the lot. He then submitted a drawing showing the area within a square mile of this property, noting there are seven interior lots present within this area. He said no variances were required for this lot and it meets all the zoning regulations.

The question is whether this application is creating a disturbance of the land, a hardship or nuisance or is the lot not conducive to the area? He then read section 6.11F from the zoning regulations into the record.

Attorney Jeff Beatty spoke next. He submitted an updated letter into the record, which he read from. He noted that drainage won't be an issue and said the placement of the house causes minimum impact to the neighborhood. He also stated they do not believe this application will damage the pattern of the neighborhood.

Tony Hendricks then talked about the Resubdivision Application, saying it meets all the Resubdivision criteria. He also noted the applicant will be adding to the Open Space fund as well. He talked a bit about sidewalks, noting he is in favor of them but he felt the sidewalk should be on the side of the street as the Middle school, not in front of 190 Damascus Road.

R. Stoecker reviewed both Staff Reports.
The Commission discussed it briefly.

PUBLIC INPUT:

1. Kevin Healy- (3 Patrick Lane)-He is also a member of the RTM for the district. He talked to the neighbors and most of them were against the project. He noted the area is not fully flat, there is an incline. He said there is a drainage problem there. He had photos which he showed the Commission. He asked if the area was studied for any water issues if an additional house is built. He is worried about water sitting creating a mosquito problem. He mentioned the amount of wildlife in the area as well and how this development would affect that. He also asked about the sidewalk.
2. Pete Lombard-(representing Mr. & Mrs. Glick) He had a drawing showing all the neighbors that have objected to the project. He noted there are no interior lots now and if this gets approved, it will set a precedent for future lots. The road cut will be directly across from the Walsh Middle School, which is an accident prone area. He felt this application will affect property values as well. He mentioned the drainage problem. He also noted that Mr. Lyons will be moving out of the neighborhood and will not be there for the construction or the final outcome of this decision. He understands that the applicant has met every legal requirement needed, except for the one that the board rejected the previous application that was submitted a year ago. He read from section 6.11f from the regulations, noting if this application is approved it would upset the spirit of the neighborhood. .. He also submitted a letter into the record with comments and a petition from the neighbors. Also, he stated drainage is a big issue.
3. Nancy Kennedy (23 Patrick Ln.) –She has lived on Patrick Lane 49 years ago. They love the area and have good neighbors. They have a large lot which is great for raising a family, yet they still have privacy. She said the Lyons have removed a tennis court and a pool and many large trees over the course of the last several years. These changes have increased the traffic noise from Damascus Road; as well as increased the visibility to Damascus Road. She feels this application does not fit with the established pattern of the neighborhood. This application will affect the property values of many neighbors as well. She noted the Lyons are moving away but the remaining neighbors want to stay and enjoy their homes in the beauty of the neighborhood. She asked the Commission to deny the application.

4. Bill Horne- (246 Pleasant Pt. Rd.) Stated for the record the definitions section in the Zoning Regulations states the term "shall" is mandatory.
The Commission has to determine if this application will affect the neighborhood, but if it finds it does, and then there is no discretion to do other than to deny it according to the definition in the regulations.
5. Matt Gelo (25 Patrick Ln) He lives next door. He said if this project was completed or in the Process of construction, he would not have moved there. He has two young boys and plans to live there for 40 to 50 years. He is aware that this is only one subdivision that is being considered at the meeting but if this is possible now, then many more projects similar will be coming in the future.
He is disappointed to be at the meeting. He said he has a pool on his property and noted that the lot is not flat. The proposed house will be uphill and look down on his pool. He might not be able to stay in the neighborhood if this application is approved. He is not happy about it but he feels he may have to relocate. He is opposed to the project.
6. Andy Criscuolo-(19 Patrick Ln) – His property abuts this. He is opposed to this application. A few years ago, there was a water issue. He is afraid when construction starts, it may make matters worse.

