



PLANNING AND ZONING COMMISSION

1019 Main Street, PO Box 150, Branford, CT 06405
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MINUTES –REVISED PLANNING & ZONING COMMISSION THURSDAY JANUARY 19, 2023 REGULAR MEETING 7:00 p.m.

Commissioners Present: C. Andres, F. Russo, J. Chadwick, j. Vaiuso, M. Palluzzi,
M. Liguori
Commissioners Absent: S. Huttner
Staff Present: H. Smith (Town Planner), E. Breining (Asst. Town Planner),
M. Martin (Clerk)

Chairperson Andres introduced the Commission and staff. He then reviewed the public hearing procedures.
E. Breining reviewed how to participate in the public hearing.
The meeting started at 7:03 pm.

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

H. Smith stated the applicant has requested the item be continued to the 2-16-23 meeting and has granted the commission a time extension.
The commission accepted the time extension.

2. Matthew Reale-Applicant & Owner
0 Bartholomew Road
Special Exception & Coastal Site Plan-Oversized Accessory Structure
Application #22-10.9
A/R 11/3/22 & PH opened 12/8/22 and continued to 1/19/23

J. Pretti (Criscolo Engineering) represented the applicant stating they just went before the Zoning Board of Appeals that past Tuesday (1-17-23) and were granted the variances they applied for. He briefly reviewed the application.

H. Smith gave a brief review of his staff report. He made a few minor alterations.

PUBLIC INPUT; No one spoke.
Chairperson Andres closed the public hearing.

3. Jean Farricelli-Applicant & Owner
104 Cherry Hill Road
Special Exception-Oversized Accessory Structure (Garage)
Application #22-11.6
A/R 12/8/22 PH opened & continued to 1/19/23

J. Pretti (Criscolo Engineering) represented the applicant. He displayed and highlighted the Site plan. The proposal is a single story garage next to the house.

E. Breining reviewed the staff report.

PUBLIC INPUT: No one spoke.

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Chairperson Andres closed the public hearing.

MINUTES: 12/1/22, 12/28/22 & 1/5/23

F. Russo made a motion to approve the 12/1/22 meeting minutes as written.

J. Chadwick seconded the motion which passed unanimously.

J. Chadwick made a motion to approve the 12/28/22 meeting minutes as written.

F. Russo seconded the motion which passed unanimously.

F. Russo made a motion to approve the 1/5/23 meeting minutes as written.

J. Vaiuso seconded the motion which passed unanimously.

CORRESPONDENCE: No correspondence.

RETURN TO TABLE:

1. Matthew Reale-Applicant & Owner
0 Bartholomew Road
Special Exception & Coastal Site Plan-Oversized Accessory Structure
Application #22-10.9
A/R 11/3/22 & PH opened 12/8/22 and continued to 1/19/23

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

1. Prior to the issuance of a zoning permit or zoning authorization of a building permit, and prior to the demolition of the existing shed the following shall be addressed to the satisfaction of the Zoning Enforcement Officer and the Town Planner or his designee:
 - a. Installation of erosion prevention and sediment control measures.
 - b. Submittal of evidence of the recording of a deed restriction prohibiting the separate sale of 9 Bartholomew Road and 0 Bartholomew Road, or any portion thereof, without the written approval of the Planning and Zoning Commission so as to maintain common ownership and compliance with this Planning and Zoning Commission approval. Any such deed restriction shall be reviewed and approved as to form and compliance with this condition by the Town Counsel and Town Planner or his designee prior to being filed on the land records.
 - c. The submitted plans shall be amended to address the following:
 - i. Depiction of all portions of the property within fifty (50) feet of the flagged tidal wetlands located off property as a vegetated buffer to be planted with native vegetation suitable and characteristic of typical species found adjacent to tidal wetlands edges in this area to form a vegetated buffer with the adjacent tidal wetlands. The area of the proposed structure and a ten (10) foot perimeter shall be exempt from this requirement.
 - ii. The proposed line of Silt Fencing shall be augmented by hay bales along its entire length.
 - iii. **Revise the Zoning Standards Schedule to reflect the requirements of the R-3 Zoning District and provide an entry for Floor Area Ratio.**
2. Erosion and sedimentation measures shall be maintained throughout construction and stabilization of disturbed areas to the satisfaction of the Zoning Enforcement Officer.
3. As may be directed by the Zoning Enforcement Officer, necessary measures to control dust (application of water or calcium chloride) shall be implemented.

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4. No lighting with a light source greater than 900 lumens shall be installed without staff or Commission approval as may be appropriate. 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 shall be no greater than 3,000 degrees Kelvin.

F. Russo seconded the motion which passed unanimously.

2. Jean Farricelli-Applicant & Owner
104 Cherry Hill Road
Special Exception-Oversized Accessory Structure (Garage)
Application #22-11.6
A/R 12/8/22 PH opened & continued to 1/19/23

For the record, M. Palluzi is recusing herself on this application and M. Liguori is seated for her.

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) Prior to the issuance of a Zoning Permit or the zoning authorization for the issuance of a building permit the following shall be addressed to the satisfaction of the Zoning Enforcement Officer:
 - a. Prior to the start of construction, the erosion control measures shall be installed to the satisfaction of the Zoning Enforcement Officer and maintained throughout the project, if deemed to be necessary.

