

**Planning and Zoning**  
**Public Hearing Minutes**

The East Haven Planning and Zoning Commission held its Regular meeting on Wednesday, January 3, 2018 immediately following a certain Public Hearings, which commenced at 7:00p.m. at the East Haven Community Center, 91 Taylor Avenue in order to transact the following:

Vice Chairman DeMayo called the meeting to order at 7:00 p.m.

Roll Call – 5 Present (DeMayo, Gravino, Lang, Asid, and Alternate Carocci sitting as a member)

Staff Present – Town Attorney, Joseph Zullo, Director of Administration, Salvatore Brancati, and Christopher Soto, Zoning Official

**Public Hearing #1**

Clerk Read the Public Hearing Notice: 31 & 63 Sperry Lane: Zoning Regulations, zone map change from R-5 to R-3.

Attorney Bernard Pellegrino who represents The Bluff LLC. Attorney Pellegrino stated that with him in attendance this evening is his design team from Milone and McBroom and he further pointed out that they were before the commission during the summer of 2017 with a similar plan. Attorney Pellegrino stated that he and his team will go through the plan although similar there are changes and since the board has changed its members he will go through the details of the new plan. Technically there are two applications the first part of this is a request to change the zone from an R5 to an R3 for 31 and 63 Sperry Lane. The second application is for a PEFD overlay zone 100 Sperry Land and 161 Foxon Road. The first application is pretty straightforward it is to change the zone from an R5 to an R3 for the purpose of creating a comprehensive zoning district. As you can see on the map that those properties at 31 and 63 Sperry Lane are surrounded by R3 zones and the second application would have all properties in an R3 zone. The reason that we're doing this is because of part 2 of our application to create the PEFD states that we cannot go from an R5 zone to a PEFD it's not allowable under the regulation. Therefore, we must change those 2 parcels prior to getting approvals for a PEFD Zone. You can see that going from the R5 Zone to the R3 Zone in of itself is worthy of this change. It will create a consistent zone in that entire area on the odd side of Foxon Road. It would also support our second step of an overlay zone of a PEFD because under your Plan of Conservation and Development there is language looking for this board to create opportunities for age-restricted housing. These two applications taken together would do just that create age-restricted housing, and would meet the rising demand within your town.

Vice Chairman DeMayo asked if there was a study created to see if there was that much of a demand in the Town of East Haven for age-restricted housing.

Attorney Pellegrino stated that his answer would be threefold, first the plan of conservation and development states the town is looking to create zoning to support for age-restricted housing.

Vice Chairman DeMayo repeated to Attorney Pellegrino, so that is part of the Town Plan of Development.

Attorney Pellegrino indicated that if you spoke to town staff that the residents are looking for quality age-restricted housing, in order to stay in town and also down size. Thirdly, the owner of the property has analyzed the demand for age-restricted housing. The pricing structure that this development would afford has reached the conclusion that there is a strong demand for age-restricted housing.

Vice Chairman DeMayo asked attorney Pellegrino if there were any changes from this application and the first one submitted.

Attorney Pellegrino indicated that there are no changes. He indicated he had a conversation with Attorney Alfred Zullo with regard to changing R3 Zone to a PEFD Zone and if the applicant doesn't complete the project.

Attorney Pellegrino Submitted PEFD regulations as exhibit "A" and further stated this is a two-part submission the plan before you and the general development plan. What the site would look like with the buildings would look like etc. The plans that we submitted have gone above and beyond your regulations but nonetheless if the general development plan is acted on favorably the applicant has one year to come back with the specific detailed development, which then has to be approved by this commission once again. The specific site plan or development plan has to match what we proposed as part of this step tonight and if the plan doesn't match or the applicant doesn't return within that one year with a plan Section 27.7 states if they applicant doesn't come forward with a plan and/or the property is abandoned the town has the right to eliminate the PEFD and revert the parcel to its original zone. So the town has ample protection if something were to happen down the road and the project doesn't come to fruition which is an important safeguard for the town.

Vice chairman DeMayo asked if the applicant has the ability to request an extension.

Attorney Pellegrino indicated he believes that would be up to this Commission.

Vice Chairman DeMayo made clarification to Attorney Pellegrino that this project would become null and void if it were not submitted within one year to the building department.

Attorney Pellegrino agreed.

Commissioner Charles Lang stated that you mentioned that the change from an R5 to an R3 creates continuity in the area but the residents in that area are all single family homes and I don't believe that's the continuity that they're looking for. Commissioner Lange indicated that he was not at the last meeting but understands that there was quite a turn out in opposition and even though this is not my district, it is my town and I have concerns for those residents in single family homes and those in single-family homes are the key to our community. It is my understanding that there are numerous projects for this type of housing taking place in town now, the project on Hemingway Avenue that has been approved and as far as the necessity for this type of housing he is really not sure the necessity exists.

