



# PLANNING AND ZONING COMMISSION

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## MINUTES PLANNING & ZONING COMMISSION THURSDAY JULY 21, 2022 REGULAR MEETING 7:00 P.M.

This meeting was held remotely, solely via ZOOM.

Commissioners Present: C. Andres, M. Palluzzi, S. Huttner, J. Vaiuso, J. Chadwick, M. Liguori  
Commissioners Absent: F. Russo

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

Chairperson called the meeting to order at 7:01 p.m.  
Chairperson Andres introduced the commission and the staff.

Secretary M. Palluzzi read the public hearing notice into the record.  
Chairperson Andres then reviewed the public hearing procedures.

E. Breining reviewed how to participate in the public hearing portion of the meeting.

### **PUBLIC HEARINGS:**

1. Sunrise Cove Association Inc. (Sunrise Cove Camp) c/o  
Robert Caldarella-Applicant  
Zoning Regulation Amendment-Amend Section 3.3A and add new Section 3.5 (Pre-existing summer cottage/camp site).  
**Application #22-4.1**  
**A/R 4/7/22 & PH opened & continued from 7/7/22 with time extension.**

Attorney James Perito (Halloran & Sage, New Haven) explained that the at the end of the last meeting the adjoining neighbor (Lanphier Cove Camp Assn) had submitted some suggested additions to the application and it is his understanding that the attorney for that association (Mr. Berdon) requested that that be withdrawn. He also noted that several letters of support were received by residents of Sunrise Cove Assn. and that he know of no opposition to this application.

He noted that staff suggested a few changes which he reviewed.  
E. Breining reviewed the updated staff report.

The commission asked a few questions.

Robert Caldarella (applicant & President of Sunrise Cove Assn.) spoke and noted that their standards prohibit the combining of lots.

### **PUBLIC INPUT:**

1. Richard Callahan- 33 Sunrise Cove-He supports the application and asked the commission to approve it.

Chairperson closed the public hearing.

2. Eighty-Five Sunset Beach LLC c/o Kenneth O. Roos-Applicant & Owner  
85 Sunset Beach Road  
Special Exception & Coastal Site Plan-Single Family home with addition  
**Application #22-6.2**  
**To be A/R & PH 7/21/22**

Marcus Puttock (Hoffman, Hodge Associates) represented the applicant and explained this application is for a small addition .The house is being raised above flood elevations as well. He highlighted the site plan.

E. Breining reviewed the staff report.

PUBLIC INPUT: No one spoke.

Chairperson Andres closed the public hearing.

3. 4 Three Elms Rd LLC c/o Kurt Wittek-Applicant & Owner  
4 Three Elms Road  
Special Exception-Renovation of existing apartment building  
**Application #22-6.4**  
**To be A/R & PH 7/21/22**

**H. Smith noted this application needs approval from the Zoning Board of Appeals. This is continued to the meeting on Sept. 1, 2022.**

4. Joseph Barbarotta-Applicant  
Nitenday Associates LLC, c/o Ken Ginsberg-Owner  
221 West Main Street  
Special Exception- Daycare Center  
**Application #22-6.5**  
**To be A/R & PH 7/21/22**

The applicant (Joseph Barbotta) spoke and explained this application if for a daycare center.

E. Breining reviewed the staff report.

PUBLIC INPUT: No one spoke.

Chairperson Andres closed the public hearing.

**MINUTES: 7/7/22**

J. Chadwick made a motion to approve the minutes.

J. Vaiuso seconded the motion which passed unanimously.

**CORRESPONDENCE:**

1. Cell tower equipment swap at 4 Beaver Road.
2. Cell tower equipment swap at 171 Short Beach Road.
3. Cell tower equipment swap at 123 Pine Orchard Road.

**RETURN TO TABLE:**

1. Sunrise Cove Association Inc. (Sunrise Cove Camp) c/o Robert Caldarella-Applicant  
Zoning Regulation Amendment-Amend Section 3.3A and add new Section 3.5 (Pre-existing summer cottage/camp site).  
**Application #22-4.1**  
**A/R 4/7/22 & PH opened & continued from 7/7/22 with time extension.**

E. Breining displayed the changes the applicant sent to him before the meeting.

For the record, Sharon is seated for F. Russo who is absent.

