



PLANNING AND ZONING COMMISSION

1019 Main Street, PO Box 150, Branford, CT 06405
Tel: (203) 488 – 1255, Fax: (203) 315 – 2188

MINUTES PLANNING & ZONING COMMISSION THURSDAY FEBRUARY 2, 2023 REGULAR MEETING 7:00 p.m.

This meeting was held remotely, solely via ZOOM.

Commissioners Present: C. Andres, F. Russo, J. Chadwick, J. Vaiuso, M. Liguori

Commissioners Absent: M. Palluzzi, S. Huttner

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

Chairperson Andres reviewed the public hearing procedures.

E. Breining reviewed how to participate in the public hearing.

PUBLIC HEARINGS:

1. 94 East Main Street LLC, c/o Stacy Ruwe-Applicant & Owner
94 East Main Street
Special Exception & Coastal Site Plan-Construction of (3) Two Family Dwelling Units
Application #22-10.7
A/R 11/3/22 & PH opened 12/8/22 and continued to 1/19/23

WITHDRAWN

2. BC Investment Propertys LLC c/o Bruno Ciccone-Applicant & Owner
175 Cherry Hill Road
11 Lot Re-subdivision
Application #22-11.2
A/R 11/17/22 & PH set for 2/2/23
3. BC Investment Propertys LLC c/o Bruno Ciccone-Applicant & Owner
175 Cherry Hill Road
Special Exception- Interior (Rear) (Lot #5)
Application #22-11.3
A/R 11/17/22 & PH set for 2/2/23
4. BC Investment Propertys LLC c/o Bruno Ciccone-Applicant & Owner
175 Cherry Hill Road
Special Exception- Interior (Rear) (Lot #2)
Application #22-11.4
A/R 11/17/23 & PH set for 2/2/23
5. BC Investment Propertys LLC c/o Bruno Ciccone-Applicant & Owner
175 Cherry Hill Road
Special Exception- Grading (Section 6.8)
Application #23-1.5
To be A/R & PH set for 2/2/23

Public Hearing numbers 2 thru 5 are being heard together.

Zach Georgina (Juliano Associates)
represented the applicant and reviewed the application and the site plans. The project is an
11 lot resubdivision.

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The commissioners asked a few questions.

PUBLIC INPUT:

1. Fran Proto- 16 Autumn Ridge Rd-He asked about the location of the new road and also where will the construction equipment be during the process? He asked what would separate his yard from the new houses. He spoke of lighting noting that the lighting is very bad now; there are only 3 or 4 lights are on the entire street. He asked about losing part of his driveway.
2. Maria Conigliaro-14 Autumn Ridge Rd- She asked if this as going to be a major street. She is concerned; there are a lot of children and people who walk in the neighborhood. She also asked if the road would be finished. She also said no one has reached out to her regarding the driveway issue,
3. Chris Montana-19 Autumn Ridge Rd-She said she echoed what Maria just stated. She agreed that Cherry Hill Road is not finished and poorly maintain3d.She is also concerned about safety. She said the town needs to step up and fix the road. She then asked about the sizes of the proposed new homes.

H. Smith made a few comments.

Chairperson Andres noted these items are continued to the next meeting on Thursday, February 16 at 7pm.

6. Joseph Luchini-Applicant & Owner
12 Whiting Farm Road
Special Exception-Accessory Apartment
Application #22-12.4
A/R 1/5/23 & PH set for 2/2/23
7. Joseph Luchini-Applicant & Owner
12 Whiting Farm Road
Special Exception-Oversized Accessory Structure
Application #22-12.5
A/R 1/5/23 & PH set for 2/2/23

Joseph Luchini (Applicant) represented himself and displayed a survey. He explained the proposed project is the c construction of a two car garage with an apartment above it.

E. Breining reviewed the staff report.

Chairperson Andres talked of the Accessory apartments and the deed restriction that we previously included in the approval. He asked the applicant if he had any issues with that being a condition of this approval.

The applicant stated he is ok with that being a condition of approval.

PUBLIC INPUT:

1. Hannah- 14 Stony Creek Road- She asked to see a rendering of the building and asked about exterior lighting.

Chairperson Andres closed the public hearing.

8. Kevin J. & Robin J. Dextrateur-Applicants & Owners
40 Pent Road
Special Exception- Accessory Apartment
Application #22-12.6
A/R 1/5/23 & PH set for 2/2/23

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9. Richard Hellman & Susan Levy-Applicants & Owners
230 Pleasant Point Road
Special Exception (Section 6.8- Grading within 100 ft. of a critical coastal resource)
& Coastal Site Plan-Building Reconstruction & Partial foundation replacement

Application #23-1.1

A/R 1/5/23 & PH set for 2/2/23

J. Pretti (Criscuolo Engineering) represented the applicant. He explained that during some renovations, it was discovered that part of the foundation of the house needed to be rebuilt. This project consists of the reconstruction and partial foundation replacement of the home and the construction of a swimming pool.

