



PLANNING AND ZONING COMMISSION

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MINUTES

PLANNING & ZONING COMMISSION

THURSDAY FEBRUARY 20, 2025

REGULAR MEETING 7:00

This meeting was held remotely, solely via ZOOM.

Commissioners Present: C. Andres (Chairperson), F. Russo, J. Chadwick, J. Vaiuso, M. Palluzzi, M. Liguori

Commissioners Absent: S. Huttner

Staff Present: E. Breining (Interim Town Planner), H. Smith (former Town Planner), M. Martin (Clerk)

Chairperson Andres said it was 7:04 pm and he explained there were technical difficulties with the zoom technology, so they will take a recess to 7:20 p.m. and reconvene then. Before they did that, he introduced the commissioners present as well as the staff present.

F. Russo then read the public hearing notice.

They then restarted the meeting at 7:20 p.m.

Chairperson Andres then reviewed the public hearing procedures.

He then asked the commission if it would be acceptable to them to hear the two shorter public hearings and then review the changes to the zoning regulations after that. The commission agreed.

PUBLIC HEARINGS:

1. Planning & Zoning Commission(C. Andres, Chair)-Applicant
Zoning Regulation Amendments
Application #24-12.1
A/R 12/19/24 & PH opened 1/16/25 & cont. to 2/20/25

This was deferred to after PH # 2 and #4 are heard.

H. Smith (former Town Planner) gave a brief history of this application. He then reviewed the three documents that were previously sent to the commission. He then displayed the proposed changes and reviewed each one for the commission. He also referred to the DEEP letter that was received.

The commission discussed these changes and asked questions. They discussed retaining walls(Sec 6.13 c.3) at length and decided they would like more information from J. Acquino (former ZEO) as well as how other towns deal with this problem. H. Smith displayed a document by J. Ellis which they reviewed.

Public Input:

1. Sofia Noori-34 Howard Ave.- She wanted to address Sec. 6.13.c, she purchased the house at 34 Howard Ave a few years ago and moved out while they started renovations. Their neighbors built a retaining wall right on the property line and part of it is on their property. Their home is nonconforming as many are in their neighborhood. The neighbor built the wall with no permits and were issued a cease and desist. She pointed out that these walls built right on the line can cause a lot of damage, this wall caused flooding on her property. She had to take legal measures

to deal with this. She noted that even a retaining wall under 3 feet in height can be very damaging. She displayed photos of the retaining wall.

2. Attorney Marjorie Shansky- She noted that the emergence of this issue with commission radiates a conflict. She is glad the commission is going to do further research with J. Acquino and J. Ellis. She referred to the residential building code.

She then spoke of the DEEP and noted that she is seeking approval of sec. 6.8 for grading. She noted this is because she is within 100 ft of an inland wetland, not coastal resource. She said she has been before the IW Commission, and she was approved for this project. So going to PZ Comm on an Inland wetland issue, not a coastal resource is a redundant exercise. She mentioned that DEEP interests in coastal resources are different than the Branford Inland Wetland Watercourse interests because they are a sovereign agency within the Town of Branford. DEEP writes letters and comments on coastal site plans and they are advisory. So, the fact that deep would prefer you keep within 100 ft of coastal resources makes sense from their prospective and she didn't think it was contradictory to adopt the 25 foot review for Inland Wetlands because it's a different agency with different statute .She wanted to note, its possible to satisfy DEEP and eliminate redundancy and avoid cross jurisdictional conflict by reducing the margin for review for Inland Wetlands.

Chairperson noted this public hearing will remain open. More information will be coming. This will be discussed at the March 6, 2025 meeting.

2. Vincent Federico-Applicant
Nancy Tomassini-Owner
15 Etzel Road
Special Exception & Coastal Site Plan- Grading (Sec. 6.8) within 100' of a coastal resource
Application # 24-12.2
A/R 12/19/2024 & PH opened 2/6/25 & cont. to 2/20/25

J. Pretti (Criscuolo engineering) represented the applicant and displayed the site plan. He explained that the commission approved a coastal site plan for this new house a few years Ago. The home needed flood vents, so the property is tiered to accommodate them. The vents weren't part of the first approval. Because of the grading involved, a special exception was needed.