H. Smith asked a few questions.

**J. Chadwick made a motion to approve the application and adopt the zoning text amendment below as amended and set forth with the findings that it's consistent with the plan of conservation and development and the comprehensive plan of zoning with an effective date of August 12, 2022.**

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

2. Eighty-Five Sunset Beach LLC c/o Kenneth O. Roos-Applicant & Owner  
85 Sunset Beach Road  
Special Exception & Coastal Site Plan-Single Family home with addition  
**Application #22-6.2**  
**To be A/R & PH 7/21/22**

**M. Palluzzi made a motion to approve the application with the Finding and Condition 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. 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. Vaiuso seconded the motion which passed unanimously.**

3. Joseph Barbarotta-Applicant  
Nitenday Associates LLC, c/o Ken Ginsberg-Owner  
221 West Main Street  
Special Exception- Daycare Center  
**Application #22-6.5**  
**To be A/R & PH 7/21/22**

**J. Vaiuso 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.

**CONDITIONS:**

1. Prior to the issuance of a Certificate of Zoning Compliance or the zoning issuance of Certificate of Occupancy, the following shall be addressed to the satisfaction of the Town Planner or his designee.
  - a. Confirmation in writing that no changes to the existing exterior lighting (parking lot/site lighting as well as building mounted) is proposed as part of the work associated with this approval.
  - b. Confirmation in writing that all "Facility Requirements" for day care as specified in the Connecticut Public Health Code not demonstrated on the submitted Site Plan (Sheet No. 1 entitled "- Site Plan – See Us Grow Childcare" dated June 6, 2022)

- c. The applicant shall submit a letter from East Shore District Health Department describing the safety and adequacy of the drinking water supply and sewage disposal system.
  - d. The applicant shall submit a letter from the Branford Fire Marshal describing fire safety concerns.
  - e. The applicant shall submit a letter from the Branford Building Official describing any structural safety concerns at the day care site.
  - f. Confirmation that the existing parking spaces are adequate for the combined uses on this property.
2. To ensure continued compliance with the Zoning Regulations (Section 6.3) all landscaping must be maintained as an on-going requirement of this approval to ensure survival of the landscaping. Any landscaping element that does not survive or that becomes significantly damaged must be replaced in-kind.
  3. All conditions of the previous approvals shall remain in full force and effect as they may still apply.

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

**OLD BUSINESS:**

1. Montowese Building Group, LLC-Applicant  
John & Anne Hines-Owners of 14 Buckley Road  
Branford Building Supplies Inc.-Owner of 0 & 16 Buckley Road  
14, 16 & 0 Buckley Road  
Special Exception- Grading (Section 6.8)  
**Application #22-1.4**  
**A/R 1/20/22 & PH opened 4/7/22 & closed 6/2/22**
2. Montowese Building Group, LLC-Applicant  
John & Anne Hines-Owners of 14 Buckley Road  
Branford Building Supplies Inc.-Owners of 0 & 16 Buckley Road  
14, 16 & 0 Buckley Road  
Special Exception/Coastal Site Plan -Open Space Residential Development (OSRD)  
**Application #22-1.5**  
**A/R 1/20/22 & PH opened 4/7/22 & closed 6/2/22**

**M. Liguori is seated for F. Russo who is absent.**

H. Smith displayed the updated findings and conditions which he reviewed. He noted that this document labeled "Revision #2" is for both applications #22-1.4 and #22-1.5.

