

## NORTH BRANFORD PLANNING AND ZONING COMMISSION

### MINUTES –Regular Meeting of December 7, 2006 at the North Branford Town Hall Council Chambers.

Chairman Joseph Faughnan called the meeting to order at 7:30pm

#### 1. **ROLL CALL, in attendance regular members**

Joseph Faughnan, Chairman  
Harry Dulak, Vice Chairman  
Charles Gunn, Secretary  
William Galdenzi, Regular Member  
Rose Angeloni, Regular Member  
Frances Lescovich, Alternate

Kurt Weiss, Town Engineer  
Carol Zebb, Town Planner

#### 2. **OLD BUSINESS: None**

#### 3. **NEW BUSINESS:**

- A. Application #2006/07-14, Site Plan for Development of a 65,196 sq.ft. main retail store with attached 10,800 sq.ft. second retail store and a third detached 3,100 sq.ft. financial institution, 1289 Foxon Road, Assessor Map 19 Lot 22, B-1 Zone, Owner Gina, Bart Andrew and Janice Rivezzi, Applicant Julian Enterprises Inc.

Chairman Faughnan stepped down on this application and Vice Chairman Dulak was chairman during this portion of the meeting on this application.

Robert Martino, an attorney from Updike, Kelly & Spellacy was present on behalf of the developer and applicant, Julian Enterprises as well as a team of professionals from Big Y, Pete Thomas and John Jenza, their engineers, John Mancini and John Whitcomb and architect, Ed Pepin.

Attorney Martino stated the proposal was for a 81,000 square foot retail development on Foxon Road at the Rivezzi Garden Center and Stone Supply location with no use of the Rivezzi farm behind it.

Engineer John Whitcomb gave the following overview of the site plan details. The site was currently zoned as B1 and fits the use applied for so there were no variances needed other than an approval of the site plan.

As far as zoning requirements, the lot are was ten times the minimum 40,000 square feet, street frontage was met, the number of stories were two with three allowed, the proposed building height was 30' +/- feet where the maximum height was 35 ft., and all the setbacks, rear, both sidelines and frontage as well as the parking conditions for all the different uses (offices and bank) were met.

As to the site plan layout: for safety reasons the delivery traffic would be separate from pedestrian traffic and for the project a traffic light would be installed on Route 80.

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All retail parking would be in front and all truck traffic would go along the back of the property. The waste storage, i.e. dumpsters and recycling, would be opposite the loading dock in the rear of the building.

As to the site grading and screening: in order to screen this building and to make this building work since the whole area was mildly sloped, there was a need to flatten it out and erect retaining walls along the property lines. Additionally to screen the project from residential neighbors we will install a 30' high berm along the back of the building on top of the berm is an 8' high fence and both sides have evergreens all along. For residents to the south, we will install a vegetative slope, with a privacy fence along top and evergreens. There is a small pocket of wetland which we have addressed and already have approval from inland wetlands. The retaining wall is known as a sierra wall so they grow in and look like a near vertical grass slope.

As to utilities: they are available in Route 80 and will service the building from the rear; sanitary will also leave through the rear (grease trap etc).and will discharge out to Route 80 – we already have approval from WPCA for connection.

As to Storm water management: one of requirements is that we reduce the rate of flow off site and we will provide for underground retention and discharge through the site's existing swale. There is capacity to carry the flows we are discharging out to Cedar Lake. Low flows estimates: 90% of flows meet 2 year storm – other flows will be reduced from other storm events. Two (2) storm water quality units will treat water before it goes into subsurface detention and then be discharged to a water quality swale. There will be very low velocity so no issue with erosion control.

As to Route 80: it will be widened with a traffic lane for left turn into site.

Additional areas of concern: to meet water quality standards, a maintenance proposal has been submitted that will provide less water, cleaner water and no downstream effects.

On the Landscaping plan; all evergreens of different heights thereby providing barrier to site.

Finally, a sedimentation and erosion control plan has been worked out with Town Engineer Kurt Weiss.

Ed Pepin, Project Architect, provided the following information:  
the Big Y floor plan proposes a 65,000 square foot retail facility with all the amenities you would expect in a modern store. Sidewalk traverses along the entire length of the store. A canopy covers the main entrance. There is also a secondary entrance. With the two entrance approach parking gets spaced out better. There is an in-store pharmacy.