Attorney Pellegrino indicated that your statement might be better served in the second part of this application. He believed that if you look at the map, R3 Zone would create continuity for single family homes. Well the R3 Zone permits us to come forward with the PEFD, that question might be better answered when we present the second part of this application. Obviously, the two applications will rise and fall together. I will stand by my statement that it will create continuity in the zoning. The two parcels on either side of this project are R3, it's important to zoning districts that are compatible with one another at the very least. What the commission decides if the PEFD overlay is good for the town those are issues that will be discussed further.

Commissioner Lang stated he will save his questions for part two.

Vice Chairman DeMayo stated this portion of the public hearings is only to discuss changing an R5 District to an R3 District.

Vice-chairman DeMayo recognized Genaro Amendola, 7 Branhaven Drive, East Haven.

Mr. Amendola stated that he is totally against this zone change he is not in favor of spot zoning; this is just another example of spot zoning. I'm even more upset with the fact that you can't go from an R5 Zone to a PEFD so you have to go from one zone to another zone to another zone to get where you want to be. He doesn't believe that's good procedurally. The houses on Branhaven Drive were all built with non-conforming lots and we have been dealing with this for 45 years and maybe through the efforts of Attorney Zullo we can get the problem resolved. The problems are that they did not meet the 25 foot setback some were built with septic systems some houses had two leaching fields on them there are a multitude of problems at that development. I don't know too much about the zoning department but I do know this they can't be everywhere all the time watching everyone. As I drive around town I see a lot of zoning violations boats parked in yards, storage containers, unregistered cars that are not for sale, and we also have blight regulations and as I drive around town I see a lot of yards in violation of the blight regulations. If we can't enforce the zoning regulations that we have now, he feels that this double zone change is it just another way of degrading the zoning regulations that we now live under. This is a slap in the face to all good taxpayers we do not need all this intrusion of future things to come.

Vice Chairman DeMayo Recognize Robert Sand, 501 Thompson Street, East Haven.

Mr. Sand stated that when this was presented the last time the faces of the commission have since changed, there was a designation of R5 to an R3 Zone and what the property was, along with the surrounding properties to the north are R5 zone and this property sits in R5. The logic was in the presentation, that was necessary to make this change to the R3 zone, it's making the change to fit into the regulations we have written, changing the R5 zone to the PEFD could be done with a considerable amount of work by the Planning and Zoning Commission because the regulation aren't there for this, the commission would have to work the regulations. The argument before was there wasn't a hard reason to change R5 to R3 the Plan of Development that was written years ago indicated that if it was in this area it would be low density, and this is not low density that is being proposed. So if the Town's Conservation and Development is being honored by this Commission I believe that, that should be taken into consideration in making this sound change. He lives on that side of town and the people who live on that side of the town live there because the lots are bigger and their zone is bigger and they want that single family home. This development doesn't fit into that as I see it. I don't believe the zone change should be made for that reason that the Plan of Conservation Development is not being honored.

There was a public comment made asking the difference between an R5 and an R3 Zone. Attorney Pellegrino indicated he'll explain it when he returns after public comment.

Lori Haddon, 5 Branhaven Drive and she stated that she disagrees with the presentation that is the high-density area, it is not. We live there they're all larger lots it's a wooded area. I believe that you have a right to purchase land and a right to develop it with R5 zoning you can put up your single family homes and that is what it says its use is for. The zoning board and the zoning regulations should have meaning that's what they're there for and I don't like someone saying that they could take it away from us and do whatever they want.

193 Thompson Street, He stated that he completely agrees with the comments made by Bob Sand.

Attorney Pellegrino stated if you look at the map and he points out Branhaven Drive it's an existing R3 zone this section is Route 80 and it is an R3 all of the property that's around this project is R3 zoned. So when he states that it's a contiguous zone by changing their parcel to an R3 so now you would have a contiguous R3 Zone District. It is true that as you go north it is R5 Zoning District; on either side of this developable parcel you have R3 Zone.

The difference between an R5 Zone in an R3 zone is that in an R5 Zone the lots are minimum 1 acre lots with larger setbacks and in an R3 Zone they are half acre lots.

Chairman DeMayo asked if the lots to the north of the parcel are 1 acre lots and attorney Pellegrino indicated yes they are closer to 1 acre.

The staff advised Vice-chairman DeMayo that he can either close the public hearing if he feels he has enough testimony and public input and when he gets to the regular meeting he can table the item or approve it.

Fred Trotta 140 requested look at the map.

Commissioner Lang moved to close the public hearing.

Commissioner Asid second the motion.

Roll Call. All in favor. None opposed. No abstentions.

## Public Hearing #2

Clerk Read the Public Hearing Notice 100 & 31 Sperry Lane, 161 Foxon Road: Zoning Regulations, zone change to Planned Elderly Facilities District.

Attorney Bernard Pellegrino stated he's a member of the Pellegrino law firm of New Haven and he represents the applicant with regard to this application to be referred to as a plan elderly facility district. He handed out as exhibit "A" in the first public hearing could also be referred to as exhibit "A" in this hearing because that's language of the regulation that were operating under. This application is a little more involved than the first application, your regulation section 27 spells out what an applicant has to do when they want to put a PEFD in your town and it's a two-step process. In step one we are required to bring to you a general development plan for this project, which is primarily the old Girl Scout camp located on Sperry Lane just off of Route 80 to develop it for 415 age restricted housing units in accordance with the regulations this commission has approved for such districts. Also as part of this plan we are required to tell you about traffic and utilities that would serve the property. Obviously, the number of units, the layout, the drainage, and parking this plan requires quite a bit of details.

