



## PLANNING AND ZONING COMMISSION

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**MINUTES-Revised**  
**PLANNING & ZONING COMMISSION**  
**JULY 1, 2021**  
**REGULAR MEETING 7:00PM**

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

**Commissioners Absent:** None

**Staff Present:** H. Smith - Town Planner  
E. Breining – Assistant Town Planner  
M. Martin – Clerk  
Dylan Willette – Zoning Enforcement Officer

Chairperson Andres introduced the Commission and the Staff present.  
He then reviewed the Public Hearing procedure.

### **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 4/1/21 & PH opened 5/20/21 and continued from 6/17/21**

Attorney Amy Souchuns represented the applicant and noted they submitted an application for grading which will be heard at the next meeting on 7/15/21. The main presentation for both applications will take place then but she will make a few comments at this meeting. She said they spoke with the Senior Coastal Planner (David Kozak) at DEEP who was involved with the review of this application as well as the two site walks. He indicated he would be available to answer any questions the commission may have and requested the Commission send any questions directly to him.

The Commission asked a few questions and directed staff to communicate with

Mr. Kozak.

PUBLIC INPUT:

1. Claudio Riccitelli- Brightwood Lane-He said the water will flow downhill from the project to him. He asked if he will be in the flood zone. He said he is not in the flood zone now.
2. Marie Ehrhardt - 5 Marshall Place- She said it is important to note that Marshall Place will be impacted as well since water exits there too. She then asked if any buffering is planned. It was mentioned at the prior meeting. She said shoehorning there 12 units in this interior lot is not in the spirit of the neighborhood.
3. Neal Warner -19 Brightwood Lane- He echoed Claudio's remarks. He said he has had water issues previously and has a sump pump now. He is also concerned with the blasting that will occur with this project. And mentioned that his pool was damaged by the clearing that was done a few years ago. He had to get a new pool liner.
4. Mr.Fraenza- 18 Brightwood Lane-His backyard floods after a rain and the water sits there for 2-3 weeks. He said he can't sit on his deck due to the heavy amount of mosquitos. He noted the water doesn't drain now, if this project creates more water, where will it go? He would like to see a professional plan.
5. Chris Akerley—10 Buckley Road-He said he took the photos that were displayed at the last meeting. He said the water prevents you from getting thru the road. The people in this new development won't be able to leave their homes either. He also said he is maintaining the road now since his father in law can't anymore due to his age. He has to maintain it since the town won't because it's a private road. He also noted he will lose some of his property due to the construction of the new road.
6. Mike Gargamelli - 30 Brightwood Lane- He said all the neighbors are opposed to this plan. He added over the years he has spent a lot of time and money trying to protect his home from storm related water that was born from the flooding he experienced during Hurricane Sandy. The flooding was then followed by an extended period of time without power and then reconstruction. Now he is worried about the potential impact of this proposal and also a two way road being placed close to his home. He then listed several negative points about this project.
7. Louisa DeLand- 26 Brightwood Lane- She said she and Barbara Riccitelli have devoted a lot of time to this and it's important. She can't find one person who sees anything positive in this project. She stated that this is a wonderful community in the heart of the town and it's been a sanctuary during covid. On a technical level, she noted this project doesn't make any sense. She explained that she has had architects review the plans and said the island will be built on a marsh. She spoke of their lawns flooding and stressed it's a serious issue.
8. Tim Connell- 16 Woodside Dr. - He stated his backyard floods and the water from this project will flow back into his yard. He said his next door neighbor

gas a foot of water in his yard for a month after 2 inches of rain. He doesn't see the project working for anyone.

9. Ms. Notz- Stonewall Lane- She said she doesn't live near this proposed site or get water in her yard. But, she does have two beautiful dogs that she walks the trails with every morning. She spoke of the natural habitat and the beauty of the area as well as the peace and serenity of the open space that exists there now. She noted our town is envied because we preserve our wetlands. She stated she supports her neighbors but also the wildlife that live in that area and the joy they bring to the residents.
10. Barbara Lucas Riccitelli-She has been working with Louisa and other neighbors to make sure everyone is aware of what's going on. She noted that this project is literally in her backyard, her kitchen window will overlook 3 houses. She also said she was disappointed in the applicant and that they were going to get more information at that meeting. She stated she was the one who sent the email with the interior lot question, which she thought was a legal question, not an engineering question. She said she put an informal poll on her Facebook page and most of the people were against the project. She wants to keep the neighborhood as it is now and will continue to pass along information and ask questions and follow this project.
11. Mr. Fuentes- He said he supports Louisa. He is from out of state and is impressed at how friendly Branford and the neighborhood is.
12. Dennis Flanagan-14 Brightwood Lane- (RTM Member)-He noted when the project idea began he was worried about traffic and fortunately, that is not the issue. He is also concerned about the cul-de-sac (emergency access thru the cul-de-sac) as well as the many water concerns. The neighbors need answers to these questions and it would be nice if the applicant came to a meeting.
13. Chris Jensen-23 Marshall Road-He thanked the Commission for listening to the neighbors' concerns. He asked the attorney to ask the applicant if he was willing to entertain other ideas for this property. He asked if the town can purchase the land for open space.