Receiving area: stations for three trucks in rear of store; receiving done to dock seals so there is no outside loading dock per se. Internal noise directed inside. There is a compactor for waste which is fully enclosed so there are no open dumpsters.

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The entrance will lead into the produce department. There will be feature areas within the store.

Attached to the Big Y will a floor plan of 10,800 square feet of adjacent retail space which has been designed solely as a shell to provide latitude with any tenant.

Rendered elevation of entire storefront on west end of center, shows two entrances. Big Y entrance is highlighted with a higher canopy element. Main body is of face brick material. With sconce type light fixtures. Roof canopy itself was pitched shingle material. He reviewed the proposed material samples. It was a pretty consistent design with slight variations in color, height etc. as to other more recent Big Y's.

The water tower condenser was within the roof so all equipment normally on a roof was not the case here. All that mechanical equipment was in the rear for noise control.

John Mancini, the project's traffic expert, reviewed the detailed traffic study that was done. Figure 1 is a site location map. Site is a bit west of Cedar Road. To the west we studied Route 80 to 22; we studied Route 80 and Twin Lakes Road and the intersection of 139 and 80 and 22 and 80. Cedar Road was pretty much not open during our study but other locations have been captured. We did actual manual field counts in March 2006. We looked at these locations and peak hours (Monday to Friday 7 to 9 am & 4 to 6 pm and Saturday, 11 to 2). Average daily traffic is 20,000 cars passing daily. We studied accident data for three years.

Planned improvements: this section of Route 80 went from 2 lanes to 4 lanes 2 eastbound and 2 westbound); beginning in '07 the next section of DOT project from firehouse to Route 22 is next proposed improvement. Similar to what you have seen in this area it will go from 2 to 4 lanes.

We needed to determine where traffic is coming from and where is it going. 45% from east 55% from west based on demographics. We determined that during peak hours, most of traffic, 50 to 75%, going to grocery store is already on the road.

We will be installing a signal required for the additional turning lanes. In addition we are proposing offsite roadside improvement plan, i.e. widen along Big Y side of property, maintaining 2 lanes that travel through. The alignment going to the west is maintained and shifting the alignment going to the east and this meets the DOT criteria. Also proposing right turn lane thereby metering out traffic. What you will find in the Executive Summary is that we feel we need to make this improvement to mitigate traffic. We will also make minor timing adjustments to Route 80 at 22 and also at Notch Hill Road and 80. Our study indicates this will have no negative impact on traffic. There will be a wider single lane come to come into the site lot.

Upon Commission inquiry, Big Y representative John Jenza indicated that the store's hours of operation will be 7 to 11 and 7 to 12. Delivery schedule 6 to 3 and later but all before 10 pm. The majority of deliveries will be 6 am to noon.

Staff reviews of application:

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Police department: no objection if done in accordance with documents provided

Fire Marshall: no problems

Town Engineer Kurt Weiss: Did nice job with drainage by reducing flow by holding it on the property. Project received WPCA approval to connect to sewers.

Town Planner Carol Zebb: Site plan conforms to the zoning design standards. Applicant addressed concerns on screening with berm, adequate screening of landscaping, fencing and seria wall. The building's exterior wall lights were lowered. She requested a condition of approval for a reduction of the lighting level on the site.

Upon Commission questioning, the project engineer stated that the proposed construction schedule is one year.

Motion was made by Member Gunn to approve Application #2006/07-14, Site Plan for Development of a 65,196 sq.ft. main retail store with attached 10,800 sq.ft. second retail store and a third detached 3,100 sq.ft. financial institution, 1289 Foxon Road, Assessor Map 19 Lot 22, B-1 Zone, Owner Gina, Bart Andrew and Janice Rivezzi, Applicant Julian Enterprises Inc. on plans entitled: "Proposed Retail Development, 1289 Foxon Road, Route 80, North Branford, CT prepared for Julian Enterprises Inc., Prepared by BL Companies, all sheets revised to 12/04/06" and other buildings architectural drawings, reports and documents submitted up to December 7, 2006 with the following special conditions:

1. That a bond 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 issuance of a zoning permit.
2. That this approval shall be null and void if construction/site improvements are not completed within five years of this approval date.
4. That the Town Planner and/or Town Engineer be notified at least forty-eight (48) hours prior to the start of any construction
7. That no Certificate of Zoning Compliance be issued until such time as all site work is completed or a bond for remaining work is submitted in an amount approved by the Town Engineer.
8. That no Building permit be issued until such time as a site restoration bond is submitted in an amount approved by the Town Engineer and having form and surety acceptable to the Town Attorney.
9. That all sedimentation and erosion controls be in place prior to the start of construction and that the Town Planner and/or Town Engineer be notified at least forty-eight (48) hours prior to the start of any construction. The Commission reserves the right to require the developer to install additional sedimentation and erosion control devices in addition to those shown on the approved records plans as deemed necessary by the Town Engineer and/or New Haven Soil and Water Conservation District. A certificate of soil erosion and sediment control compliance shall be issued upon determination that the soil erosion and sediment control complies with the North Branford Subdivision Regulations/Zoning Regulations. Failure to comply with the approved soil erosion and sediment control plan my result in the revocation of the erosion and sediment control certification and other sanctions provided by law.

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

14. Adherence to the requirements of the Fire Marshal in his memorandum dated November 29, 2006. (see attachment)

16. Adherence to the requirements of the Town Engineer in his memorandum dated December 7, 2006. (see attached).

17. Adherence to the requirements of the Town Planner in her memorandum dated December 7, 2006. (see attachment).

Alternate Member Lescovich seconded the motion; all were in favor, no opposed. The motion passed unanimously

B. Application #2006/07-15, Site Plan for a 2,400 sq.ft., 40 ft. by 60 ft. building having office use on first and second floors, located in the rear portion of 1715 Foxon Road, Map 19, Lot 3, B-2 Zone, Owner/Applicant Thirty-Three-O-Eight Whitney LLC, Agent Robert Mangino

Robert Mangino was present on behalf of the applicant. Received a ZBA variance one year ago. Now proposed a rear two story building of office use as permitted within the B2 zone. We are proposing new parking, new striping, new in and out to create a better design for parking and the flow of traffic with a paver system around the building to allow fire trucks better access.

The engineer's site plan (Garcia and Associates) calls for on site sewage disposal system downsized from apartment use to office use. Two story building will be 40 x 60 with 4 office townhouse units, low impact, no retail and no stores. We are looking to dress up the site.

(Member Angeloni has left and Chairman Faughnan has taken her place)

Staff reviews of application:

Police department: No objection if done in accordance with documents provided

Fire Marshall: Approved with requirements and recommendations in his memo

Town Engineer Kurt Weiss: Approved with requirements and recommendations in his memo

East Shore Health, Alex Cinotti: Recommended approval

The Commission discussed with the applicant's representative and Town Staff the following items: if adequate parking numbers with 70 spaces with 10 compact and 24 additional spaces; the 50' setback buffer between residential and business zone; discussion as to tree line and fence line being a "tight" site; need to be able to plow around building and have emergency access; how well the pavers held up; discussion as to lighting plan for onsite parking / pole lighting; how will businesses be identified – signage to be defined on property and how will the on-site visitors distinguish between the entrance and exit driveways.

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Motion was made by Member Gunn to approve Application #2006/07-15, Site Plan for a 2,400 sq.ft., 40 ft. by 60 ft. building having office use on first and second floors, located in the rear portion of 1715 Foxon Road, Map 19, Lot 3, B-2 Zone, Owner/Applicant Thirty-Three-O-Eight Whitney LLC, Agent Robert Mangino on plans entitled "Project 1715, 1715 Foxon Road, North Branford, CT, Sheet S1 and S2 'Revised to 11/09/06 prepared by Robert Mangino Architect', and "Proposed Site Plan, 1715 Foxon Road, North Branford, CT drawings C-1, C-2, C-3 revised to 11/07/06 by John Paul Garcia" with the following special conditions:

1. That a bond 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 issuance of a zoning permit.
2. That this approval shall be null and void if construction/site improvements are not completed within five years of this approval date.
4. That the Town Planner and/or Town Engineer be notified at least forty-eight (48) hours prior to the start of any construction
7. That no Certificate of Zoning Compliance be issued until such time as all site work is completed or a bond for remaining work is submitted in an amount approved by the Town Engineer.
8. That no Building permit be issued until such time as a site restoration bond is submitted in an amount approved by the Town Engineer and having form and surety acceptable to the Town Attorney.
9. That all sedimentation and erosion controls be in place prior to the start of construction and that the Town Planner and/or Town Engineer be notified at least forty-eight (48) hours prior to the start of any construction. The Commission reserves the right to require the developer to install additional sedimentation and erosion control devices in addition to those shown on the approved records plans as deemed necessary by the Town Engineer and/or New Haven Soil and Water Conservation District. A certificate of soil erosion and sediment control compliance shall be issued upon determination that the soil erosion and sediment control complies with the North Branford Subdivision Regulations/Zoning Regulations. 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.
10. That the erosion and sedimentation control measures be installed as per the approved control plan utilizing the CT Guideline for Erosion and Sedimentation Control Handbook, CT Council on Soil and Water Conservation October, 2002.
14. Adherence to the requirements of the Fire Marshal in his memorandum dated November 15, 2006. (see attachment)
20. The existing parking area shall be resurfaced and restriped before the issuance of any certificate of zoning compliance of the proposed new structure.
21. Adherence to the administrative review and approval of landscaping and lighting and directional signage by the Town Planner and Town Engineer.

Alternate member Lescovich seconded the motion; all voted in favor, no opposed. Motion passed unanimously.

- C. Application #2006/07-16, Site Plan for the accessory use of a 24 ft. high storage tower in conjunction with a building contractor use, 2344 Foxon Rd., Assessor Map

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41 Lot 2, aka 25 Beech St., Assessor Map 40 Lot 58D, Owner/Applicant Pondview Developers LLC c/o Archie Bailey

Contractor Brian Urbowitz was present, owner of Concrete Connections with his brother. In business ten years and wanted to purchase one of these units but required a storage tower. Got a delivery once a month. The Commission discussed with him as to what the tower looked like, when it was used and how it was used. He explained the tower was sealed in and out, there was minimal dust. Dry cement was blown into the tower. A truck pulled alongside the “silo” between the tower and the building. There would be no impact to adjacent residential occupants. His hours would be 9 to 4.

Reviews by staff members:

Police department: no objection if done in accordance with documents provided

Fire Marshall Bunnell Jr.: no problem with this application per requirements in his memo

Building Official Cowell: tower must have fastings and meet requirements in memo

East Shore Health, Alex Cinotti: recommends approval

Town Engineer Kurt Weiss: No outstanding engineering staff comments

The Commission decided additional information was required before a decision could be made. The application was tabled to January 4, 2007.

#### 4. OTHER BUSINESS:

A. Approval of 2007 Meeting Schedule

Member Dulak moved to approve, seconded by Member Galdenzi, the 2007 meeting schedule; all were in favor, none opposed. Motion carried.

B. Any Other Item – NONE

#### 5. BOND RELEASES AND/OR REDUCTIONS:

A. Bond Reduction Dilungo Estates Subdivision – Phase I, Wood Chase Lane and Mill Road, PZ Application #2000/01-2.

This item was tabled to January 4, 2007

B. Bond Reduction Montgomery Village, LLC, Clintonville Rd., Housewright Development Inc., PZ Application #2000/01-13.

Town Engineer Weiss explained that the developer was looking for a bond reduction for work completed to date. Majority of work had been done, i.e. roads, plantings; there were miscellaneous outstanding issues. Major issue was retaining walls constructed around retention basin with no building permit requested. The walls had failed twice. Residents/representatives of Montgomery Village Association were present: Atty. Howard Kantrovitz, Elliot Olster and Joe Celotto who requested no release of bond. The Commission discussed whether bond money could be held on the walls and decided to ask for a legal opinion from the Town Attorney.

C. Any Item – NONE

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**6. MINUTES:** Not at this time

**7. TOWN PLANNER’S REPORT**

a. Application Receipt & Scheduling

***January 4, 2007 Meeting***

The Town Planner stated that two 2 new applications had been received for this meeting : Tilcon site plan for an air separator as required by DEP & 2344 Foxon Road for repair apparatus for fire trucks in a four unit building at the back of the site. In addition, the tabled items from this meeting would be added to this meeting agenda: bond reduction Dilungo Estates Subdivision and Application #2006/07-16, Site Plan for the storage tower at 2344 Foxon Road.

b. Municipal Referral Notification Review - none

c. Any Other Business Item and or Development Update - none

**8. CORRESPONDENCE**

**9. ADJOURNMENT**

Member Galdenzi moved, seconded by Member Gunn, to adjourn. The motion was carried unanimously. The meeting adjourned at 10:45 pm.

Respectfully submitted,

Respectfully submitted,

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Karen Mascola  
Recording Secretary

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Joseph Faughnan,  
Chairman