Vice Chairman DeMayo interjected and stated, "And blasting."

This plan differs from the previous plan because we have eliminated one building and the 83 units that were associated with that building. That building was in the most northern part of the site which would have required the most earth removal and you'll see a map that shows the potential for significant earth removal is now significantly reduced in the new plan. Material taken from that one corner will remain and be fill material.

Vice Chairman DeMayo questioned the majority of the earth removal will be on-site an Attorney Pellegrino concurred.

Attorney Pellegrino believes that they have gone above and beyond what it is required in this phase of the process to give you a greater ability to appreciate what's going to happen when and if we move on to the design phase. If approved we would come back within one year and provide additional details on landscaping etc., which would have to match the original plan that we are presenting tonight as part of this first phase. The PEFD area would include 100 Sperry Lane, 31 Sperry Lane, and 161 Foxon Road. 161 Foxon Road will be the access to the site 100 Sperry Lane is where the former Girl Scout camp was located approximately 51 Acres and is presently undeveloped. The project will include 415 rental units within five buildings four stories each located on this site. The majority of this site would be undisturbed and would not require clearing or grading etc. The total land coverage is 5.9% and we've tried to create a buffer around the site to lessen the potential impact to the neighbors

surrounding the property. The site rises from Route 80 up to the north on the Branhaven Road side goes downward. The visibility from below be will be difficult to see due to the topography and vegetation that will remain on that site. The site will be developed in a very specific sequence phasing plan, to ensure two things, 1 we're not opening up this site and having potential issues through sediment and erosion control and I'll provide the sequencing plan. The plan is to bring in roadway and the utilities to the top of the site and grade the area to be used as a phasing area for construction, then we would move to the south to buildings 2 and 3, clear, grade, and create one foundation and begin the construction of that building while that building is under construction we will start the next foundation as well as the clubhouse building. When those two buildings are completed the plan is to go back and build building number one. Once that area is completed and stabilized and landscaped then we would move down and do the last two buildings using the same theory start the foundation begin the work then start on the second foundation of buildings 4 and 5. Then finish building 5 and the buildings are complete.

Vice Chairman DeMayo asked if you could show us where building 6 would have located.

Attorney Pellegrino lifted the overlay on the plan to show it was north of the other buildings and the pond and only one building in that area remains, which reduces the density. Eliminating building 6 reduces any blasting and site work that would have been required to get to the grade that we need. Attorney Pellegrino submitted exhibit B to the commission.

Commissioner Asid asked Attorney Pellegrino how long this will take to build.

Attorney Pellegrino estimated it will take 3 to 5 years depending on the market. He would like to reiterate the need for elderly housing like many communities throughout Connecticut we have an aging population. They are looking for alternatives to single family houses. This is a rental community with reasonable pricing as opposed to the assisted-living type projects.

Vice Chairman DeMayo asked if he knew what the monthly rent would be.

Attorney Pellegrino believes it's approximately around \$2,000 a month. The layout of the buildings have focused upon the pond and the trails, it's laid out nicely to take advantage of these amenities. Each unit would require one resident to be older than 55. Attorney Alfred Zullo asked me to put together a plan of age restrictions for this project and he has forwarded it to Attorney Zullo and is submitting it as Exhibit C. This project would be a significant tax generating development for the town the Assessor had estimated the 6 building at 1.2 million dollars to the town per year and he has it as just under a million as proposed this evening. Because it's a private road there will be no cost to the town to maintain the road, no garbage removal, and no impact to the educational system. This project is self-sustained and gives the town a great opportunity it has the infrastructure, the size, and the layout based on this plan without impacting the neighboring community.

Vice Chairman DeMayo the biggest concern of this commission is the impact on the abutting property owners.

Attorney Carocci asked those residents located in the R5 zone, how much of this project can they see what the visual is.

Attorney Pellegrino indicated that they did most of their visual results from Branhaven Drive not from the north but he would believe that it levels out at the top where they would see building 5 and the buildings below he believes drop off from view. Removing building 6 increases the parking and the buffer zone.

Commissioner Asid asked the height of the buildings and will they all be the same. Attorney Pellegrino indicate 4 stories and yes they're are all the same size.

Darren Overton, Milone and McBroom, 99 Realty Drive, Cheshire CT Attorney Pellegrino covered most of his presentation but he has a few points to make. South of the parcel is Foxon Road on the west side is the East Haven High School and on the east side is the single family homes on Branhaven Drive end in R 3 Zone. The properties that encompass this parcel are all our 3 Zoned. Sperry Lane is the main access to the existing camp and there's a driveway that goes all the way up through the property to the emergency access. We are proposing access to the site at 161 Foxon Road which gives you a better site line. This will maintain access to all the properties and also provide a better connection to the emergency access to where the high school is located. Sidewalks are proposed on one side of the road so residents won't have to walk on private roadways the two buildings along the southern portion of the property will have parking underneath the buildings. Through the ITE and the development of similar projects even though the town requires one parking space per unit we feel base on our experience and based on our knowledge of other age restricted complexes we believe that 1.5 parking spaces is much more realistic. Out of the 415 units we have 647 parking space shown on the proposed plans submitted.

