



TOWN OF NORTH BRANFORD

TOWN HALL, 909 FOXON ROAD, NORTH BRANFORD, CONNECTICUT 06471
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MINUTES REGULAR MEETING NORTH BRANFORD PLANNING & ZONING COMMISSION

Thursday, August 17, 2023 – 6:30 pm
Town Hall, 909 Foxon Road, North Branford

1. **CALL TO ORDER:** Chairman Nowak called the meeting to order at 6:36 p.m.

ROLL CALL:

Robert Nowak, Chair
William Galdenzi, Vice Chair
Tricia Mase, Member
Ron Siena, Member
Charles Rubano, Member, absent
Scott Lanza, Alternate Member
Barry Ponder, Alternate Member

David Perkins, Town Planner

2. **PLEDGE OF ALLEGIANCE**

3. **MINUTES**

- **October 6, 2022** – Member Siena made a motion to approve the October 6, 2022 meeting minutes, seconded by Member Galdenzi and passed 2 Y – 4 Abstain (Ponder, Mase, Siena & Lanza)
- **May 4, 2023** – Member Galdenzi made a motion to approve the May 4, 2023 meeting minutes, seconded by Member Lanza and passed. 4 - Y Abstain 2
- **June 15, 2023** – Member Mase made a motion to approve the June 15, 2023 meeting minutes, seconded by Member Ponder and passed 4 - Y Abstain 2 (Galdenzi, Lanza)
- **July 13, 2023** - Member Galdenzi made a motion to approve the July 13, 2023 meeting minutes, seconded by Member Lanza and passed. Passed 4 - Y Abstain 2 (Mase, Siena)

4. **PUBLIC HEARING AND POSSIBLE ACTION**

SEATED: Members Nowak, Galdenzi, Mase, Siena, Ponder and Lanza

- A. **Appl. #2023-8 – 33 Indian Hill Road (R-40 zone)**

Re-subdivision of property to create one (1) residential lot with frontage on Middletown Avenue.
Owner: Joseph Augur/Applicant: Danielle Augur & Benjamin Rigrodsky

Member Ponder read the legal notice into the record. Applicants stated the proposal is to build a home by creating a lot from property owned by the Augur's. It will be 150 ft. from Middletown Avenue.

Comments were read into the record from the Town Engineer and the RWA. Mr. Perkins stated there is no fee for open space because it is being transferred to a relative.

Public Comment – none

Member Mase made a motion to close the public hearing on Appl #2023-8 – 33 Indian Hill Rd., seconded by Member Siena and passed 6 – 0.

Member Mase moved, seconded by Member Galdenzi to waive the subdivision requirements of:

- Sidewalks and
- Concrete curbing

and

Member Mase moved to approve and seconded by Member Galdenzi, PZC Application #2023-8, "33 Indian Hill Road" Re-subdivision, creation of one (1) residential lot with frontage on Middletown Avenue, Assessor Map 56B, Lot 55, R-40 zone, Owner: Joseph Augur, Augur J Family Farm LLC/Applicant: Danielle Augur & Benjamin Rigrotsky, as described in the submitted application documents and shown on plans entitled:

- "Portion of 33 Indian Hill Road, M 56/B B55, Northford, Connecticut, dated June 20, 2023, Property Survey/Re-Subdivision, Prepared by Nafis & Young Engineers, Inc, Stamped by David L. Nafis, LS, Sheet No. 1
- Preliminary Site Plan Design, dated June 20, 2023, Sheet No. 2

with the following conditions: #1a, 1b, 2, 4, 5, 6, 7, 8, 9, 14, 18, 20

1a. A bond shall be submitted in an amount to be determined by the Town Engineer with form and surety acceptable to the Town Attorney prior to the filing of the record mylar map. If the applicant does not post a financial guarantee for all public improvements and utilities prior to the required C.G.S. filing period of the approved Record Subdivision Mylar Maps on the North Branford Land Records, the Commission shall authorize the filing of the Record Subdivision Mylar Maps with a conditional approval endorsed thereon. Subdivision lots shall not be transferred to a buyer until the Commission authorizes the filing of the Record Subdivision Mylar Maps with a final, unconditional approval endorsed thereon for said subdivision and said maps are recorded on the North Branford Land Records.

1b. No subdivision lot shall be transferred to a buyer until the approved public improvements and utilities are completed to the reasonable satisfaction of the Town Engineer or before any required financial guarantee for the approved public improvements and utilities is posted in an amount determined by the Town Engineer with form and acceptable surety acceptable by the Town Attorney and the Commission.

2. That this approval shall be null and void if construction /site improvements are not completed within five (5) years of this approval date/effective date unless time is extended by Commission approval as allowed by the Connecticut General Statutes.

