



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 JULY 15, 2021 REGULAR MEETING 7:00 P.M. BRANFORD FIRE HEADQUARTERS 45 NORTH MAIN STREET

Commissioners Present: J. Chadwick, J. Vaiuso, P. Higgins, C. Andres, M. Liguori, M. Palluzzi
Commissioners Absent: F. Russo, J. Lust

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

Chairperson Andres introduced the Commission and the Staff.
M. Palluzzi read the Public Hearing Notice into the record.
Chairperson Andres reviewed the Public Hearing procedures.

PUBLIC HEARINGS:

1. Montowese Development Group, LLC-Applicant
John R. & Anne Hines-(Owners of 14 Buckley Rd.)
Branford Building Supplies-(Owners of 16 Buckley Rd)
Branford Building Supplies – (Owners of 0 Buckley Rd)
14, 16 & 0 Buckley Road
Special Exception & Coastal Site Plan –Open Space Residential Development
Application #21-3.11
A/R on 4/1/21 & PH opened 5/20/21 and continued from 7/1/21

WITHDRAWN

2. Montowese Development Group, LLC-Applicant
John R. & Anne Hines-(Owners of 14 Buckley Rd.)
Branford Building Supplies-(Owners of 16 Buckley Rd)
Branford Building Supplies – (Owners of 0 Buckley Rd)
14, 16 & 0 Buckley Road
Special Exception–Section 6.8 – Grading associated with an
Open Space Residential Development
Application #21-6.7
A/R on 7/1/21 & PH set for 7/15/21

WITHDRAWN

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3. Syed Sami- Applicant
Oil Barons Inc. c/o Robert Hartmann-Owner
49 Leetes Island Road
Special Exception Modification – Expand Convenience Store
Application #21-5.4
A/R on 5/20/21 & PH set for 7/15/21

H. Smith noted there were a few incomplete items and he recommended opening the Public Hearing and continuing it to the next meeting on 9/2/21.

The Applicant has offered a 65 day Time extension to the time allotted to open the Public Hearing which the Commission accepted.

This item was continued to the 9-2 meeting.

4. Branford Electric RR Assn, Inc. c/o
John Proto- Applicant & Owner
45-55 & 46-52 Alex Warfield Rd.
Special Exception - Grading (Section 6.8)
Application #21-4.7
A/R on 5/6/21 & PH scheduled for 7/15/21

WITHDRAWN

5. Christopher DeBell-Applicant & Owner
173 Hotchkiss Grove Road
Special Exception-Grading (Sec.6.8)
Single Family Dwelling within
100 feet of a wetland
Application #21-6.3
A/R on 6/17/21 & PH set for 7/15/21

J. Pretti (Criscuolo Engineering) represented the applicant and highlighted the plans. He explained the application consisted of the demolition of the existing house and the construction of a new house.

E. Breining reviewed the staff report.
The Commission asked a few questions.

Public Input:

1. Louise Lynn (neighboring property owner) asked about the erosion controls.
She noted she spoke with the Inland Wetlands Dept.

Chairperson Andres closed the Public Hearing.

6. Paul Santa Barbara-Applicant
RCR Enterprises, LLC. c/o Christopher Russo
57 East Industrial Road
Special Exception- Container Storage &
Site Plan- Sale & Distribution of Fuel Oil
Application #21-6.4
A/R on 7/1/21 & PH set for 7/15/21

J. Pretti (Criscuolo Engineering) represented the applicant. He highlighted the application explaining it is a change in use to portable storage containers. Also, the sale and distribution of fuel which requires a Site Plan approval. He noted only minor changes are proposed.

The Commission asked a few questions
E. Breining reviewed the staff report.

Public Input: no one spoke.

Chairperson Andres closed the Public Hearing.

7. David Plumey-Applicant
Michael Balzano (Trustee)-Owner
540 East Main Street (Units 10 & 11)
Special Exception- Indoor Recreation
Application # 21-6.5
A/R on 7/1/21 & PH set for 7/15/21

The applicant (David Plumey) spoke and highlighted the application. He explained this is a small boutique gym which serves all ages with small classes of 12-15 people. He noted there are no changes proposed for the site.

Public input: No one spoke.

MINUTES:

3/4/21 2nd revision – J. Vaiuso made a motion to approve the minutes.

J. Chadwick seconded the motion which passed unanimously.

4/15/21 2nd revision- J. Chadwick made a motion to approve the minutes.

J. Vaiuso seconded the motion which passed unanimously.

6/3/21 revised----- J. Vaiuso made a motion to approve the minutes.

J. Chadwick seconded the motion which passed unanimously.

7/1/21 ----- The approval of these minutes were TABLED.

RETURN TO TABLE:

1. Christopher DeBell-Applicant & Owner
173 Hotchkiss Grove Road
Special Exception-Grading (Sec.6.8)
Single Family Dwelling within
100 feet of a wetland
Application #21-6.3
A/R on 6/17/21 & PH set for 7/15/21

M. Palluzzi made a motion to approve the application with the Conditions below:

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) Dust control measures shall be provided as necessary at the discretion of the Zoning Enforcement Officer.

