



# PLANNING AND ZONING COMMISSION

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**MINUTES**  
**PLANNING & ZONING COMMISSION**  
**THURSDAY, MARCH 15, 2018**  
**REGULAR MEETING 7:00 P.M.**  
**CANOE BROOK SENIOR CENTER**  
**11 CHERRY HILL ROAD**

Commissioners Present: J. Lust, J. Vaiuso, J. Chadwick, P. Higgins, M. Palluzzi, C. Andres,  
D. Dyer

Commissioners Absent: F. Russo

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

Chairperson Andres introduced the Commissioners and the Staff present.

Secretary M. Palluzzi read the Public Hearing notice into the record.

Chairperson Andres then reviewed the Public Hearing procedures.

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

**PUBLIC HEARINGS:**

1. SHM Bruce & Johnson LLC, c/o  
Bruce P. Kuryla-Applicant & Owner  
47,49,55 Goodsell Point Road  
Special Exception & CAM – Above Ground Fuel Tank  
**Application #18-2.1**  
**A/R & PH set for 3/15/18**

J. Vaiuso recused himself from this application. D. Dyer was seated for him.

Bob Criscuolo (Criscuolo Engineering) represented the Applicant. Bruce Kuryla & Mark Smith were also present.

B. Criscuolo reviewed the application which consists of the removal of two underground fuel tanks and the installation of a new above ground fuel tank along with appropriate landscaping around the tank. He then reviewed the Coastal Site Plan and stated it he believed it was consistent with the goals and policies of the Coastal Area Management Act.

R. Stoecker highlighted the Staff Report and read the Dept. of Energy & Environmental Protection comments into the record.

The Commissioners asked a few questions and had a brief discussion.

PUBLIC INPUT:

No one spoke.

Chairperson Andres closed the Public Hearing.

**MINUTES: 3/01/18**

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

**CORRESPONDENCE:**

H. Smith referred the Commission to the previous discussion at the last meeting on the Snake Hill Road project. The proposal is to eliminate the hairpin turn and make a swooping curve instead. He distributed a drawing from the Department of Transportation showing the realignment of the road to the Commission. He also told the Commission a full plan set was available for viewing in the Planning & Zoning office. He said he is not sure of the construction date for this project at this point.

**RETURN TO TABLE:**

1. SHM Bruce & Johnson LLC, c/o  
Bruce P. Kuryla-Applicant & Owner  
47,49,55 Goodsell Point Road  
Special Exception & CAM – Above Ground Fuel Tank  
**Application #18-2.1**  
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D. Dyer voted in place of J. Vaiuso.  
The Commission discussed this application briefly.

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

CONDITION –

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.

**D.Dyer seconded the motion which passed unanimously.**

**OLD BUSINESS:**

1. 595 Corporate Circle(Diane W. Whitney(Pullman & Comley)-  
Agent)-Applicant  
Zoning Regulation Amendment  
**Application #17-11.3**  
**A/R 11/16/17& PH closed 3/01/18**

D.Dyer recused himself from this application. P. Higgins was seated for J. Vaiuso who was absent for one of the Planning & Zoning Meetings during which the Public Hearing was held.

Chairperson Andres reviewed the application and explained that the proposal concerns the requirement of Section 5.4.D.3 submission of a Site Plan as part of a PDD application. The existing regulation states the Site Plan has to be submitted within 24 months of the approval of the Master Plan. The initial proposal the applicant submitted stated that the Site Plan be submitted within 24 months or within the extension of time that the Commission may grant (open ended). That first proposal was criticized and generated many public comments. He then gave his thoughts regarding some of the comments. The Commissioners then discussed this at length.

Chairperson Andres also summarized reasons that were expressed during the public hearing regarding why the text should be changed and reasons why it shouldn't.

H. Smith then mentioned some other towns and what their time limits were on filing different applications.

**J. Chadwick made a motion to approve the Text Change with the wording below and the finding that it is consistent with the Plan of Conservation & Development with the effective date of April 10, 2018. P. Higgins seconded the motion which passed 4-1. J. Lust was opposed.**

**Adopted Wording (Including revisions by the Applicant and modifications by the Planning & Zoning Commission):**

**5.4.D.3 All Site Plans must be submitted and approved within 36 months of Master Plan Adoption. One year extensions of this deadline may be granted by the Commission, to a total of 5 years from the original date of Master Plan Adoption, upon a showing of good cause. The Master Plan shall become null and void if the Site Plans are not approved within 36 months of Master Plan Adoption and any extensions granted by this Commission.**

H. Smith suggested it may be helpful to compose a brief legislative history on this including a few paragraphs explaining what the Commission's understanding of how it expected the new wording to be applied. So, in the future, people will understand the Commission's intent. (**See Insert A**) below.

Chairperson Andres suggested expanding the discussion in the meeting minutes and using this for this purpose. reference.