J. Chadwick seconded the motion which passed unanimously.

OLD BUSINESS:

1. 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
2. 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
3. BC Investment Propertys LLC c/o Bruno Ciccone-Applicant & Owner
175 Cherry Hill Road
Special Exception- Interior (Rear) (Lot #2)
Application #22-11.4

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A/R 11/17/23 & PH set for 2/2/23

4. BC Investment Property 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

5. Richard Pelliteir-Applicant & Owner
56-58 Harrison Avenue
Special Exception Modification-3 Family Residence
Application #22-12.3
A/R 1/5/23 & PH waiver granted 1/5/23

Tony Thompson (Plans Ahead, Ivy St.) represented the applicant and highlighted the application which consists of an addition and a one car garage. He displayed the site plan.

E. Breining reviewed the staff report.

Chairperson Andres reminded the commission that this public hearing had previously been waived.

J. Vaiuso made a motion to approve the application with the two conditions below:

CONDITIONS:

1. 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.
2. Prior to the start of construction erosion control measures shall be added to the site plan to the satisfaction of the Town Planner or his designee, if determined to be necessary by the Town Planner.

F. Russo seconded the motion which passed unanimously.

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
8. Kevin J. & Robin J. Dextrateur-Applicants & Owners
40 Pent Road

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Special Exception- Accessory Apartment

Application #22-12.6

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

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

NEW 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

Chairperson Andres reminded the commission that they had previously denied an application for the modification of the drive thru at McDonalds. This is a new submission and a public hearing will be set.

H. Smith noted he reviewed the application with the Town Engineer regarding the traffic report. He displayed the memo from the Town Engineer and he recommended the commission obtain a traffic peer review from a qualified traffic engineer. The commission discussed this briefly and agreed with the town engineer that a peer review should be obtained. H. Smith referred to the zoning regulations stating that the applicant will cover the cost of any peer review.

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OTHER BUSINESS:

1. Interpretation: Undersized residential lots.

Attorney Tim Lee made this request of section 3.9 of the regulations. His client has an opportunity to purchase 2 properties, one is 2 Ferry lane and the other one is on Spring Cove Road. The property at 2 Ferry Lane is 24,000 sq. ft. and has an existing house on it. The property at 31 Spring Cove Road is a little more than 1800 sq. ft. and it exists by virtue of a map that was recorded in 1950, so it's a lot that predates zoning regulations and it seems to satisfy the undersized lot regulation in section 3.9. The reason for the interpretation is that the client would like to raise the house on 2 Ferry Lane and then do a lot line revision to take some of the square footage from 2 Ferry lane and transfer that to 31 Spring Cove Road. If they do that Spring Cove Road would then be lot size of 16,235 sq. feet and would still be compliant with the R3 zoning regs. 31 Spring Cove Rd would then go from 1800 sq. ft. to 9,045 sq. ft. and would not meet the standards in the R3 zone but it will be less nonconforming than it is now. Attorney Lee said it is his position that the lot they will create at Spring Cove Road is a buildable lot under section 3.9 and the question is, if they add additional square footage to the property at Spring Cove Road, does it still qualify under Section 3.9 as an undersized lot? In his opinion, he thinks it does, because it's an existing lot and all they are doing is adding square footage to the lot which makes it less non-conforming.

H. Smith displayed Section 3.9 of the zoning regulations and he gave some comments.

H. Smith displayed the site plan. The commission had a discussion.

Mr. Weidman (property owner) spoke and said there are two separate tax bills for this. In his opinion, the town has considered this two separate parcels.

Chairperson Andres gave his comments and asked for more information.

The commission discussed this and decided to **Table this item** pending more information.

Attorney Tim Lee will submit more information to H. Smith and this will be discussed then.

2. Interpretation: Assembly Halls

E. Breining explained we received an inquiry from a potential tenant for 249 West Main Street. He displayed the GIS. It was formerly See us Grow Daycare Center. The proposal is a catering hall without catering, an event hall. The man asked what approvals he would need to occupy the space. E. Breining wasn't sure what use category to use. The proposal states that the hall would be rented out to musical acts and for weddings and parties. He said the food would be brought in from another site but he did plan to serve alcohol at the facility. The question to the commission is: does this fall into the category of an assembly hall, which would require a special exception application. The concern is it may not fit into the category of an assembly hall, and if the property began to operate as a nightclub, how would that be enforced? Especially since there are residences nearby. He asked the commission for their thoughts.

The commission had a discussion and spoke of the different uses.

H. Smith added some comments. He suggested getting more information from the person who inquired so the commission could get a better idea of what use it may fit under.

The commission agreed and requested more information.

3. Planner's Report

He reminded the commission that he sent out a memo regarding training requirements (Land Use – CLEAR Academy.). He also sent a follow up memo. He will resent it. He reviewed the topics of the classes that are offered. He highly recommends it to the commission. He also

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Sent web links to the clear web page.

H. Smith discussed the upcoming commissioner training via zoom that was previously held at Wesleyan University. He reviewed the topics that would be covered. He encouraged the commissioners to attend.

He then talked of a training calendar that is being assembled by CLEAR. He will get more information out to the commission asap regarding this. We will try to keep track of which Commissioner attends training and which one. Please let us know when you complete any training. Chairperson Andres noted that each commissioner is required to get 4 hours of training per calendar year.

H. Smith noted he followed up with the Desegregate Ct Group and they said they are fine waiting until March to attend a Planning & Zoning Meeting and hopefully, the agenda won't be as lengthy. They have information on their website including their latest initiative called "Work, live, ride" and H. Smith will send the info to the commission. He found a utube recoding of one of their presentations which gives you an idea of what they are proposing.

The meeting adjourned at 8:30 p.m.