M. Liguori seconded the motion which passed unanimously.

2. Paul Santa Barbara-Applicant
RCR Enterprises, LLC. c/o Christopher Russo
57 East Industrial Road
Special Exception- Container Storage &
Site Plan- Sale & Distribution of Fuel Oil
Application #21-6.4
A/R on 7/1/21 & PH set for 7/15/21

J. Vaiuso made a motion to approve the application with the Findings and Conditions 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.F.

CONDITIONS:

1. The conditions of the previous approval granted on March 18 2020 shall remain in full force and effect until their completion.
2. Any proposed changes to the landscape plan from the March 18, 2020 Special

Exception modification will need to be approved by the Planning & Zoning Commission or the Town Planner.

3. The commercial storage, sale and distribution of fuel, bottled gas, and any other petroleum products in tanks in excess of 10,000 gallons is not allowed.

J. Chadwick seconded the motion which passed unanimously.

3. David Plumey-Applicant
Michael Balzano (Trustee)-Owner
540 East Main Street (Units 10 & 11)
Special Exception- Indoor Recreation
Application # 21-6.5
A/R on 7/1/21 & PH set for 7/15/21

J. Chadwick made a motion to approve the application with the Finding and Conditions 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.F.

CONDITIONS:

1. Prior to the issuance of a Certificate of Zoning Compliance or the zoning issuance of Certificate of Occupancy, the following should be addressed to the satisfaction of the Town Planner or his designee.
 - a. To reduce glare, all new 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 degrees 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. Nonconforming fixtures shall be removed or replaced with conforming fixtures.

M. Liguori seconded the motion which passed unanimously.

CORRESPONDENCE:

This agenda item was not discussed.

OLD BUSINESS:

1. Amy Allen-Applicant
Renz Development, LLC-Owner
365 East Main Street
Site Plan – Fast Food Restaurant
Application #21-6.1
A/R 6/3/21, tabled from 7/1/21

H. Smith noted that this application was incomplete and the check for the application fee was returned due to insufficient funds and the property owner has not signed the application form to indicate the application is being made with her consent. He recommended denying the application without prejudice.

J. Vaiuso made a motion to deny the application without prejudice.

M. Palluzzi seconded the motion which passed unanimously.

2. Elaine Johnson-Applicant
GTR LLC, c/o Gavin Renz-Owner
116 Montowese Street
Site Plan- Retail Gift Shop
Application #21-6.8
A/R on 7/1/21

The application has not yet been reviewed by the Town Center Revitalization Review Board which has scheduled a Special Meeting for July 23rd to review it and make a recommendation to the Commission.

This item is TABLED to the next meeting.

3. ALMR LLC, c/o David D'Atri- Applicant & Owner
4 Three Elm Road
Special Exception Modification-Multi Family Dwelling
Application #21-6.9
A/ R on 7/1/21 & PH set for 9/2/21

NEW BUSINESS:

1. Leopoldo Otero-Applicant
Jazmin Vargas- Owner
11 Circle Drive
Special Exception-Accessory Apartment
Application #21-7.1
To be A/R & PH to be set

OTHER BUSINESS:

1. Planner's Report

1. H. Smith noted the Buckley Road application may be resubmitted in September.
2. He is organizing a committee to work with the consultant and staff on the Affordable Housing Plan. He also will be attending (along with the consultant Glenn Chadler) a regional SCRCOG zoom meeting next week regarding the development of a Regional Affordable Housing Plan.
3. The temporary Zoning Officer John Rusatsky is currently training the new Zoning Officer, Dylan Willette. John will also be assisting in the change to more digital submissions of items.

E. Breining noted he received an email from the Town Engineer regarding the Main Street Road project. There will be an informational meeting on the Town Green on Thursday July 22 where residents can attend and ask questions.

The Commission discussed this briefly.

2. Recent Legislation

1. Accessory Apartments-This new provision in state law(not yet in effect) allowing accessory apartments in any zone where single family homes are allowed. There would be no deed restriction requirement allowed. The statute would be effective as of January 1, 2022 but towns have an option to opt out of this statute. H. Smith will check with the Town Attorney as to the specific rules if the town chooses to opt out of this statute.
2. Parking Legislation- Mandates lesser parking requirements for larger multi family dwelling units thru current zoning standards. Towns also have the right to opt out of this statute as well.
3. Mandatory training for Commissioners- An initial training session for all commissioners then annually after that.
4. Cannabis Legislation- H. Smith noted this statute is lengthy and he is still reviewing it. One point of this statute is that towns have the right to prohibit operations totally or prohibit it in certain locations within the town. (A zoning Regulation change is required to do that). If a town opts to take no action, then it will be allowed just like any other retail use. There are also some restrictions as to how many operations a town may have based on the population.

The Commission discussed this and Chairperson Andres suggested holding a public hearing to get public opinion. Another suggestion was to take a town survey on this topic.

Perry Maresca (Chairman of the Economic Development Commission) spoke briefly saying the Town Center project is about much more than repaving the roads. He encouraged people to attend. He noted that some intersections are problematic and now would be the time to make any needed adjustments.

The meeting adjourned at 8:47 p.m.