



# PLANNING AND ZONING COMMISSION

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## MINUTES PLANNING & ZONING COMMISSION THURSDAY, OCTOBER 5, 2017 REGULAR MEETING 7:00 P.M. BRANFORD FIRE HEADQUARTERS 45 NORTH MAIN STREET

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

Commissioners Absent: J. Lust, J. Chadwick, C. Kelly

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

Also present was Attorney Danielle Berkury (Brenner, Saltzman & Wallman).

Chairperson Andres reviewed the Public Hearing procedures.

M. Palluzzi read the Public Hearing Notice into the record.

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

#### **PUBLIC HEARINGS:**

1. Town of Branford-Applicant & Owner  
30-48, 26, 28 Church Street  
**Special Exception & Coastal Site Plan-Additional parking on  
#26 & #28 Church St. (Community Center)  
Application #17-7.2  
A/R 7/6/17, PH continued from 9/7/17**

Graham Curtis, P.E. (DTC) represented the Applicant and explained this Application is for a Site Plan modification. This application will add 36 additional parking spaces on the two properties that were previously acquired for the Community Center expansion. It will also allow a staircase for the southern access to the building to be realigned. He also noted there will be a few landscaping changes which he reviewed.

H. Smith then highlighted the Staff Report and explained the proposed conditions for approval.

#### **PUBLIC INPUT:**

1. Lynn Comer- 200 Meadow St. She is opposed to the parking expansion. She purchased the house recently and is concerned the increase in noise and lighting will cause a significant disruption. She said she can hear the noise from inside the auditorium now.
2. Alex Palluzzi-(Director of Recreation) noted the skateboard park is being relocated so that may help with some of the outside noise.

The Commission discussed this briefly. They suggested installing an evergreen buffer along the property line to help reduce the noise level.

The Applicant agreed to that.

**Chairperson Andres closed the Public Hearing.**

2. Branford Building Supplies-(Vincent Giordano Jr.)-  
Applicant & Owner  
Buckley Rd. (G-9/000/013/00001)  
Special Exception & Coastal Site Plan- Farm Planting/Grading  
**Application #17-6.6**  
**A/R 6/15/17 & PH continued from 9/7/17- WITHDRAWN**
3. CSC Enterprises -Applicant  
Branford Hills Realty Associates-Owner  
189 Alps Road  
Special Exception-Nursing Home Addition  
**Application # 17-9.1**  
**A/R 9/7/17 & PH set for 10/5/17**

Attorney Chris Shelton represented the Applicant. He explained this Application is for a 264 sq. ft. storage area for medications, computers and printers. There will be no exterior changes to the building or parking.

Laura Westphal –(Pharmacy Manager)noted that the pharmacy has grown tremendously since she started in 2007 partially due to the fact that the population of the residents are older due to the advancement in pharmaceuticals.

R. Stocker reviewed the Staff Report.

**PUBLIC INPUT:**

No one spoke.

**Chairperson Andres closed the Public Hearing.**

4. 101 North Branford Rd. LLC,-Applicant & Owner  
101 & 115 North Branford Road  
Special Exception- Industrial Building  
**Application #17-9.2**  
**A/R 9/7/17 & PH set for 10/5/17**

Mike Bennett (Bennett & Smilas Associates, Inc.) represented the Applicant and reviewed the Application. He explained there are numerous outbuildings on the property that haven't been used for many years. The Applicant proposes to merge the two lots and create one building. The building will have six units on the first floor for small contractors and office space on the second floor. He then reviewed the parking, landscaping and drainage.

R. Stoecker reviewed the staff report.

**PUBLIC INPUT:**

1. Bill Horne-(246 Pleasant Point Rd) was concerned about the amount of deicing chemicals that will drain into the Branford Land Trust property. He spoke with the applicant and they agreed to work with the Branford Land Trust to assure that only a safe amount of deicing chemicals would be used on their property.