Vice Chairman DeMayo asked if that includes visitor parking.

Mr. Overton indicated "yes" that is total parking at the site, it's a ratio of 1.54 per unit and there will handicap spaces incorporated into that total of 647 to meet the ADA accessibility requirements. There was some previous concerns that the 1.5 parking spaces per unit was not enough for this development we do have our traffic engineer Nathan Peck also from our office will be up to present the traffic analysis as well as the parking analysis to support that 1.5 spaces per unit. We also looked at, due to the concerns at the last meeting, whether there were other opportunities to place additional parking on the site so I have a plan that's been updated with additional parking spaces along the drive and we also have shown some extension of bays along the existing parking lots and we also showed the potential above building 4 we could create another bay of parking at that location. If we were to make those changes that would bring us up to 2 spaces per unit that's the potential for an additional 222 spaces. But there is impact associated with that that it would call for more additional grading and earthwork that will come with that and additional impervious surface, which would cause an upgrade the storm water management plan as well. So there is a balance that we need to get here we want to provide the appropriate parking for all residents and visitors. We're also trying to avoid creating impervious space parking that's not needed or never used burdening the owner to have to maintain. As you look at the rendering all the proposed buildings there is a natural wooded area there are several trails and pools left from the prior camp and some tent sites, some prior development that was left there. Around the perimeter of the site we maintained much of the wooded area as a buffer. Without building 6 we have create a much larger buffer to the properties north of the site. Open space is part of and regulations we have provided in the U shape in the front of the building and it exceeds the amount of open space that is required. There is also a clubhouse that they can be considered open space as one of the amenities to the project, plan does exceed the amount of open space required. The site will be served by public sewer and we have feasibility approval from Greater New Haven Water Pollution Control Authority and Regional Water Authority and they say there is enough water to serve the project but pressure will be an issue which has been in the past. There is a small booster station there now we will need to design a pressure booster station. We looked at the existing watershed and drainage patterns on the site as part of the design and recognizing that it's a public watershed as well, all the water will drains to the Farm River and currently it's draining into Foxon Road into the storm drain system. Last part of the final development plan our storm water approach is to design for peak flow and for water quality for local standards and the DEEP's. The size of this project will require it to be permanent under the general storm water construction activities and also be geared toward meeting the requirements of that permit. We plan to use the existing pond on site as an overflow from the drainage basins.

There is a small 8-inch pipe that exists there now and there is a cross culver that this can be connected into now, we will need an encroachment permit and an analysis by DOT for that connection. There were some concerns with regard to the watershed especially the homes along the Branhaven drive area they expressed experiencing runoff. On the plan the orange line depicts the watershed, which runs toward Branhaven Drive under existing conditions this is the direction that the water flows but eventually there is a ridge where the water will concentrate, it is being designed to now collect into the looped road. We are changing the direction of where the water drains it will now collect along this loop road and eventually drain into the pond. We are reducing the amount of watershed that drains towards Branhaven Drive. There is a DEEP general permit that which covers the storm water quality as well as the erosion control measures. As part of the plan there will be a detailed sediment and erosion plan submitted, temporary sediment traps, stockpile areas based on the phasing. One of the concerns was the view shed from the Eastern portion of the property and if we cut a section through the building that's closest to Branhaven Drive you would see just a portion or peak of the building during the winter months. The change in grade create a point where you really cannot see over to the buildings and the mature vegetation that remains there will also serve as a buffer. We did not look at views from the northern portion of the property there will still be a large buffer in this section.

Vice Chairman DeMayo ask if there was a way to create more green space to eliminate some of the runoff of water.

Mr. Overton indicated that there is a large vegetative island in the area you indicated and we will be adding more mature trees as well. We have maintained the wooded buffer along the area of concern. On the Landscaping plan we have also depicted additional planting of mature trees.

Commissioner Carocci asked if you were to increase the parking ratio to 2 .0 per unit how much of the 24 acres of excess land will that cut into.

Mr. Overton stated the 24 acres of excess land was based on the density computation that doesn't necessarily correlate with the amount of disturbed area on the site. We have not calculated it out for 2.0 parking spaces. The earthwork analysis has not been submitted as part of the application it does paint a picture with a better understanding of where the cuts and fills are on the site. The transition from blue to green on the map submitted is where building 6 would have been located and now has been removed where most earth work was going to be done. By eliminating that building we have eliminated half of the pad that was being created on that portion of the site. We have also lengthened the road a bit to raise the building up a little bit but we also have to maintain certain standards for the width of the access road and the width of the sidewalks. There are certain limits that we are compelled to meet with regard to ADA requirement. Mr. Overton then was describing the details of the map.