M. Palluzzi made a motion to approve applications by adopting the findings and

conditions below (in the memo dated July 21, 2022 by H. Smith):

**Findings:**

2. The Commission finds that this Application, as amended through submittal of revised plans as well as additional testimony, materials, and documents including the following:
  - the submittal of a Coastal Site Plan application,
  - a statement from the Branford Land Trust indicating their preliminary interest in the acquisition of the proposed Open Space;
  - a letter dated June 1, 2022 from Town Counsel William Aniskovich regarding the applicability of Section 6.11.B.2 regarding Interior Lots;
  - other representations made by the Applicant at the Public Hearing as well as other documents submitted through the close of the Public Hearing including the offer of a financial contribution of approximately \$1,500 per dwelling unit towards the development or maintenance of a trail on the proposed Open Space, (together the “Amended Application”) subject to compliance with and fulfillment of required Conditions enumerated below, is in conformance with the requirements of the Zoning Regulations overall and specifically Sections 7.3 (Open Space Residential Development), 6.8 (Grading and Earth Removal Activities) and 9.8 (Special Exception).
3. In the absence of any contradictory evidence presented by an equally qualified individual (i.e. Professional Engineer licensed in the State of Connecticut) the Commission accepts the testimony and documentation provided by Robert Sonnichsen, P.E. regarding the determination that Mean High Water elevation on the property subject to this application is 0.88 feet NAVD.
4. Pursuant to Section 7.3.G, the Commission finds that the transfer of the ownership of the proposed Open Space to the Branford Land Trust (“BLT”) is the preferred method of disposition of the proposed Open Space, given the BLT’s ownership of abutting open space to the south.
5. The Coastal Site Plan is consistent with the goal and policies of the Coastal Area Management Act (CGS Section 22a-92) and incorporates any conditions and modifications necessary to mitigate adverse impacts on coastal resources and any future water dependent activities.

**Conditions:**

1. All construction shall substantially conform to the most recently revised version of the submitted Plans and Application Documents except as they may be modified to comply with requirements of this approval or be further modified by the Planning and Zoning Commission (“Approved Plans”).

2. Prior to any construction activity on the property subject to this application, evidence shall be submitted to the satisfaction of the Zoning Enforcement Officer and the Town Planner that the following have been satisfactorily addressed/established:
  - a. Erosion and Sedimentation controls installed as shown on Drawing 2.
  - b. Pre-construction meeting with the owner's representative/general contractor, ZEO, Town Planner, DEEP staff (and others that the Town Planner may ask to be included).
3. To comply with Section 6.8, the Applicant shall submit the following for the review and approval of the Zoning Enforcement Officer, as she may be advised by the Fire Marshal, prior to beginning any work on site requiring a Blasting Permit:
  - a. Documentation that an offer of a pre-blast survey was made to owners of all structures any part of which is within 150 feet of the area of the property which is within the limit of disturbance or Proposed Tree Line shown on Drawing 2.

All blasting shall comply with any Blasting Permit issued as well as the submitted Blasting Plan and be limited to Monday through Friday 9:00 am to 5:00 pm.

4. Prior to the issuance of a Zoning Permit or Zoning Authorization for the issuance of any necessary Building Permit for improvements to this property the Site Plan and submitted application materials shall be modified or additional documentation presented to address the following to the satisfaction of the Zoning Enforcement Officer and the Town Planner as well as, additionally, any specific Town staff member so indicated below:
  - a. Field staking of the proposed boundaries of the proposed Open Space, including the intersection of the proposed Open Space boundary with the old Trolley berm (current location of the Town of Branford sanitary sewer line and easement) by a CT licensed surveyor. The applicant/property owner shall provide the services of David Sacco (the CT Professional Engineer who designed the stormwater drainage system) which services shall consist of time sufficient in the opinion of the Town Planner to explain the proposed stormwater drainage system and its potential impact, or lack thereof, on the proposed Open Space to the BLT or any other entity approved by the Commission to accept the Open Space.
  - b. Documentation to the satisfaction of the Town Planner that the Branford Land Trust will accept the proposed Open Space or the approval by the Commission of an alternative disposition of the Open Space, which would involve in the case of a proposal to have a Homeowners Association own the Open Space, additional information regarding the Homeowners Association (including proposed maintenance plan for the Open Space, organization composition, financial resources, any further information required by the Commission to be necessary

for a determination of the acceptability of ownership on the Open Space by a Homeowners Association.)