**Chairperson Andres closed the Public Hearing.**

**RETURN TO TABLE:**

1. Town of Branford-Applicant & Owner  
30-48, 26, 28 Church Street  
**Special Exception & Coastal Site Plan-Additional parking on**

**#26 & #28 Church St. (Community Center)**

**Application #17-7.2**

**A/R 7/6/17, PH continued from 9/7/17**

M. Palluzzi recused herself from this application.

**F. Russo made a motion to approve the application with the Finding that, with appropriate conditions and modifications necessary to mitigate any adverse impacts on coastal resources and any future water dependent activities, the proposed application for a Coastal Site Plan is consistent with the goals and policies of the Coastal Area Management Act (C.G.S. Section 22a-92) and the conditions in the Staff Report as amended by H. Smith, with the addition of Condition 11 to read: A landscape buffer of evergreen plantings along the south side of the driveway basin to the south of the house at 26 Church Street along the abutting 200 Meadow Street property to the satisfaction of the Town Planner shall be provided.**

**P. Higgins seconded the motion which passed unanimously.**

2. CSC Enterprises -Applicant  
Branford Hills Realty Associates-Owner  
189 Alps Road  
Special Exception-Nursing Home Addition  
**Application # 17-9.1**  
**A/R 9/7/17 & PH set for 10/5/17**

**J. Vaiuso made a motion to approve the application with the two conditions listed in the Staff Report.**

**F. Russo seconded this motion which passed unanimously.**

3. 101 North Branford Rd. LLC,-Applicant & Owner  
101 & 115 North Branford Road  
Special Exception- Industrial Building  
**Application #17-9.2**  
**A/R 9/7/17 & PH set for 10/5/17**

**J. Vaiuso made a motion to approve the application with the addition of the wording "on the first floor" after the word "uses" to condition 8.**

**P. Higgins seconded the motion which passed unanimously.**

**MINUTES: 09-07-17**

**F. Russo made a motion to approve the meeting minutes as written. J. Vaiuso seconded the motion which passed unanimously.**

**CORRESPONDENCE:**

1. H. Smith said correspondence was received from the CT Citing Council regarding swapping existing antennae and other equipment on the tower at 171 Short Beach Rd.
2. H. Smith noted he received a letter from Bill Horne regarding the decision of the Commission to extend the time for the PDD at exit 56. H. Smith read the letter aloud and it referred to Bill Horne's letter that was recently published in "The Sound" newspaper (which he enclosed).  
H. Smith said the Town Attorney is reviewing this. Chairperson Andres briefly reviewed this and he feels the Commission does not need to take further action at this time.

**OLD BUSINESS:**

1. Raffaele Aschettino-Applicant  
Raffaele & Lucia Aschettino-Owners  
101 Sunset Beach Road  
Coastal Site Plan –Single Family Residence  
**Application #17-8.2**  
**A/R 9/7/17 --WITHDRAWN**
2. 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**

**H. Smith stated the Applicant is requesting that this item be tabled to the 10/19 meeting.**

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 to be set**

(See discussion under Item #4 below.)

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 to be set**

Chairperson Andres said that the question before the Commission regarding this item and Old Business Item #3 preceding it was when to set the date for the public hearings. He went onto say that since the affected property and proposed new zone is within the Coastal Boundary, there is a mandatory referral to DEEP required by state law. The law also provides for a thirty-five day period for DEEP to review the applications before the Commission can commence the public hearings. He said the applicant has requested that the public hearings be scheduled for a date (October 19<sup>th</sup>) before the expiration of the thirty-five day period and that the question of whether the Commission has the authority to do this has been referred to the Town Attorney for an opinion. He said Attorney Danielle Bercury from the law firm of Brenner, Saltzman & Wallman, LLP, which serves as the Town Attorney, was present to offer her opinion to the Commission and asked Attorney Bercury to review her opinion.

Attorney Bercury passed out a memorandum to the Commission and reviewed it with the commission concluding that "Absent a written waiver or early receipt of comments from DEEP, the 35-day requirement of C.G.A.S. Section 22a-104(e) should be adhered to." Attorney Hollister representing Beacon Communities and the Branford Housing Authority stated his position that Beacon Communities has an opportunity to apply for special tax credit financing of the project with the state but must submit its application (which needs to include a zoning approval) by November 1<sup>st</sup>. He referred to the memorandum he submitted concluding that the 35-day period was not mandatory, but went on to say that he would request at this point the setting of the public hearings for October 19<sup>th</sup>, and hopefully the DEEP comments would be received before then.