The Applicant responded to some of the public comments. They believe this application should be considered on its own merits. They repeated again that this application would not damage the character of the neighborhood.

Chairperson Andres closed the Public Hearing. He stated the Commission would not vote on this application tonight. The Commission wants to consider all the information.

The Commission then took a 5 minute break from 8:40 to 8:45 pm.

3. Nancy E. Petrowski-Applicant & Owner
67 South Montowese Street
Special Exception- Accessory Apartment
Application #18-8.6
A/R 9/6/18 & PH set 10/4/18

Claudio Riccitelli represented the applicant. This application proposes to demo the detached garage and create a 480 sq. foot accessory apartment in a new replacement accessory structure. The owner will occupy one of the dwellings. He described the apartment dimensions and the lot.

R. Stocker reviewed the staff report.

H. Smith talked of accommodating an additional parking space, noting that three are required. He suggested possibly expanding the pavement to allow the three spaces to be side by side in front of the new building and maybe move the structure back into the lot to provide more flexibility in locating the spaces.

The Commission discussed this briefly.

H. Smith noted a few typos that were in the conditions in the staff report; and he suggested corrections.

PUBLIC INPUT:

No one spoke.

Chairperson Andres closed the Public Hearing.

4. Thimble Island Brewing Co. c/o Justin Gargano-Applicant
16 Business Park Drive c/o Charles E. Weber Jr.-Owner
16 Business Park Drive
Special Exception- Restaurant
Application #18-9.1
A/R 9/6/18 & PH set for 10/4/18—WITHDRAWN

MINUTES: 9/20/18

J. Lust made a motion to approve the meeting minutes as written. J. Chadwick seconded the motion which passed unanimously.

CORRESPONDENCE:

None

RETURN TO TABLE:

1. Branhaven Motors, Inc.,c/o
Robert Lavalley-Applicant
348 West Main Street, LLC- Owner
348-380 West Main Street
Special Exception Modification - Motor Vehicle Sales (Expansion of parking and related work)
Application #18-6.9
A/R 7/12/18 & PH opened 9/6/18 & continued to 10/4/18

J.Lust made a motion to approve the application with the conditions listed below:

- 1) The existing Site Plan shall be revised to indicate the following prior to the issuance of a zoning permit or the zoning authorization of a building permit. The revised Site Plan showing the following shall be submitted to Zoning Enforcement Officer for review and approval.
 - a) The rear gravel parking area identified as an area for vehicle storage only.
 - b) Further revisions to the Landscape Plan showing the removal and relocation of all plantings within 10 feet of the fire department connection on the east side of the main entrance.
- 2) 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.
- 3) All new proposed lighting shall be compliant with requirements for full cut off fixtures as well as meeting required IES certification rating. Adjustable mounting brackets are prohibited.
- 4) 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.
- 5) There shall be no display of vehicles in the front 80 foot required setback from the Rte 1 centerline. Display cars shall be limited to the existing four pedestals in front of the showroom entrance. No display vehicles shall be located in the front detention area.

- 6) Prior to the issuance of a certificate of Zoning Compliance or the zoning authorization of the issuance of a Certificate of Occupancy the following shall be addressed to the satisfaction of the Town Planner or designee.
 - a) The front detention basin shall require a professional engineer's inspection and any damage to the system be indicated and corrected.
 - b) An inspection and maintenance plan following the manufactures recommendation for the storm water management system shall be submitted to the Town Planner or designee. Reports from a qualified professional certifying that the inspection and maintenance plan is being followed shall be submitted annually to the Zoning Enforcement Officer. The entire system should be inspected and maintained on a regular basis.
 - c) Existing Flood lights attached to the existing compliant pole lamps shall be removed.
- 7) Prior to start of construction, the sedimentation and erosion control measures shall be installed to the satisfaction of the Zoning Enforcement Officer.