**Insert A**

**3-15-18 PZC Minutes**

The Chairperson explained that in proposing the inclusion of the word "All" at the beginning of revised wording for Section 5.4.D.3 he was intending that all Site Plans that may be required for a PDD development consisting of multiple phases be approved by the deadline established by Section 5.4.D.3. He also elaborated upon the deliberate use of the requirement that all Site Plans be approved by the end of the Section 5.4.D.3 time limit as putting the burden on the applicant to ensure that complete and approvable Site Plan(s) is/are submitted in a sufficient amount of time in advance of the end of the 5.4.D.3 time limit (at least six months to allow) time for the full 130 review period as well as possible resubmission if necessary.

The Chairperson also clarified that failure to comply with the time limits of Section 5.4.D.3 would only void the Master Plan, not the PDD approval itself, which would require a separate public hearing process by the Commission to revoke and rezone to a different zoning designation.

2. (David D' Atri), Almr LLC.-Applicant & Owner  
4 Three Elm Rd.  
Special Exception & Coastal Site Plan- Residential  
**Application #18-2.3**  
**A/R 3/1/18, PH set for 4/5/18**

3. 250 North Main St. Branford LLC-Applicant  
J & J Property LLC- (Owner of 244 North Main St.)  
250 No Main St. LLC-(Owner of 250 North Main St.)  
244 & 250 North Main Street  
Special Exception- Retail Store  
**Application #18-2.4**  
**A/R 3/1/18 PH set for 4/5/18**
  
4. Casamay LLC.-Applicant & Owner  
1007-1021 West Main Street  
Site Plan – Fast Food Renovation  
**Application #18-2.5**  
**A/R 3/1/18, Tabled to 4/5/18**

**NEW BUSINESS:**

1. Montowese Development Group-Applicant  
Branford Building Supplies, Inc. /John Hines-Owner  
14 & 16 Buckley ad  
PDD-Informal Preliminary Discussion

Attorney James Perito (Hollaran & Sage LLP) represented the Applicant. Also present were David Sacco and David Golebiewski.

He explained the project is a total of 9.46 acres but only 5.8 acres of net property due to wetlands. The property is zoned residential and the proposal is for a PDD with 14 single family homes. The reason for a PDD is due to the road not up to the subdivision rules to form a Subdivision. A colored drawing was presented as well as aerial photos of similar developments in the area.

The Commissioners discussed the project and asked some questions. Some of their concerns were flooding, fill of a flood plain, the topography of the area and the number and size of the homes.

H. Smith presented the Staff Comments and asked a few questions. He noted the area is prone to flooding with significant portions of the public roads that provide access to this property (Ark & Tabor Rds.), and also discussed the proposed alternations to the natural knoll and the rock outcrop present (proposed 16 feet tall retaining wall). He felt the project had too many units and they are close together.

2. REFERRAL (Section 9.13.B.5)-from Zoning Board of Appeals regarding variance application to allow a commercial use of residentially zoned land (R-2) at 3 Three Elms Road owned by Peter Kusterer.

H. Smith explained the Zoning Board of Appeals (ZBA) referred this item to the Planning & Zoning Commission because an application for a use variance had been made and the Zoning Regulations require referral to the PZ Commission. He reviewed the specific questions which the ZBA was looking for input on including the parking area and the dumpster. He also reviewed draft responses to the questions posed by the ZBA.

H. Smith distributed a photo of the dumpster. He explained that the gravel parking area has been used for the business across the street.

Chairperson Andres reviewed the three questions the Zoning Board of Appeals is asking the Planning & Zoning Commission. One involves the location of the dumpster, the others pertain to the layout of the parking lot and barriers and landscaping of the parking lot.

H. Smith noted one of the neighbors is concerned about headlights going into his living room as well as improving the barriers to his property. He is requesting additional landscaping to help with the lighting issue.

H. Smith reviewed different options for the parking layout and dumpster placement. The Commission discussed these briefly.

The Commission's thoughts were; add another tree or ornamental grasses to the area where the dumpster is currently located and require the dumpster enclosure to be moved directly adjacent to the parking space shown on the plan. Also, they agreed that the parking area should be defined along the south side with a guardrail and substantial plantings.

H. Smith noted that the parking is not organized now and it hasn't been for many years. Because the parking lot is crushed shells and therefore cannot be striped, the Commission discussed this and decided to leave the parking as is and not require any additional landscaping along Thimble Islands Road fronting the parking lot.

3. Carissa Beam & Katharine Gomes- Applicants  
Thomas F. Holeva (LAM Properties)- Owner  
885 West Main Street  
Special Exception- Fitness Studio  
Application #18-3.1  
**To be A/R & PH to be set**

**The Commission A/R and set the Public Hearing for 4/19/18**

4. Simon & Judy Gore-Grimes-Applicants & Owners  
199 Totoket Road  
Coastal Site Plan- In ground Swimming Pool, Pool House, walls  
Application #18-3.2  
**To be A/R**

**The Commission A/R and Tabled this application to 4/19/18**

#### **OTHER BUSINESS:**

1. Planner's Report

H. Smith reported that a POCD Steering Committee meeting took place on March 14<sup>th</sup> and the planning consultant is developing an initial draft of the POCD to be available prior to the POCD Steering Committee's next meeting in April.

H. Smith also noted the phone survey for the Plan of Conservation & Development (POCD) will start soon.

Meeting adjourned at 9:11 p.m.