He noted that they had previously gone before the Zoning Board of Appeals and received variances. He also said the applicant had received letters of support from their neighbors.

E. Breining reviewed the staff report.
The commissioners asked some questions.

PUBLIC INPUT: No one spoke.

Chairperson Andres closed the public hearing.

10. Jean Wood- Applicant & Owner
22 Collins Drive
Special Exception- Accessory Apartment

Application #23-1.2

A/R 1/5/23 & PH set for 2/2/23

J. Pretti (Criscuolo engineering) represented the applicant by reviewing the proposal for an accessory apartment and displaying the site plan.

E. Breining reviewed the staff report.
PUBLIC INPUT: No one spoke.

Chairperson Andres closed the public hearing.

11. Edward Esborn-Applicant & Owner
24 Stannard Avenue
Special Exception- Accessory Apartment

Application #23-1.3

A/R 1/5/23 & PH set for 2/2/23

J. Pretti (Criscuolo engineering) represented the applicant by reviewing the proposal for an accessory apartment and displaying the site plan.

E. Breining reviewed the staff report.

PUBLIC INPUT: No one spoke.

Chairperson Andres closed the public hearing.

RETURN TO TABLE:

1. Joseph Luchini-Applicant & Owner
12 Whiting Farm Road
Special Exception-Accessory Apartment
Application #22-12.4
A/R 1/5/23 & PH set for 2/2/23

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

FINDINGS:

1. Subject to compliance with the conditions listed below, the Commission finds, based on the testimony and application materials presented, that the proposed use of the property is consistent with the Special Exception Criteria per section 9.8 of the zoning regulations.

CONDITIONS:

1. To reduce glare, any proposed lighting 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.
2. Prior to the start of construction the following shall be completed the satisfaction of the Zoning Enforcement Officer and maintained throughout the project:

- a. Erosion control measures shall be installed and maintained throughout construction.
- b. The owner of the accessory apartment property must file a deed restriction on the land records requiring that the unit, **if rented** be rented at or below prices that would qualify the apartment as "affordable housing" as defined in CGS Section 8-30g. The deed restriction is to be reviewed by the Town Counsel or follow his approved format with evidence that the recording of executed deed is the deed restriction version approved by the Town Counsel or that follows his approved format.

J. Vaiuso seconded the motion which passed unanimously.

2. Joseph Luchini-Applicant & Owner
12 Whiting Farm Road
Special Exception-Oversized Accessory Structure
Application #22-12.5
A/R 1/5/23 & PH set for 2/2/23

J. Vaiuso made a motion to approve the application with the Finding and Condition below:

FINDING:

1. Subject to compliance with the conditions listed below, the Commission finds, based on the testimony and application materials presented, that the proposed use of the property is consistent with the Special Exception Criteria per section 9.8 of the zoning regulations.

CONDITIONS:

1. To reduce glare, any proposed lighting 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.

2. Enforcement Officer and maintained throughout the project:
 - a. Erosion control measures shall be installed and maintained throughout construction.
 - b. The owner of the accessory apartment property must file a deed restriction on the land records requiring that the unit, **if rented** be rented at or below prices that would qualify the apartment as “affordable housing” as defined in CGS Section 8-30g. The deed restriction is to be reviewed by the Town Counsel or follow his approved format with evidence that the recording of executed deed is the deed restriction version approved by the Town Counsel or that follows his approved format.

J. Chadwick seconded the motion which passed unanimously.

3. Richard Hellman & Susan Levy-Applicants & Owners
230 Pleasant Point Road
Special Exception (Section 6.8- Grading within 100 ft. of a critical coastal resource)
& Coastal Site Plan-Building Reconstruction & Partial foundation replacement
Application #23-1.1
A/R 1/5/23 & PH set for 2/2/23

F. Russo made a motion to approve the application with the Finding 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 the following shall be completed the satisfaction of the Zoning Enforcement Officer and maintained throughout the project:
 - a. Erosion control measures shall be installed and maintained throughout construction.
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.

J. Chadwick seconded the motion which passed unanimously.

4. Jean Wood- Applicant & Owner
22 Collins Drive
Special Exception- Accessory Apartment
Application #23-1.2
A/R 1/5/23 & PH set for 2/2/23

J. Vaiuso made motion to approve the application with the Finding & Condition below:

FINDINGS:

1. Subject to compliance with the conditions listed below, the Commission finds, based on the testimony and application materials presented, that the proposed use of the property is consistent with the Special Exception Criteria per section 9.8 of the zoning regulations.