4. That the Town Planner and Town Engineer shall be notified at least forty-eight (48) hours prior to the start of any construction.
5. That the record subdivision/resubdivision map submitted for signature includes the note on trees to be planted in accordance with Section 306 of the Subdivision Regulations.
6. That the Record Mylar Map submitted for signature and for filing with the Town Clerk shall be accompanied with three (3) paper copies for filing with the Planning and Zoning Department. The record mylar map shall be recorded in the Town Clerk's Office within 90 days of the expiration of the appeal period. Failure to record within 90 days will null and void this subdivision approval unless 90-day time extensions are granted by the Commission as allowed by the Connecticut General Statutes.
7. That all sedimentation and erosion controls shall be in place prior to the start of construction. A certificate of soil erosion and sediment control compliance shall be considered issued when the application is approved since a determination that the soil erosion and sediment control complies with the North Branford Subdivision Regulations/Zoning Regulations was made. Failure to comply with the approved soil erosion and sediment control plan may result in the revocation of the erosion and sediment control certification and other sanctions provided by law.
8. That erosion and sedimentation control measures shall be installed as per the approved control plan utilizing the Connecticut Guideline for Erosion and Sedimentation Control Handbook by the CT Council on Soil and Water Conservation, May 2002.
9. That the developer shall be responsible for the installation of all underground utility services in accordance with the requirements of each utility company.
14. The Town Planning Department's assigned House Street Addresses and Assessor's Map and Lot Numbers for each of the lots shall be added to the record subdivision prior to the PZC's map endorsement and the map filing on the North Branford Land Records.
18. Adherence to the requirements of the Town Engineer in his memorandum dated August 7, 2023 (see attachment).
20. Adherence to the requirements of the Regional Water Authority in its letter July 25, 2023 (see attachment).

The Commission's summary reason for approval of the subdivision:

- The proposed subdivision conforms to the Zoning and Subdivision Regulation requirements.
- The residential development is consistent with the existing neighborhood.

Motion passed 6 – 0.

B. Appl. #2023-9 – Zoning Map Amendment – 730 Forest Road

Amend the North Branford Zoning Map to change the parcel from R-40 to B-1. *Owner: Aneillo & Lia Saulino/Applicant: Aneillo Saulino*

Brian Panico, Harry E Cole & Sons, engineer, stated the property is currently an R-40 zone. This change is to formalize the historic use of the parcel since its development. It has always been a commercial use property. It had been a restaurant before it burnt down. The change of zone is being asked for to allow more of a variety of commercial uses that could conduct business on this

property. The Plan of Conversation and Development indicates the town has very little commercial properties and encourages the consolidation of non-conforming lots into commercial zones. Mr. Perkins read his comments into the record.

PUBLIC COMMENT

Janet Dalhberg, 733 Forest Road, stated it is a residential area and does not want a commercial zone in this area. She has a petition of residents that oppose it.

Bill Savastano, 43 Sunnyside Lane, opposes the zone change.

Chris Vogt, 240 Forest Road, should remain residential due to traffic.

Dave Dahlberg, 733 Forest Road, stated there is too much traffic.

Lindsay Suter, 16 Mill Road, brought to the commission's attention the Farm River Management document before deciding.

Bill Savastano, 43 Sunnyside Lane, in opposition and would like to know what kinds of business would be allowed in the B1 zone.

Mr. Perkins read a letter in opposition from Doreen Iannotti.

Mr. Panico rebutted that the applicant can build the restaurant which just a site plan approval. The applicant is trying to get the highest value for his property. This application is for zone change and there are other steps that need to be followed for further approvals, i.e, inland wetland, site plan, etc. The Applicant, 58 Wood Chase Lane, stated he does not want to build another restaurant and looking for a business that has daytime activity.

Member Mase made a motion to close the public hearing on Appl. #2023-9 – Zoning Map Amendment – 730 Forest Rd, seconded by Member Siena and passed 6 – 0.

Members discussed the uses that are allowed in a B-1 zone. Member Galdenzi is considering continuing this application to summarize the POCD, the uses allowed in B-1 and to digest Mr. Perkin's memo.

Member Mase made a motion to continue Appl #2023-9, Zoning Map Amendment, 730 Forest Rd., to September 7, 2023, seconded by Member Lanza and passed 6 - 0.

C. Appl. #2023-10 – 254 Parsonage Hill Road (R-40 zone)

Re-subdivision of property to create one (1) residential parcel with frontage on Village Street/Parsonage Hill Road – “Diamond D Estates”. *Owner: Michael Duhamel & Susan Doody-Duhamel/Applicant: James Pretti, PE, Criscuolo Engineering LLC*

James Pretti, Criscuolo Engineering, stated the property is on the corner of Village St. The application is to carve out a single-family lot for the owner's son. The lot will be the same dimensions as was previously approved. It will be a one-acre lot.

Public Comment:

William Salg, 739 Forest Road, in favor.

Member Galdenzi made a motion to close the public hearing on Appl #2023-10 – 254 Parsonage Hill Rd, seconded by Member Siena and passed 6 – 0.