**Chairperson Andres announced the Public Hearing is continued to the July 15, 2021 meeting at the Branford Fire Headquarters at 7 pm.**

**Attorney Souchens noted for the record that the applicant is granting a time extension to the July 15, 2021 meeting which the Commission accepted.**

The Commission then took a 5 minute break.

2. Andrew Rainone - Applicant  
KIOP Branford LLC, c/o Kimco Realty- Owner  
1025-1091 West Main Street  
Special Exception Minor Modification-Upgrade Security Lighting  
**Application #21-5.5**  
**A/R 6/3/21 & PH opened and continued from 6/17/21**

Miles Orzo was present in place of Andrew Rainone (Applicant). He explained the application is a request to upgrade the lighting at the atm at the Bank of America to meet the bank standards for Customer safety and security. There are currently two existing light poles that each have one fixture and the proposal is to have two fixtures on each pole and also to add one new light fixture to the building itself behind the atm drive up lane. He noted that three years ago, the commission approved a lighting upgrade to this site.

H. Smith reviewed the staff report. He noted the amount of light proposed on the ground is over the amount allowed per the lighting section of the Zoning Regulations. He could not approve this administratively and he doesn't think the commission can approve the application either.

The Commission had a brief discussion.

#### **PUBLIC INPUT:**

1. Perry Maresca- (chairman-Economic Development Commission) spoke and said as the Chairman, he doesn't like to hinder businesses, however he was involved in developing the lighting regulations. He said there may be better options that just adding another head on the pole. He spoke of a photo of the lights from 2011 and said sometime prior to 2019 the lighting was changed thru out the parking area and around the bank. His suggestion to the Commission is to let the applicant come forward with a plan as if it's a new building. He made a few suggestions as to what the applicant can do. The current proposal will be bothersome to the traffic in the intersection.

Chairperson Andres closed the Public Hearing.

#### **MINUTES: 6/17/2021**

**Joe Chadwick recused himself from voting since he did completely review the tape from the previous meeting.**

**M. Palluzzi asked that the June 17, 2021 minutes reflect she recused herself from the application at 8 Svea Avenue.**

**J. Vaiuso made a motion to approve the June 17 minutes with this change.**

**J. Lust seconded the motion that passed unanimously.**

#### **CORRESPONDENCE:**

No Correspondence.

**RETURN TO TABLE:**

1. Andrew Rainone-Applicant  
KIOB Branford LLC, c/o Kimco Realty-Owner  
1025-1091 West Main Street  
Special Exception Minor Modification-Upgrade Security Lighting  
**Application #21-5.5**  
**A/R 6/3/21 & PH opened and continued from 6/17/21**

**J. Chadwick made a motion to deny the application since the proposal did not conform to the requirements of the Zoning Regulations.**

**J. Vaiuso seconded the motion which passed unanimously.**

**OLD BUSINESS:**

1. 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 5/20/21 & PH to be set**

**The Public Hearing is scheduled for the July 15 meeting.**

2. 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 5/6/21 & PH scheduled for  
7/15/21**

**The Public Hearing is scheduled for the July 15 meeting.**

3. 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 6/17/21**

**This item is TABLED to the July 15 meeting.**

4. Charles Potter-Applicant  
Charles Potter & Laura Harris –Owners  
2 Third Avenue  
Site Plan & Coastal Site Plan – Two-Family Dwelling  
**Application #21-6.2**  
**A/R 6/17/21, tabled from 6/17/21**

John Schmitz (Civil Engineer with BL Companies) represented the applicant who was also present. He explained the application is to demolish the existing home and build a new two family home within the same footprint.