- i. Ownership of the Open Space parcel shall also include the obligation to allow public access should a suitable path/trail be established. However, this approval does not obligate the BLT or any other entity approved by the Commission to accept the Open Space to develop a trail across any inland or tidal wetland on the Open Space property or maintain any such trail that is developed.
- c. Removal of the notes on Drawing 2 near the small rock knoll under and to the north of the proposed location of Unit 4 and to the north of the proposed location of Unit 12 that states "3:1 slope grading shown; may be steeper if rock is determined to be stable." Any such proposed rock slope would need further approval from the Commission per Section 6.8.F.3 including the provision of all relevant additional information the Commission may consider to be necessary in determining whether or not to grant such an approval. Also, much of the 3:1 slope/retaining wall to the north of Unit 12 is within 50' of the side/rear property an area within which excavation or blasting for a rock slope per Section 6.8.F.3 (4) is not permitted.
- d. Documentation acceptable to the Zoning Enforcement Officer as he/she may be advised by the Town Engineer that fill brought into the site complies with the requirements of Section 6.8.F.11.
- e. The submittal of a narrative or plan documenting to the satisfaction of the Town Planner, as he may be advised by the Town Engineer or other staff, how the Homeowners Association will appropriately maintain the roadway, stormwater drainage system, landscaping, or other features of the development to be controlled by the Homeowners Association.
- f. The Landscaping Plan (Drawing 5) shall be revised to the satisfaction of the Town Planner as follows:
  - i. The selection of plants shall be reevaluated to incorporate native species as much as possible.
  - ii. Information for the spacing between the perimeter plantings shall be provided on Drawing 5 for review and approval. The spacing shall be adjusted as may be determined to be necessary to establish a suitable buffer in a reasonable amount of time.
  - iii. The existing trees and other vegetation in the side, rear, and front yard setbacks shall be generally identified on the plans and labeled as to be preserved and appropriate "Tree Protection Zones" and Tree Protection Measures noted on the plans.



- iv. All Significant Trees (as defined by Section 6.3.C.2) within the area to be disturbed shall be individually identified on Drawing 5 by species, location, and approximate diameter.
  - v. Extend the indicated trail to start at the edge of pavement of the proposed extension of Buckley Road.
- g. The addition of appropriate screening to the Site Plans in the form of landscaping (with species, location and size at time of planting indicated) or walls/fencing for all ground mounted HVAC or utility equipment (transformers, meters, etc.) or exterior cabinets consisting of materials matching the façade building materials for any such utility equipment mounted on the exterior walls of the buildings to the satisfaction of the Town Planner or the Commission.
- h. The Lighting Plan and associated plans with lighting information on them shall be modified to address the following:
- i. Indicate on Drawing 6 as well as the indication on Drawing 13 that the height of the pole mounted lighting fixtures shall be no higher than twelve feet (12') above grade and include the height of any cement base exposed above grade.
  - ii. The building mounted lights shall be mounted no higher than nine (9') feet above grade.
  - iii. To reduce glare, all fixtures (including the proposed bollards) shall be demonstrated to meet the IES full cutoff definition (or equivalent BUG rating) 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/fixture assemblies 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 be provided including cut sheets with all model choices indicated and an updated photometric plan (Drawing 6) including an updated schedule providing information on the mounting height of all of the different types of fixture (not just the building mounted fixtures) and surface light level projections of the service and loading area that are in compliance with the requirements of the Zoning Regulations.
- i. Revisions to the Approved Plans showing an approved snow storage area on the property that does not conflict with existing or proposed landscaping.
- j. Appropriate screening of other utility and service equipment (including any trash receptacles) not addressed in Condition 4.g above to address the provisions of Section 6.14.D.3 (line 5) shall be added to the Site Plans to screen this equipment from the view of abutting property owners and the public.