The Commission discussed the issue and concluded that it would schedule the public hearings for their regular October 19<sup>th</sup> meeting with the expectation that the comments from DEEP would be received before that date. It was also noted that should the comments not be received then the public hearing would not be opened.

H. Smith noted this is C.G.S. Section 8-30 g application. The burden of proof is on the Commission instead of the burden being on the applicant.

Chairperson Andres said based on the consensus of the Commission the public hearings are set for October 19<sup>th</sup>, which will require publication of the legal notice in the New Haven Register at some added costs which he understands the applicant would pay. Attorney Hollister agreed to this.

**NEW BUSINESS:**

1. Raffaele Aschettino-Applicant  
Raffaele & Lucia Aschettino-Owners  
101 Sunset Beach Road  
Coastal Site Plan  
**Application #17-9.3**  
**A/R 10/5/17**

**H. Smith said this is Tabled until the 10/19 meeting.**

2. 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**

**H. Smith said this will be discussed with Application #17-9.4 & #17-9.5 at the 10/19 meeting.**

3. 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**  
**To be A/R & PH to be set**

**H. Smith said the Applicant is requesting this Public Hearing be held at the 11/16 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**

**This Application will be discussed with Application #17-10.1 at the 11/16 meeting.**

5. Peter MacPartland AIA (Elm City Architects LLC)-Applicant  
Supported Recovery LLC-Owner (Unit 9-1)  
Sweitzer Enterprises LLC-Owner (Units 9-2, 9-3,9-4)  
7-9 Business Park Drive  
Special Exception- Church  
**Application #17-10.3**  
**To be A/R & PH to be set**

**The Commission A/R and set the PH for 11/2.**

6. Robert Dingus Sr.(D-O Construction)-Applicant  
Jason Blyth- Owner

62A Alps Road  
Special Exception- Detached Garage

**Application #17-10.4**

**To be A/R & PH to be set**

**The Commission A/R and set the PH for 11/2.**

7. Solar City Corp. (c/o Robinson & Cole LLP.)  
Attorney Kenneth Baldwin-Applicant  
Town of Branford-Owner  
100 Tabor Drive  
Site Plan Modification for a Solar-based electrical generating  
Facility to provide power to Town of Branford facilities

**Application #17-10.5**

**H. Smith recommended this item be Tabled to the 10/19 meeting.**

The Commission agreed.

#### **OTHER BUSINESS:**

1. Temporary Health Care Structures (P.A. 17-155)

R. Stoecker read the Public Hearing Act No. 17-155 aloud. This act would establish conditions under which property owners may place temporary health care structures on residential property to care for individuals with qualifying mental or physical impairments. The Commission discussed this briefly. Chairperson Andres noted other towns are considering these structures. It is a new concept. The Commission decided to defer this item for now to see how other towns are handling these.

2. Establish a Cash Bond for a driveway apron at 14 Old Hickory Lane.

**J. Vaiuso made a motion to establish a \$500.00 driveway bond. F. Russo seconded the motion which passed unanimously.**

3. Establish a Cash Bond for a driveway apron at 22 Ark Road.

**P. Higgins made a motion to establish a \$500.00 driveway bond. M. Palluzzi seconded the motion which passed unanimously.**

4. H. Smith noted there is a Bond re allocation for Cornfield Estates (Cosgrove Ct.) that needs to be added to the agenda. He explained there is an existing bond established for \$16,000. The prop owner is seeking approval to reallocate bond funds as items are completed and new ones need to be bonded. Staff would keep track of the work currently and previously bonded. If the amount needs to be increased Staff would come back for approval of that to the Commission.

5.

6. **J. Vaiuso made a motion to add the item to the agenda. J. Chadwick seconded the motion. J. Vaiuso made a motion to approve the Bond Reallocation. M. Palluzzi seconded the motion which passed unanimously.**

7. Establish a POCD Steering Committee

H. Smith had a list of potential members for the committee which he handed out to the Commissioners. He then reviewed the list and asked for the Commissioners comments. He told them if the list seemed reasonable to them, he would start contacting the potential members. He also asked the Commissioners if they could arrive an hour earlier for the next Commission meeting in order for this item to be discussed. The Commission agreed.

The meeting adjourned at 9:18 p.m.