Nathan Peck, PE and a certified traffic engineer with Milone and McBroom, stated we have analyzed the signalized intersection west of the proposed site at Wheelbarrow Lane and River Road, to the east we were asked to look at the intersection of Route 80, Foxon Road with Totoket Road We also performed an analysis for the proposed site analysis access at 161 Foxon Road. Across the frontage of the proposed site Route 80 is one lane each direction with a wide shoulder, the posted speed limit is 45 miles per hour through this area. We took a look at the proposed site access and how it's going to intersect with Route 80. The proposed driveway is going to be one lane in and one lane out and for motorists trying to enter the site from the west heading eastbound will take a left into the site and there is a bypass condition there, there's enough room for somebody to go around them because of the wide shoulder. Obviously people heading from the West would just take a right into the site. We were provided with speed data that was taken from 2013 by the Connecticut Department of Transportation and they indicated that the real speed conditions at the site were anywhere between 46 to 48 miles per hour. So it's

pretty close to the posted speed limit. So if you're looking to exit from the proposed site looking left or looking right we have to make sure there is enough visibility to make sure you have enough clearance to make it onto the roadway. When we took a look at that situation with those speeds it's been determined that this proposed sight location does have visibility that meets and exceeds the Connecticut Department of Transportation requirements for both the posted speed limit and the design speeds. We also took a look at the accidents in this stretch of roadway and we focused on particularly where we will have our access. It has been reported that there were 9 accidents in the last 3 years, four of these accidents were rear-end collisions, and the remainder of the accidents were caused by animals being struck in the roadway. Overall, where we have proposed to put the entrance and exit of the project, we feel that you have good visibility and there are reports of low accidents in that stretch of road. He then took a look at traffic volumes we were provided with some historical data from the Connecticut Department of Transportation and we also supplemented that information with our own counts that were taken in 2017, both at the River Road and the Wheelbarrow Lane intersection, as well as Totoket Road intersection. It was determined from that traffic count from 7 a.m. to 8 p.m. and from 4:30 to 5:30 p.m. we compare those counts with the data from the Connecticut Department of Transportation. We then took a look at what the proposed project would generate with regard to traffic we used information and data that was provided to us by The Institute of Traffic Engineers. We regard to proposed senior housing we plugged in the number of units 415, along with the single-families that will remain on the property and it came up with a trip generation of 30 Vehicles entering in the morning and 60 Vehicles exiting in the morning. In the afternoon the p.m. peak hour 60 trips entering and 50 trips exiting. We took a look at how the traffic would be distributed through the existing roadways, the 2013 Census where they create a particular spreadsheet that's called the "journey to work" we can look at the patterns established in that data and apply our proposed trips to the roadway network. We take the traffic counts that we took and project them forward to the future and for this development it was the year 2022, we think it is a realistic time for the development of the traffic to occur for this project. The Connecticut Department of Transportation gave us a growth rate of .06% per year to apply to that traffic projection. We took the estimated site traffic in the future conditions and performed a Capacity Analysis the results are the majority of the study locations there is very little impact almost none at all where the project is located. There is a rather large delay in the eastbound traffic in the direction of Route 80 towards to Totoket Road intersection, when we looked to see what the project would add to that delay it's about 6 second. When you look how many vehicles it will queue, it is in the 95 percentile queue, which equates to 1 additional car. What will be staying on a daily basis is the average queue results is even less than that. We looked at the accidents, safety lines, and the traffic they all appear to be at adequate capacity for this development. We have a memo that we developed with regard to parking.

Vice Chairman DeMayo asked if there has been any discussion with regard to placing a traffic light at the entrance and exit.

The proposed development does not support a traffic light along Route 80.

Vice Chairman DeMayo asked what if your report is wrong and a traffic light is warranted. Why not a traffic light with a sensor that when someone is exiting the site it trips the light. Why would you indicate that a light is not warranted even when you're saying that the speeds are upwards of 46 miles per hour?

Mr. Peck indicated that's not an option typically on an application for traffic control. It's either warranted for a signal or not and in this case it's not. The State Department of Transportation would not consider this site for a traffic signal.



Vice Chairman DeMayo asked who would make that determination for safety purposes of the town. You'll be dealing with people who are 55 and older will be turning in and out, and not even a suggestion of a traffic light. If we want a light there who pays for it the town, the developer, the state, who pays for it.

Mr. Peck indicated it's either warranted or not and in this case it's not, so the state would not consider it. It would be an inappropriate application. The state would not allow it to be installed.

Commissioner Carocci asked if the study took into account that this is a 55 and older housing development. He further commented on the use of the wide shoulder to go around those cars that are making a left into the site, will there be markings on the road to show that you can go around that car that is in queue. How will the drivers going toward North Branford know it's okay to go around the cars taking the left hand turn or just because the road is wide?

Mr. Peck indicated they are aware it's 55+ and because there is no site line issues at the entrance and exit of the property, there will not be a striped dedicated turn lane if that's what you're referring to but there is a white line that allows for a driver to pass.