J. Vaiuso seconded the motion which passed unanimously.

2. Nancy E. Petrowski-Applicant & Owner
67 South Montowese Street
Special Exception- Accessory Apartment
Application #18-8.6
A/R 9/6/18 & PH set 10/4/18

J. Chadwick made a motion to approve the application with the following conditions:

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 zoning authorization for the issuance of a Building Permit the owner of the accessory apartment property must file a deed restriction on the land records requiring that the unit, if rented be rented at or below prices that would qualify the apartment as "affordable housing" as defined in CGS Section 8-39a. The deed restriction is to be reviewed by the Town Attorney with evidence that the recording of executed version is the approved version of the deed restriction.
3. Revise the Site Plan to show the widened driveway and possible relocation of proposed structure to provide three parking spaces complying with Section 6.5 of the zoning regulations.

M. Palluzzi seconded the motion which passed unanimously.

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 to 10/04/18

This Application was TABLED to the 10/18/18 meeting at the request of J.Pretti (Criscuolo Engineering)

2. 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

3. Peter & Debra Romanos-Applicants & Owners
45A Cocheco Avenue
Coastal Site Plan- Single Family Residence
Application #18-9.2
A/R 9/6/18 & Tabled to 10/4/18

Mike Harkin (Harkin Engineering) represented the applicant. He explained he was before the Planning & Zoning Commission last year for this property with the previous homeowners. They demolished the house and then decided to move. The new property owners have a different plan for a new single family home. This proposed home meets all the setbacks and zoning regulations.

R. Stoecker reviewed the staff report and revised conditions in a memo dated 10/4/18 from H. Smith. The Commission had a brief discussion.

M. Palluzzi made a motion to approve the application with the Finding and the Conditions 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.

CONDITIONS –

- 1)Prior to the start of construction, the sedimentation and erosion control measures shall be installed to the satisfaction of the Zoning Enforcement Officer.
- 2)The approval does not represent an approval of the submitted architectural elevation plans for conformance with the zoning regulations. The compliance of the proposed building shall be demonstrated prior to the issuance of a Zoning Permit or the zoning authorization of a Building Permit.

J. Chadwick seconded the motion which passed unanimously.

NEW BUSINESS:

1. All Electric Construction & Communication LLC.
c/o Patrick Lewis- Applicant
KJD LLC, c/o Donna Martin- Owner
869 West Main Street
Special Exception Modification-Solar Arrays
Application #18-9.3
To be A/R

R. Stocker said the applicant has requested the waiver of the Public Hearing.

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

Mr. McGinley represented the owner and briefly explained the solar panel system. He noted the solar panels will not be visible from the road.

H. Smith showed the Commission the last approved site plan. He said the landscaping along West Main Street has died off and should be replaced. M. Palluzzi suggested a row of street trees instead of shrubs. H. Smith agreed this would be preferable and suggested some wording changes to the proposed conditions to provide for it.

In response to Mr. McGinley's question, H. Smith explained that either the landscaping had to be completed before a certificate of occupancy is issued or a bond established and then a certificate of occupancy could be issued.

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

Prior to the issuance of a certificate of Zoning Compliance or the zoning authorization of the issuance of a certificate of Occupancy the following shall be addressed to the satisfaction of the Town Planner or designee

- 1) Provide street trees every 50 feet per Section 6.3 of the Zoning Regulations in lieu of replacement landscaping for the site based on the approved 1982 Landscaping Plan.
- 2) To ensure continued compliance with the zoning regulations, landscaping must be maintained as on-going requirement of this approval to ensure survival of all required landscaping shown on approved plan. If the landscaping element does not survive or is irreparably damaged it must be replaced in kind.