- k. Evidence of the approval by the Town of the Sewer Use Agreement and the finalization of any design aspects left to the approval of the Town Engineer to his satisfaction to address the requirements of the Conditional Approval granted by the Town's Water Pollution Control Authority (WPCA) of the proposed connection to the Town's sanitary sewer system and the incorporation into revisions to the Approved Plans of any changes required to reflect such approved finalized design aspects.
  - l. Evidence of the approval of the connection of the buildings to public water.
  - m. A soil and erosion control bond shall be established per Section 6.10.E.4 and Section 9.6.G.2A of the Zoning Regulations.
  - n. Changes to the submitted plans to reflect the construction of all twelve proposed dwelling units as single-family detached dwellings and not as duplexes.
  - o. The proposed supplemental stormwater drainage provisions including the three yard drains and connecting High-density Polyethylene (HDPE) pipe shall be deleted from the Site Plans.
5. Prior to the issuance of any Certificate of Zoning Compliance or the zoning authorization for the issuance of any Certificate of Occupancy the following shall be addressed to the satisfaction of the Zoning Enforcement Officer:
- a. The completion of all site work or an appropriate financial guarantee established per Section 9.6.G.
  - b. Final as-builts of the development.
  - c. Evidence of the recording of a proposed conservation easement to the Town of Branford and a deed transferring ownership of the proposed Open Space to the Branford Land Trust, or alternative entity approved by the Commission to receive the ownership of the Open Space, of form and content acceptable to the Town Counsel and the Town Planner/Planning and Zoning Commission, ensuring its permanent protection as open space and meeting all other requirements of Section 7.3 of the Zoning Regulations, on the Land Records of the Town Clerk. Such deed shall provide the legal right for standard CT DEEP Coastal Public Access signage to be located at the intersection of Buckley Road and Ark Road as well as at the beginning of the designated trail near the proposed gazebo on Drawing 5 at such time as a trail may be established.
  - d. The contribution of \$18,000 by the applicant/property owner (as offered by them through their attorney during the public hearing) towards the maintenance of the Open Space and/or any path/trail developed on it. The contribution shall be made into a fund to be controlled by the entity receiving the ownership of the Open Space, the costs of the development of the structure of the fund and the

legal documents establishing it shall be the responsibility of the applicant/owner and the form and content shall be submitted to the Town Counsel and Town Planner/Planning and Zoning Commission for review and approval prior to the contribution being made into the fund, which contribution shall be made in a manner satisfactory to the Town Counsel and the Town Planner/Planning and Zoning Commission.

- e. Evidence of the recording of an easement of form and content acceptable to the Town Counsel and the Town Planner/Planning and Zoning Commission, to provide access to and use by the BLT (or other entity receiving the ownership of the Open Space if not the Homeowners Association) as well as members of the public as pedestrians along the pathway shown on Drawing 5 (extended to connect to the extension of the private access driveway through the development, a.k.a. Buckley Road) to the edge of the proposed Open Space.
  - f. The addition of a note to Drawings 1, 2, 4, 5, 6, 7, 11, and 12 stating that Buckley Road is currently a private road and is not approved to become a public road.
  - g. Reconfiguration of the proposed Open Space to eliminate the inclusion of any portion of the stormwater management system specifically including outfalls for inclusion within it.
  - h. Evidence of the merger of the individual properties subject to this application.
  - i. In the event that blasting has taken place, documentation that an offer of a post-blast survey was made to owners of all structures any part of which is within 150 feet of the area of the property which is within the limit of disturbance or Proposed Tree Line shown on Drawing 2 to document any changes in conditions from the pre-blast survey required above and a remediation plan proposed, approved and executed to address any conditions altered by the blasting.
6. 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 and any additional measures to control soil and erosion determined to be necessary to address conditions during construction.
  7. No additional signage or new or replacement lighting shall be installed without Planning or Zoning Commission approval or that of its staff whichever may be appropriate, for compliance of the proposed signage or lighting with the Zoning Regulations.
  8. To ensure continued compliance with the Zoning Regulations (Section 6.3) all landscaping must be maintained as an on-going requirement of this approval to ensure survival of the landscaping. Any landscaping element that does not survive or that becomes significantly damaged must be replaced in-kind. The requirements of any Conservation Easement placed on the property subject to this approval as well as the requirements of Section 6.3.C shall not be limited by this Condition.