E. Breining reviewed the site plan and the commission asked a few questions.

PUBLIC INPUT: No one spoke

Chairperson Andres closed the public hearing .

3. Island Destinations LLC c/o John Petrofsky-Applicant & Owner
Cut-In-Two Island (West)
Special Exception - Accessory Apartment
Application #25-1.5
A/R 2/6/25 & Ph set for 2/20/25

Chairperson Andres noted that this property required two additional special exception applications so, this public hearing is opened and continued to the March 6,2025 meeting Via zoom.

4. 32 Wood LLC c/o Susan Norden-Applicant & Owner
32 Wood Road
Special Exception & Coastal Site Plan -Single Family Residence
Application#25-1.6
A/R 2/6/25 & PH set for 2/20/25

J. Pretti (Criscuolo Engineering) represented the applicant and displayed the site plan. He noted that this was a prior application before the commission, which was approved, but then the previous owners sold the house to one of the neighbors .The project consists of moving the

house onto a new foundation into a conforming location. He also submitted a letter signed by many of the neighbors in support of this.

E. Breining reviewed the staff report.

PUBLIC INPUT : No one spoke.

Chairperson Andres closed the public hearing.

The commission then went back to public hearing #1.

5. Lauren Wiggins-Applicant
Meadow Street Properties- Owner
151-155 Meadow Street
Special Exception-Church and/or Places of Worship
Application #25-1.8
A/R 2/6/25 & PH set for 2/20/25

**E. Breining noted that this item needs to go before the Town Center Board .
This public hearing is opened and continued until the March 20, 2025 meeting.**

RETURN TO TABLE:

6. Vincent Federico-Applicant
Nancy Tomassini-Owner
15 Etzel Road
Special Exception & Coastal Site Plan- Grading (Sec. 6.8) within 100' of a coastal resource
Application # 24-12.2
A/R 12/19/2024 & PH opened 2/6/25 & cont. to 2/20/25

**J. Chadwick made a motion to approve the application with the Findings and Conditions
Below:**

Findings:

1. The Coastal Site Plan is consistent with the goal 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.

CONDITIONS:

- 1) Prior to the start of construction erosion control measures shall be installed to the satisfaction of the Zoning Enforcement Officer and maintained throughout the project.
- 2) As may be directed by the Zoning Enforcement Officer, necessary measures to control any dust generated by fill brought into the site or movement of earth material on site shall be implemented.
- 3) To reduce glare, all fixtures shall be demonstrated to meet the IES full cutoff definition unless they are emergency lights or very low-level accent lights (less than 900 lumen output- less than an incandescent 100-watt bulb). Fixed, not adjustable, arm mounts shall be used for all fixtures. The correlated color temperature of the light source for all exterior fixtures, either building or pole mounted, shall be equal to or less than 3000 Kelvin (K). Information on all building mounted light fixtures shall to be provided including cut sheets with all model choices indicated and an updated photometric plan (Sheet LP-1) including an updated schedule providing information on the different types of fixture (maker & model number, mounting height, lumens generated, etc.) and surface light level projections in foot-candles that are in compliance with the requirements of the Zoning Regulations.

- 4) All conditions of the previous approvals shall remain in full force and effect as they may still apply.

F. Russo seconded the motion which passed unanimously.

- 5) 32 Wood LLC c/o Susan Norden-Applicant & Owner
32 Wood Road
Special Exception & Coastal Site Plan -Single Family Residence
Application#25-1.6
A/R 2/6/25 & PH set for 2/20/25

F. Russo made a motion to approve the application with the Findings and Conditions below:

FINDINGS:

2. The Coastal Site Plan is consistent with the goal 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.

CONDITIONS:

1. Prior to the issuance of a Zoning Permit or the authorization for the issuance of a Building Permit the following will be met to the satisfaction of the Zoning Enforcement Officer:
 - a. Erosion control measures shall be installed and maintained throughout construction.
 - b. As may be directed by the Zoning Enforcement Officer, necessary measures to control any dust generated by fill brought into the site or movement of earth material on site shall be implemented.
2. To reduce glare, all fixtures shall be demonstrated to meet the IES full cutoff definition unless they are emergency lights or very low-level accent lights (less than 900 lumen output- less than an incandescent 100-watt bulb). Fixed, not adjustable, arm mounts shall be used for all fixtures. The correlated color temperature of the light source for all exterior fixtures, either building or pole mounted, shall be equal to or less than 3000 Kelvin (K). Information on all building mounted and other site lighting shall be provided as necessary to demonstrate compliance with Section 6.7 and the Lighting Appendix referenced in this Section of the Zoning Regulations.
3. Prior to the issuance of a Zoning Permit or the authorization for the issuance of a Building Permit the following will be met to the satisfaction of the Town Planner of their designee:
 - a. The applicant shall revise sheet 1 of 2 entitled "Coastal Site Plan" dated January 6, 2025 to show a vegetated buffer consistent with Section 5.1.D made up of appropriate & salt tolerant plant species consistent with DEEP Guidelines.

J. Chadwick seconded the motion which passed unanimously.

OLD BUSINESS:

1. Kim McCabe & Charles Watts-Applicants & Owners
38 Howard Avenue
Special Exception for Grading (Sec. 6.8) within 100 feet of a wetland
Application #25-1.7
A/R 2/6/25 & PH to be set
2. Joe Mooney-Applicant
Nancy Mooney-Owner
3 Pond View Terrace
Special Exception- Oversized Accessory Structure
Application #25-1.9
A/R 2/6/25 & PH set for 3/6/25
3. Jeanette Pozzi Erickson-Applicant & Owner
100 Damascus Road
Special Exception- Accessory Apartment
Application #25-1.10
To be A/R & PH set for 3/6/25
4. Keith Criscuolo -Applicant & Owner
36 Whiting Farm Road
Special Exception-Accessory Apartment
Application#25-2.1
A/R 2/6/25 & PH set for 3/6/25

NEW BUSINESS:

1. Island Destinations LLC c/o John Petrofsky-Applicant & Owner
Cut-In-Two Island (West)
Special Exception - Oversized Accessory Structure
Application #25-2.2
To be A/R & PH to be set
2. Island Destinations LLC c/o John Petrofsky-Applicant & Owner
Cut-In-Two Island (West)
Special Exception for Grading (Sec. 6.8)
Application #25-2.3
To be A/R & PH to be set
3. Cedar Holdings, LLC c/o Jerry Saldutti-Applicant & Owner
48 Cedar Street
Special Exception- Dwelling Containing 4 dwelling units
Application #25-2.4
To be A/R & PH to be set

MINUTES: 2/6/25

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

CORRESPONDENCE:

E. Breining noted he sent correspondence to the commission regarding a possible upcoming Informal discussion of a multi-family project on 100 Commercial Parkway at the March 20 meeting.

OTHER BUSINESS:

1. Planner's Report

Chairperson Andres said he will be speaking with H. Smith and Peter Hentschel (RTM member) regarding a proposed ordinance regarding short-term rentals. He noted there has been a debate whether they are allowed or not.

The planning and zoning commission took an interpretation that we would consider short term rentals for a week or longer to be an accessory use of a dwelling, so it was allowed for a week or longer.

We don't have anything in our regulations about that and there are many pros and cons regarding air b&b's which he reviewed.

He said Pine Orchard had adopted a zoning regulation that limited the rental time to a month at a minimum. There has been litigation about this topic all over the country and it so happened that the regulations from Pine Orchard went up to the supreme court. This is an ongoing debate.

He continued saying last year the legislature amended the statutes to say you could regulate these by ordinance. So, that is what the RTM is doing. They have a proposal that does allow air B & B, except for seasonal dwellings. If anyone is interested in this , you can contact Peter Hentshel directly

He then said the proposed oil change facility at 1201 Main Street has appealed the decision. More information will follow.

The meeting adjourned at 9:45 pm.