Member Mase moved, seconded by Member Galdenzi to waive the subdivision requirements of:

- Sidewalks and
- Concrete curbing

and

Member Mase moved and seconded by Member Galdenzi to approve PZC Application #2023-10 “254 Parsonage Hill Road – Diamond D Estates” Re-subdivision, creation of one (1) residential lot, Assessor Map 56A, Lot 10, R-40 zone, Owner: Michael Duhamel & Susan Doody-Duhamel/Applicant: James Pretti, PE, Criscuolo Engineering LLC, as described in the submitted application documents and shown on plans entitled “Property located at #254 Parsonage Hill Road, North Branford Connecticut, prepared by Criscuolo Engineering LLC” with the following sheets:

- “Proposed Resubdivision Map” dated July 6, 2023, Sheet 1 of 1
- “Possible New Lot On-Site Wastewater Disposal System Plan for Lot Division” dated July 6, 2023, Sheet 1 of 1
- “Record Subdivision Map Diamond D Estates” dated September 19, 2002

with the following conditions: #1a, 1b, 2, 4, 5, 6, 7, 8, 9, 14, 18

1a. A bond shall be submitted in an amount to be determined by the Town Engineer with form and surety acceptable to the Town Attorney prior to the filing of the record mylar map. If the applicant does not post a financial guarantee for all public improvements and utilities prior to the required C.G.S. filing period of the approved Record Subdivision Mylar Maps on the North Branford Land Records, the Commission shall authorize the filing of the Record Subdivision Mylar Maps with a conditional approval endorsed thereon. Subdivision lots shall not be transferred to a buyer until the Commission authorizes the filing of the Record Subdivision Mylar Maps with a final, unconditional approval endorsed thereon for said subdivision and said maps are recorded on the North Branford Land Records.

1b. No subdivision lot shall be transferred to a buyer until the approved public improvements and utilities are completed to the reasonable satisfaction of the Town Engineer or before any required financial guarantee for the approved public improvements and utilities is posted in an amount determined by the Town Engineer with form and acceptable surety acceptable by the Town Attorney and the Commission.

2. That this approval shall be null and void if construction /site improvements are not completed within five (5) years of this approval date/effective date unless time is extended by Commission approval as allowed by the Connecticut General Statutes.

4. That the Town Planner and Town Engineer shall be notified at least forty-eight (48) hours prior to the start of any construction.

5. That the record subdivision/resubdivision map submitted for signature includes the note on trees to be planted in accordance with Section 306 of the Subdivision Regulations.

6. That the Record Mylar Map submitted for signature and for filing with the Town Clerk shall be accompanied with three (3) paper copies for filing with the Planning and Zoning Department. The record mylar map shall be recorded in the Town Clerk's Office within 90 days of the expiration of the appeal period. Failure to record within 90 days will null and void this subdivision approval unless 90-day time extensions are granted by the Commission as allowed by the Connecticut General Statutes.

7. That all sedimentation and erosion controls shall be in place prior to the start of construction. A certificate of soil erosion and sediment control compliance shall be considered issued when the application is approved since a determination that the soil erosion and sediment control complies with the North Branford Subdivision Regulations/Zoning Regulations was made. Failure to comply with the approved soil erosion and sediment control plan may result in the revocation of the erosion and sediment control certification and other sanctions provided by law.

8. That erosion and sedimentation control measures shall be installed as per the approved control plan utilizing the Connecticut Guideline for Erosion and Sedimentation Control Handbook by the CT Council on Soil and Water Conservation, May 2002.

9. That the developer shall be responsible for the installation of all underground utility services in accordance with the requirements of each utility company.

14. The Town Planning Department's assigned House Street Addresses and Assessor's Map and Lot Numbers for each of the lots shall be added to the record subdivision prior to the PZC's map endorsement and the map filing on the North Branford Land Records.

18. Adherence to the requirements of the Town Engineer in his memorandum dated August 8, 2023 (see attachment).

The Commission's summary reason for approval of the subdivision:

- The proposed subdivision conforms to the Zoning and Subdivision Regulation requirements.
- The residential development is consistent with the existing neighborhood.

Motion passed 6 – 0.

5. OLD BUSINESS - none

6. NEW BUSINESS

A. Updated P&Z Commission By-Laws – Mr. Perkins stated the timeframe of 30 days has passed and the commission needs to approve them. Member Mase made a motion to approve the revised bylaws dated August 17, 2023, seconded by Member Lanza and passed 6 – 0.

7. OTHER BUSINESS

- Zoning Regulations updates
 - A. "Character" Regulations – Mr. Perkins said replacing the word "character", with the words "design", "elements", or eliminating the word. Member Mase made a motion to schedule a public hearing on the revised "character" zoning regulations for September 21, 2023, seconded by Member Galdenzi and passed 6 – 0.
 - B. Miscellaneous Changes - members discussed setback regulation regarding necessary retaining walls, garden walls, accessory uses, boats vs. RV; minimum floor area to be deleted; definitions to be added/changed.
 - C. Multi Family Housing District – continued

Motion to accept proposed changes as discussed 44.46.1 Residential District D to be reviewed at the meeting Galdenzi.

8. TOWN PLANNER'S REPORT

- Application Receipt & Scheduling: Regular meeting September 7, 2023 – continued Public Hearing

9. ADJOURNMENT: 8:25 p.m.

Member Siena made a motion to adjourn, seconded by Member Mase and passed.

Respectfully submitted,

Janet Crean
Recording Secretary

Robert Nowak
Chairman