CONDITIONS:

1. To reduce glare, any proposed lighting 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.
2. Prior to the start of construction the following shall be completed to the satisfaction of the Zoning Enforcement Officer and maintained throughout the project:
 - a. Erosion control measures shall be installed and maintained throughout construction.
 - b. The owner of the accessory apartment property must file a deed restriction on the land records requiring that the unit, if rented be rented at or below prices that would qualify the apartment as "affordable housing" as defined in CGS Section 8-30g. The deed restriction is to be reviewed by the Town Counsel or follow his approved format with evidence that the recording of executed deed is the deed restriction version approved by the Town Counsel or that follows his approved format.

J. Chadwick seconded the motion which passed unanimously.

3. Edward Esborn-Applicant & Owner
24 Stannard Avenue
Special Exception-Accessory Apartment
Application #23-1.3
A/R 1/5/23 & PH set for 2/2/23

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

FINDINGS:

1. Subject to compliance with the conditions listed below, the Commission finds, based on the testimony and application materials presented, that the proposed use of the property is consistent with the Special Exception Criteria per section 9.8 of the zoning regulations.

CONDITIONS:

1. To reduce glare, any proposed lighting 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

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3. Prior to the start of construction the following shall be completed the satisfaction of the Zoning Enforcement Officer and maintained throughout the project:
 - a. Erosion control measures shall be installed and maintained throughout construction.
 - b. The owner of the accessory apartment property must file a deed restriction on the land records requiring that the unit, **if rented** be rented at or below prices that would qualify the apartment as "affordable housing" as defined in CGS Section 8-30g. The deed restriction is to be reviewed by the Town Counsel or follow his approved format with evidence that the recording of executed deed is the deed restriction version approved by the Town Counsel or that follows his approved format.

J. Chadwick seconded the motion which passed unanimously.

MINUTES: 1/19/23

J. Chadwick made a motion to approve the meeting minutes as written.

F. Russo seconded the motion which passed unanimously.

CORRESPONDENCE: None

OLD BUSINESS:

1. McDonalds Corp. c/o Brian Sheedy (Senior Counsel)-Applicant
RHC Associates c/o CRE Asset Management LLC c/o Stefan Cushman-Owner
424-436 West Main Street
Special Exception Modification- Drive-thru for a fast food restaurant
Application #23-1.6
To be A/R & PH to be set

Staff will set the public hearing

2. Peter & Patricia Broughal-Applicant & Owners
6 Old Pawson Road
Special Exception- Accessory Apartment
Application #23-1.4
A/R 1/5/23 & PH set for 2/16/23
3. Peter & Patricia Broughal-Applicants & Owners
6 Old Pawson Road
Special Exception-Oversized Accessory Structure
Application #23-1.7
A/R 1/5/23 & PH set for 2/16/23
4. Silver Lining Development LLC, c/o Karl Muller-Applicant & Owner
650 Main Street
Special Exception-Two Family Residence
Application #22-12.7
A/R 1/5/23 & PH set for 2/16/23

NEW BUSINESS:

OTHER BUSINESS:

1. Bond Establishment for 14 Hotchkiss Grove Road
F. Russo made a motion to establish the bond for 14 Hotchkiss Grove Road.
J. Chadwick seconded the motion which passed unanimously.

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2. Bond Release for 5-7 Euclid Street
J. Chadwick made a motion to approve the bond release for 5-7 Euclid Street.
M. Liguori seconded the motion which passed unanimously.
3. Bond Release for 11 Euclid Street
J. Vaiuso made a motion to approve the bond release for 11 Euclid Street.
M. Liguori seconded the motion which passed unanimously.
4. Bond Establishment for 294,296 & 298 Leetes Island Rd
F. Russo made a motion to establish the bond for 294,296, & 298 Leetes Island Rd.
M. Liguori seconded the motion which passed unanimously.
5. Bond Establishment for 294,296 & 298 Leetes Island Rd
J. Chadwick made a motion to establish the bond for 294,296 & 298 Leetes Island Rd.
J. Vaiuso seconded the motion which passed unanimously.
6. Planner's Report
H. Smith noted the new Zoning Enforcement Officer was present at the meeting and she introduced herself.

H. Smith noted he passed the first test for the CAZIO certification. The next test is in March.

He then spoke of the possibility of the commission giving the Zoning Enforcement Officer the authority to establish and release bonds. The commission discussed it briefly and the consensus was that it was a good idea.

H. Smith explained this would require a regulation amendment. This will be discussed at a future meeting.

The meeting adjourned at 9:20 pm