E. Breining reviewed the Staff Report.

**John Lust made a motion to approve with the Finding & Condition listed below:**

Finding:

The Coastal Site Plan is consistent with the goals 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.

Condition:

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.

**Joe Chadwick Seconded the motion which passed unanimously.**

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 6/17/21 & PH set for 7/15/21**

**This item was TABLED.**

## **NEW BUSINESS:**

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–Section 6.8 – Grading associated with an  
Open Space Residential Development  
**Application #21-6.7**  
**To Be A/R & PH to be scheduled**

**Chairman Chuck Andres said the Public Hearing is scheduled for July 15, 2021.**

2. Paul Santa Barbara-Applicant  
RCR Enterprises, LLC. c/o Christopher Russo  
57 East Industrial Road  
Special Exception- Container Storage  
**Application #21-6.4**  
**To be A/R 7/1/21 & PH set for 7/15/21**

**The Public Hearing is set for July 15, 2021.**

3. Elaine Johnson-Applicant  
GTR LLC, c/o Gavin Renz-Owner  
116 Montowese Street  
Site Plan- Retail Gift Shop  
**Application #21-6.8**  
**To be A/R**

**This item was TABLED until the July 15, 2021 meeting.**

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

**This Public Hearing is set for July 15, 2021.**

H. Smith noted an application was submitted to the office and will be added to the agenda. It is for a multi-family dwelling at 4 Three Elm Road. The Commission discussed the possibility of a Special meeting due to the large number of applications that were received that require a public hearing. They agreed on a

tentative date of July 29, 2021, provided a room is available then.

## **OTHER BUSINESS:**

1. Time Extension Request for filing Mylar for Mariners Landing Project

H. Smith explained this is for the subdivision for Mariners Landing and the Applicant did submit the time extension request before the time ran out so under the regulations, it is allowed.

**M. Palluzzi made a motion to approve a 90 day time extension  
Joe Chadwick seconded the motion which passed unanimously.**

2. Bond Release for 23 Laurel Street

**J. Chadwick made a motion to approve the release the bond for 23 Laurel Street in the amount of \$2,675.00.**

**M. Palluzzi seconded the motion which passed unanimously.**

3. Bond Release for 221 West Main Street

**P. Higgins made a motion to approve the partial release of the bond for 221 West Main Street in the amount of \$10,400.00.**

**J. Chadwick seconded the motion which passed unanimously.**

4. Bond Release for 80 Bradley Street

**M. Palluzzi made a motion to approve the release of the bond for 80 Bradley Street in the amount of \$2,000.00.**

**Joe Vaiuso seconded the motion which pass unanimously.**

5. Planner's Report

H. Smith noted the process for developing an affordable housing plan has started. We have received a \$15,000 grant from the state to facilitate this and Glenn Chalder (Planimetrics) is being hired. H. Smith said he is forming a steering committee for the development of the plan and noted that Commissioner Joe Chadwick has volunteered to participate as a representative of the Planning & Zoning Commission. He proposed working with Chairperson Andres to solicit other members for the Committee. He will keep the Commission updated as to the progress of this. The final date for completion of the plan is June 2022.



H. Smith said the commission should have received an email from Diana McCarthy Bercury (Town Sustainability Manager). She is a member of a group working on a retreat strategy to look at acquiring properties in town that are repeatedly damaged by storms. There will be a survey coming soon and he encouraged the Commission to complete it.

H. Smith then introduced the new Zoning Enforcement Officer, Dylan Willette. Dylan introduced himself and spoke of his professional background and previous employers.

Chairperson Andres noted it has been an active legislative session and there are a few things that the Commission will need to discuss.

1. Marijuana is legal and within the next year, they may have to decide whether to prohibit the retail sale of it or not in certain areas. Or, treat it like any other retail shop. This will be discussed later.
2. Accessory dwelling units- The new legislation is such that if you have a single family dwelling, you are allowed to have an accessory unit as of right unless you opt out. The Commission needs to decide whether to opt out of this or not.
3. Remote or hybrid meeting options are another issue that can be discussed.

H. Smith said the parking regulations will change per State law or the Commission can opt out if they wish. More information to follow.

He also said outdoor dining can continue as it is now until the Spring of 2022 per the statutory changes.

Commissioner J. Lust announced that his term on the Commission is ending in October and he is stepping down. He will serve on the Commission until the end of October. He is retiring from his professional job and wants to travel. The Commissioners congratulated him on his upcoming retirement.

The meeting adjourned at 9:30 p.m.