Mr. Overton mention whether a traffic signal is existing or proposed it is reviewed by the state DOT. With regard to traffic signals we also have to deal with the local authority too, which is the Chief of Police. Who does this through a certain process with the DOT to see if the signal is warranted? If the local authority were to strongly encouraged it to be there might have been situations where the DOT would consider it.

Vice Chairman DeMayo stated that you gave us a blanket "no" with regard to a traffic light being there but we could possibly go to the local authority. You could plead your case to the police department for Public Safety.

Mr. Overton stated that is what the report warranted.

Vice Chairman DeMayo stated that you did mention most of the accidents were rear collisions.

Mr. Overton stated that rear collisions are not solved by a traffic light they more often cause rear collisions. He just like to mention that the site line is based on the speed of the road so the higher the speed the longer the site line I just wanted you all to be aware of that.

Vice Chairman asked why all those parcels are R3 except for this parcel, why is that.

Mr. Soto stated he can only presume that it was when they went for the approvals for Branhaven Drive they were originally R5 to put in the subdivision they requested to change the zone to R3.

Mr. Peck went over the parking requirements through The Institute of Transportation Standards. Their parking ratio is .59 per unit and design rate of .66 per unit and we are proposing 1.59 per unit at this site.

Mr. Overton went over the facade of the buildings with changes in siding to break up the size of the building. It's a 60/40 mix of one bedroom and 2-bedroom and he displayed a floor plan. The height of the building up to the gable is 44 ft. and the maximum to the peak is 50 ft. With underground utilities.

Attorney Zullo had a question for Attorney Pellegrino you mentioned earlier that you expect a million dollars in tax revenue to be generated, how did you come up with that number?

Attorney Pellegrino stated that they got that number from the town Assessor his client spoke to the town Assessor.

Genaro Amendola, 7 Branhaven Drive stated that he opposes the zone change for the zone change. But he'd like to speak about the blasting that's going on and traffic. He doesn't have the resources to get a reports on the blasting or traffic study. He has pictures of traffic jams along Route 80 from July 2017 to November 2017. He submitted the pictures Exhibit F. According to AARP drivers report it states that most accident occur with those that are 65 and older when they are making left hand turns. He disagrees with the plan that the clubhouse would be rented out, that would make this a commercial building. This is a beautiful wooded piece of property this project would be better suited for the center of town. After blasting stops hairline cracks continue to grow.

Vice Chairman would place conditions if it's approved.

Mr. Amendola believes that when the regulations were written this is not what they had in mind he believes this project is wrong for the area and much too large. The collateral damage that will be done during construction would be severe. This property is owned by an LLC if anything should go terribly wrong then the town would have no recourse.

Louis Pacelli 107 Foxon Road stated that he had a few questions with regard to the traffic study; he further stated that he doesn't have the technical data but he does have a few facts with regard to the traffic in the area. In 2014, there was a fatality in front of Sperry Lane, which is right in the middle of your study that goes from the intersection of River Road to the intersection of Totoket Road. There was another fatality a short distance away in front of our Lady of Pompeii Church, he pointed out that it's Our Lady of Pompeii Church immediately after that an office building, Deer Run School and then the high school all in this vicinity. Wouldn't it be important to say that you have all the facts including the fatalities in that immediate area and then say maybe we should suggest putting a light at the site. He knows the builder he does great work in town it's not about him it's about what's best for the community and whatever you decide we have to live with it but you have to take into consideration all these facts. I think they need to look at the traffic study again and consider putting a light.

Ralph Merola, Branhaven Drive commented on this left hand turn that the residents will have to make to turn into the project. There is not enough room for someone to stop to make a left hand turn and have a Tilcon truck behind them and try to maneuver around. It is not a possibility no matter what you say and we are don't care what your numbers are; I've been pulling in and out of that road since 1969. The traffic is horrendous it'll be an impossibility to make a left hand turn out of that complex to go towards North Branford. There's not enough room and there are going to be deaths.

Anthony Martone 20 Branhaven Drive he's opposed to the development and it's especially concerned with the entrance and exit and to the proposed complex it's about a half a block from the Sperry Lane entrance where there is a large outcropping of rocks. As the truck sir approaching that outcropping they pick up speed and then they go downhill from there toward the proposed entrance of this project. Even with a light at that site it's going to be a problem the Tilcon trucks continue to go through there and they will continue and they will increase over time it's a dangerous situation around that outcropping of rocks at that curve. With maintenance people, visitors, visitors on holidays you will see two to three hundred people in and out of there daily and plus buses.

Laura Haddon, 1 Branhaven Drive I agree with those who spoke before with regard to the traffic. You can control the data in your study to say what you need it to say I don't believe your study is correct. Along the stretch of highway it will see crosses and flowers were people have died you don't need to research it they're

sitting right on the side of the road. Not giving the true facts really ruffled my feathers why don't you present what it really is. If you can't fill these units with 55 and older people how long will the buildings remain age-restricted.

Vice Chairman DeMayo indicated it is a designated 55+ age restricted.

Mr. Soto, Zoning official stated that they would have to come back before the commission to change the designation.