9. Maintenance of the improvements shown on the revised Approved Plans is an on-going requirement of this approval.
10. Any modifications to the site, building, statement of use, or other aspects of the property from those approved herein shall require further approval as provided by of the Zoning Regulations.
11. The manufacturer's recommended requirements and schedule for cleaning and maintenance of the elements of the Stormwater Management System, as well as an additional list of maintenance measures and schedule for their execution as approved by the Town Engineer for the elements of the stormwater management system without any manufacturers' s recommended requirements for maintenance, shall be followed and regular monitoring of catch basins sumps, and establishment of and compliance with a cleaning schedule such that the frequency of routine cleaning will ensure that no catch basin sump at any time will be more than fifty (50) percent full (e.g. contents within the sump exceed one half of the distance between the bottom interior of the catch basin to the invert of the deepest outlet of the catch basin) performed by the applicant, owner, and/or successor in title to the Property, and reports documenting this shall be submitted to the Town Engineer every two years following the issuance of a final Certificate of Zoning Conformance or the zoning authorization of the issuance of the last Certificate of Occupancy.

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

**NEW BUSINESS:**

1. Brian Love – Applicant & Owner  
31 Thimble Island Road  
Coastal Site Plan & Special Exception-Grading (Section 6.8) for the construction of a single family residence within 100' of a critical coastal resource  
**Application #22-7.2**  
**To be A/R & PH to be set**

**Staff will set Public Hearing date.**

2. Sound Real Estate LLC, c/o Dan Merriam-Applicant  
45 Rose Hill Road LLC, c/o Paul Santa Barbara-Owner  
45 Rose Hill Road  
Special Exception-(Section 8.1.D) Change of Nonconforming Use Application  
To substitute a Car Storage Lot for the existing non-conforming use  
**Application #22-7.3**  
**To be A/R & PH to be set**

**Staff will set Public Hearing date.**

3. 119 Montowese LLC, c/o Elena Cahill-Applicant & Owner  
119 Montowese Street  
Special Exception-General or Business Office

**Application #22-7.4**

**To be A/R & PH to be set**

**Staff will set Public Hearing date.**

4. Bryan Dougherty-Applicant & Owner  
616-626 Leetes Island Road  
Special Exception-(Section 6.8) Grading (associated with the construction of a Barn)  
within 100 feet of an Inland Wetland

**Application #22-7.5**

**To be A/R & PH to be set**

**Staff will set Public Hearing date.**

5. Douglas Ledewitz c/o Federal National Mortgage Assn.-  
Applicant & Owner  
9 Beechwood Road  
Special Exception-Grading (Sec. 6.8) regrading to address Inland Wetlands  
Regulations Violation

**Application #22-7.6**

**To be A/R & PH to be set**

**Staff will set the Public Hearing date.**

6. 819 East Main St. LLC c/o Marjorie Shansky-Applicant  
Sullivan Farm LLC, c/o Jim Sullivan-Owner  
819-841 East Main Street  
Special Exceptions-Research Laboratory, General Office, and Section 6.8 (grading  
within 100 feet of an inland wetland)

**Application #22-7.7**

**To be A/R & PH to be set**

**Staff will set the public hearing date.**

**OTHER BUSINESS:**

1. Havesh Naviyani-Applicant  
David G. Goclowski-Owner  
168 Montowese St. (Darbar India Restaurant)  
Minor Site Plan Modification (Staff Approval)

**Application #22-6.3s**

**POSSIBLE DENIAL**

H. Smith explained that he has the authority to approve minor site plan applications administratively but he doesn't have authority to deny them. He explained that this application is for a fence along the edge of the property on the new Darbar restaurant site on Montowese Street. The engineering dept. had concerns with it along with the Town Center Board. After several attempts to reach the applicant with no response from them, he asked the commission to deny the application. The applicant has the option the option to reapply and staff will work with them.

**J. Chadwick made a motion to deny the application without prejudice.**

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

2. Planner's Report

H. Smith noted that the current ZEO, Dylan Willette has left to work for the Town of Berlin. A search is underway for a new ZEO. He will keep the commission updated.

H. Smith said he discussed a possible casual gathering for John Lust and Paul Higgins with Chairperson Andres to acknowledge his many years of service to the commission and town. H. Smith will work on this and report back.

H. Smith asked the commission if they wanted to continue with doing zoom meetings or go back to in person meetings. The commission gave their thoughts and Chairperson Andres noted he would like to try a hybrid style of meeting. H. Smith said he will look into that for the upcoming fall meetings.

The meeting adjourned at 9:30 p.m.