J. Lust seconded the motion which passed unanimously.

2. Susan Campbell-Applicant
Thomas Fair Family Limited Partnership, c/o
Susan Campbell-Owner
Valley Road (a.k.a. 19 Tipping Drive)
Subdivision Modification & Special Exception Modification
Application #18-9.4
To be A/R

Jim Pretti (Criscuolo Engineering) represented the applicant. He highlighted the map and explained this property is the driving range at the end of School Ground Rd. The proposal is to take a section of property from Valley Road (aka Tipping Dr.) and convey it to 31 Valley Road to keep the property line within Branford. Then the driving range would be entirely in Branford. Currently, the property is in Branford and North Branford both. These applications do not affect any zoning compliance issues. A letter from the applicant stating all of the operations of the driving range are currently located on the larger (remaining) property accessed from Tipping Drive.

The Applicant has also requested a waiver of the Public Hearing.

The Commission discussed this briefly.

J. Chadwick made a motion to approve the Subdivision Modification Application. M.Palluzzi seconded the motion which passed unanimously.

**J. Chadwick made a motion to waive the Public Hearing for the Special Exception Modification.
M. Palluzzi seconded the motion which passed unanimously.**

**J. Viaso made a motion to approve the Special Exception Modification.
M. Palluzzi seconded the motion which passed unanimously.**

H. Smith said there was an additional item that was submitted that needs to be added to the agenda. It is a Special Exception for a major home occupation located at 22 Prospect Street. The Applicant is Stephanie Ferris. He suggested November 1, 2018 for the Public Hearing.

The Commission added the item to the agenda and set the Public Hearing for 11/1/18.

OTHER BUSINESS:

1. Interpretation of Section 6.3.C.5

H. Smith explained there was a large tree (34 inches in diameter) located at the entrance of the driveway at 250 North Main Street. It was considered a significant tree (also noted to be preserved) and was noted on the landscape plan for the development.

He was told that the tree has been removed. The developer said the tree was damaged in one of the storms and was split.

H. Smith said there is a section in the regulations (6.3C5 under landscaping) that pertains to this. He then distributed a copy of this section to the Commission. He said the section frowns upon the removal of any significant tree marked for preservation. If it does happen, then the tree that's removed shall be replaced by a sufficient number of trees in the same or similar species approved by the Commission.

The combined diameter of the replacement trees must equal or exceed the diameter of the tree that was removed.

The question is the word "damage". Would that be limited to just damage during construction or would it include "acts of God" also?

The Commission then discussed this. M. Palluzzi asked what happened. Did the developer/applicant notify the town that the tree was damaged? H. Smith said no; the developer stated the tree was split by the wind and then they took it down. H. Smith noted that no photos were taken. J. Chadwick said actions like this fly in the face of why we have these regulations. M. Palluzzi suggested maybe there needs to be a requirement in the Zoning Regulations that the damage to a significant tree needs to be verified. If it's not, then the corrective action needs to be doubled.

J. Chadwick referred to the Zoning Regulations and said if the tree was damaged, there was never a determination that it was damaged beyond salvage.

The Commission agreed that the developer should contact the town if a tree is damaged by a natural event (storm, etc) to determine if it can be saved and provide documentation regarding the damage prior to removing a tree.

H. Smith suggested that this question can be deferred until the Applicant comes before the Commission in the future for a modification of a Site Plan approval for approval of construction of the buildings. At that time, they can discuss the replacement of the tree.

J. Chadwick said the applicant should be made aware of the Commission's concerns and told the situation will need to be seriously addressed.

2. Release of Bond for 677-693 Leetes Island Road –

H. Smith said this a driveway apron which the Zoning Enforcement Officer has inspected and recommended the release of the bond.

M.Palluzzi made a motion to release the bond.J. Chadwick seconded the motion which passed unanimously.

3. Training opportunity –Land Use Academy Advanced Training (Sat. Oct 27, 9-3:30)
H. Smith reminded the Commission there is still time to register for this one day class.
If they decide to attend, they will be reimbursed.
4. Planner’s Report
H. Smith said the announcement of the new Zoning Enforcement Officer will be coming soon.
After that, the Commission would need to officially appoint that person.

The meeting adjourned at 9:41 pm