Commissioner Lange said my question is and how do you police that? One of the statements that was made earlier was about the self-sufficiency that we wouldn't have to plow or pick up garbage; I'd like to know if they're going to have their own Police Department and Fire Department. When you bringing that much population and put those buildings up there it's definitely going to be an expense and I don't know about the tax money but it's going to be a bit of a wash. He stating this because of the large increase in population, they're talking about how much money is going to be generated from this site but a lot of it is going to be a wash. We will have to increase services to take care of that site.

Laura Haddon stated she would like the true facts of the situation.

193 Thompson Street he believes that the traffic study is under estimating two things the elderly also have home health aides that would be visiting the site and visiting nurses additional people coming in and out. I just want to make sure I heard this right only one of the resident have to be 55 + or older. Can the board make it so that all residents have to be over 55?

Vice Chairman DeMayo stated he doesn't think that's enforceable by this commission.

He further stated that he believes the traffic study has grossly underestimated the traffic in that area. I live in this area for the past 14 years and I run along the sidewalks on Route 80 and he sees it often how dangerous the traffic is along that stretch of road. In front of Our Lady of Pompeii Church from Deer Run School and in front of the entrance to the high school there is a turning lane or a drone lane to turn at those intersections. Along the section of road where the site is Route 80 is much narrower. Daily he sees close calls along that stretch of road on Route 80, you have underestimated how narrow and dangerous the road is there.

Robert Sand, 501 Thompson Street, stated he was listening to the traffic study. He was listening to the market study and we have a neighboring project in North Haven on Half Mile Road which abuts East Haven this project is Pierpont and that project is at a standstill. It's an age-restricted community and it's creeping along sales are poor.

Vice Chairman DeMayo asked if it was rental. Mr. Sand stated that it is similar in an area where people would typically down size.

Vice Chairman DeMayo asked if they are single family homes 3 to \$400,000 that might have something to do with it.

Mr. Sand stated in terms of the market one of the issues is that the high school has a secondary access on Sperry Lane is that part of the project. Is there a possibility that they would be using that road to get to the light at Wheelbarrow Lane?

Vice Chairman DeMayo it would remain gated.

Mr. Sand stated when it was mentioned before regarding the continuity that Attorney Pellegrino mentioned before that they want to make it all one R3 Zone. The underlying part of that is that maybe there is a formula they used when they can figure density so in an R5 it reduces that number. In an R3 where building 6 is removed in the event that all the units were built and filled what is to stop the developer from coming back and asking to put building 6 in at that point or to look towards other parts of the site and expand further. That possibility could occur.

Vice Chairman DeMayo stated it would be a coverage issue too much bulk.

Mr. Soto indicated it's a floor area issue it's how many units to the ratio of land, it's a percentage.

Vice Chairman DeMayo stated the commission would take that into consideration upon approval.

Mr. Sand further stated that it was mentioned about the Regional Water Authority notified of the development but in that area is a pond that has been sitting up there pristine and has developed over time and untouched. The hydraulics have developed over time he's not sure whether it's spring-fed or it's just the contours with the swales in the contours of the land not to build on top of what feeds the pond it would cause problems for the buildings and the roadway if that were to happen. They've included plenty of water retention areas and the drainage from the catch basins would go into the retention area. It works well on the plan I just want to make sure that it is studied beforehand before they break ground and how that water is moving now and after construction.

Commissioner Asid asked if the commission were not to change to the R5 zone to R3 zone it would limited this type of construction to occur.

Attorney Pellegrino stated that they couldn't do anything. The owner or developer one of them would have to come back before the commission. The total floor area coverage and the total lot area covered is constricting so while adding buildings is possible the size and the location would be difficult. Also with regard to the blasting we did meet with a blasting consultant licensed in Connecticut for 30 years J&J Blasting out of Branford Connecticut. The old plan would have had a potential for much more blasting, but given the distances he could get us to the grade we needed to be without the surrounding homes even knowing it was happening. Set the charges accordingly, they might have to set a few additional charges but they can do the blasting without much disturbance. The need for blasting might not be a given there are only two small little areas. Any blasting can be done safely. The clubhouse would not be offered to rentals just the use of the tenants. Yes with any increase in density there could be a need for additional emergency service but compared to educational services they pale in comparison. Nathan will return to answer additional traffic questions.

Nathan Peck There are some poor levels of service in the eastbound direction which are some concern but it's not adding a lot of traffic in that direction. When we looked at the queue analysis it only seems to add one additional car in the worst times of the year. You can't design for 100% of the time we are at the 95 percentile. The gentleman prior mentioned that there was a rollover in that direction our study was from July 2014 to October of 2017, therefore it would not be in our report. There was a comment on a bypass lane for left lane treatments which is what exists out there if there is a 12 foot wide traveling lane and another 8 feet of shoulder it gives you 20 ft. of drivable area and that's what the Connecticut Department of Transportation designs and builds. A dedicated left-turn Lane with a protected striped area would require widening of a state facility to accommodate that wasn't a suggestion of ours because the bypassed already exists, and it can function properly.

Commissioner Carocci stated that 80% of public comment is geared towards they're concerned with traffic with in that area. Does that in any way affect your opinion, just because it's the state mandate does not make it safe.

Mr. Peck Stated that they can take a look at the safety concerns again and the access point again and compare it to the treatments available, but as I stated earlier the bypass condition here is what the state chose to put in themselves.

Vice Chairman DeMayo stated they did not have this project there sir.

Commissioner Asid a lot of the people are concerned with the large trucks that pass through there especially those from Tilcon. I'm not sure if you'd considered the truck traffic especially from Tilcon and they're not going away.

Mr. Peck stated that we can look at this again, but we will have to go to the state again to see if they want it.

Commissioner Asid there are a lot of safety concerns.

Attorney Pellegrino stated that I'm not sure if all the people that spoke tonight realize that existing Sperry Lane is not the proposed access room. Well there have been more severe fatalities at that point we're in the new access point.

Mr. Peck stated this is the safest point on that portion of the road for the speeds that are out there.

Commissioner Carocci asked what the line of sight from 161 Foxon Road is.

Mr. Peck indicate that it exceeds the minimum of 560 ft.

Commissioner Lang It was brought up about clearing the property and I haven't heard anyone mention it yet at this meeting. Is the quality of life of the established communities on both sides of this property those people are going to be inconvenienced and you spoke at the length of this project could be approximately 5 years. You also said a lot of the fill there was going to be reused on the property I would like to know what you've taken into consideration to explain the amount of traffic that it will take to build this and the junk that will be taken out of there. How it's going to be brought out where's it going to go what roads are you going to use how much crap is it going to leave on our streets. I haven't heard a word about any of that what are we doing with all that.

Attorney Pellegrino stated that most of material will stay on the site you saw it described on the map it's pretty balanced. There will be construction traffic the reason why we propose the staging area up to the north of the site for construction so we could stage the vehicles up there. We tried to weigh the pros of the development in phases resolves it. It would be much quicker to come in and blast and grade and be done with the earth work we felt this was better course of action.

Commissioner Lang's stated that you still have to get the material in there and material taken out. I've been in construction, a building that large there's going to be a lot of junk coming out of there so my question is where is it going to. See here's the thing it has to go down Foxon Road to Foxon Boulevard to the highway which will affect areas. We're talking about a traffic study hear that everything is safe and wonderful and we have tractor trailers hauling out this garbage taking that route it has not been talked about here.

Attorney Pellegrino this is a state highway for many years the construction traffic that this project would add will pale in comparison. It's part of construction.

Commissioner Lang stated For Five Years. I'm bringing this up because no one has mentioned it and what are they going to wake up one morning and all of a sudden see this caravan of trucks.

Vice Chairman DeMayo stated we all know how very important this decision is for the developer for the neighborhood it's a very large project this board is not taking this lightly at all we will be working diligently and trying to see if it's a workable situation for the developer as well as the residents.

Attorney Zullo recommends that the commission leave the public hearing open there are some questions that still need to be answered.

Commissioner Asid move to keep the public hearing.

Commissioner Lang second the motion.

Voice Vote-All in favor. None opposed. No abstentions.

### Public Hearing #3

Clerk Read the Public Hearing Notice Public Act 17-155: Temporary Health Care Structures. The Act would allow for a physically or mentally impaired person to occupy a temporary healthcare structure that would be detached from the main residence and could not exceed 500 sq ft. Additional information about the Public Act is available at the Planning Office at Town Hall.

Mr. Soto explained that the state has passed a Public Act 17 - 155 for the placement of temporary health care structures. A structure that's no more than 500 square feet. What the state is allowing would actually require To allow through a zoning permit a second dwelling unit on one residential parcel. the way they act reads if a person is deemed to be mentally or physically impaired then that person is eligible to have a temporary health care structure and placed in any way they own or their caregiver owns and now we have another 500 square foot home on that lot and it would be by permit and I would have to approve it if it met the parameters. We are requesting that the board opt out for several reasons, the state defines them as an accessory use but the town actually define them as an additional dwelling unit and throughout town we do not allow multiple dwellings on one lot. This would allow for non-conformities to exist throughout town without going through the variance process. It boils down to the state would impose non-conforming structures on the town. It would create problems in that 120 days after the resident no longer needs use of the additional dwelling unit it has to be removed we have a whole host of issues with enforcement for that provision. Then there's the potential for these units to be rented out and it creates a new host of problems. How would I gain information on the status of the person living there I'm not allowed to have their medical information and I can't willfully enter a person's property. This is more problematic for the town. The commission can opt out of the Public Act and create our own regulations for this type of housing.

Robert Sand 501 Thompson Avenue it is a noble public act but this does not make sense with all utilities just does not make sense. Opting out is the right way to go.

Vice Chairman DeMayo added Mr. Soto's report as Exhibit A.

Commissioner Lang stated that this would have to hooked up to sewers.

Mr. Soto stated it's addressed in his report.

Commissioner Asid moved to close the public hearing.

Commissioner Lang second the motion.

Voice Vote-All in favor. None opposed. No abstentions.

Public Hearing closed at 9:49.

Respectfully submitted,

Roberta A. DeLuca

Commission Clerk