



PLANNING AND ZONING COMMISSION

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MINUTES PLANNING & ZONING COMMISSION THURSDAY JULY 27, 2023 SPECIAL 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)

This meeting was held remotely, solely via ZOOM and started at 7:01

Chairperson Andres introduced the Commission and staff.
Secretary F. Russo read the public hearing notice into the record.
Chairperson Andres reviewed the public hearing procedures.
E. Breining reviewed the procedures to participate in the public hearing.

PUBLIC HEARINGS:

1. Joseph Tammaro – Applicant and Owner
245 (formerly lot between 233 & 249) East Main Street
Special Exception Modification - Multi-Unit Residential Building
Application #23-4.4
A/R 4/20/23 & PH opened 5/18/23 & continued to 7/27/23 with Time Extension

J. Pretti (Criscuolo Engineering) represented the applicant and noted that revised drawings were submitted last week. He displayed the 2019 plan that was approved and said the footprint and height of the building hasn't changed. He then addressed the comments made by the Town Planner at the last meeting.

H. Smith then reviewed the revised staff report and displayed the site plan.
Chairperson Andres stated for the record that he was absent at the last meeting but he did view the zoom meeting.
The commissioners made a few comments.

PUBLIC INPUT:
No one spoke.

Chairperson Andres closed the public hearing.

2. Anthony Capasso-Applicant
Walter Maguire Jr. - Owner
66, 76-82 Totoket Rd. & 0 Tweed Road (Pine Orchard)
Re-subdivision to create four new lots from three existing properties located at 66,
76-82 Totoket Road & 0 Tweed Road & Coastal Site Plan
Application #23-4.8
A/R 4/20/23 & PH opened 6/15/23 & continued to 7/27/23

**The applicant has requested this item be continued to the 9/7/23 meeting.
The applicant offered a time extension which the commission accepted.**

3. Thomas Briggs – Applicant and Owner
67 North Branford Road
Special Exception- Indoor Recreation
Application #23-6.6
A/R 7/6/23 & PH set for 7/27/23

Kevin Sommers spoke on behalf of the property owner (Thomas Briggs). Also present were Karl Nelson and Lisa Peterson (tenant). Kevin explained that they have a tenant (Lisa Peterson) that wants to move into this space as Lisa's boot camp. She has been in town many years now, and is moving from her current location on Sylvia Street.

E. Breining reviewed the staff report. He noted that Lisa Peterson has gotten special exception approval back in 2018 and is requesting a waiver of the site plan requirement. He also said this is a new owner to this site who is working with staff to get all the uses approved at this site. He has hired a surveyor as well.

PUBLIC INPUT:

1. Perry Maresca- (Director of Economic Development)- Said if the building is correctly suited for this type of business, then we want to encourage Branford businesses to stay in Branford.

Chairperson Andres closed the Public Hearing.

RETURN TO TABLE:

4. Joseph Tammaro – Applicant and Owner
245 (formerly lot between 233 & 249) East Main Street
Special Exception Modification - Multi-Unit Residential Building
Application #23-4.4
A/R 4/20/23 & PH opened 5/18/23 & continued to 7/27/23 with Time Extension

Chairperson Andres noted that the five regular commission members are present and will vote.

The commission discussed this briefly and decided to pause this item so the Town Planer could review the wording for a new condition.

The commission decided to discuss PZ#23-6.6 next. After that discussion, the Commission discussed this item.

J. Chadwick made a motion to approve the application with the Findings and Conditions below (from the revised staff report):

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 of Sections 9.8.F.
2. With the adjustment in the proposed public coastal access and subject to compliance with the conditions listed below, the modified Coastal Site Plan remains consistent with the goal and policies of the Coastal Area Management Act (C.G.S. Section 22a-92) and incorporates

any conditions and modifications necessary to mitigate adverse impacts on coastal resources and any future water dependent activities.

3. The proposed lighting on the site plan is considered amended to reflect the substitution of additional building mounted lights (“WPXO LED” wall sconce by Lithonia Lighting with the “30k” - or 3,000 degrees Kelvin - Correlated Color Temperature option and the “ALO 1” option generating a light output of 814 lumens) for the “Quasar 20” wall sconce with the “3k” (or 3,000 degrees Kelvin) Correlated Color Temperature option and a light output of 695 lumens).

CONDITIONS:

1. The phragmites located along the bank of the adjoining tidal estuary/Queach Brook to the south of proposed public access viewing area and bench shall be removed and ongoing maintenance undertaken to prevent any significant regrowth of the phragmites and other vegetation landward of the Coastal Jurisdiction Line that would in the opinion of the Zoning Enforcement Officer or the Commission impede the views of the tidal estuary/Queach Brook from the public viewing area indicated on the plans. Failure to continue to perform said maintenance to the satisfaction of the Zoning Enforcement Officer shall be considered a violation of this approval and subject to enforcement action per Section 10.2 of the Zoning Regulations.
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. Maintenance of the improvements shown on the revised Approved Plans is an on-going requirement of this approval.
4. 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 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.
5. 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.
6. 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 bond established per Section 9.6.G.
 - b. Modify Sheet LT-1 “ISO-LUX PLAN” to reflect the substitution of additional building mounted lights (“WPXO LED” wall sconce by Lithonia Lighting with the “30k” - or

3,000 degrees Kelvin - Correlated Color Temperature option and the “ALO 1” option generating a light output of 814 lumens) for the “Quasar 20” wall sconce with the “3k” (or 3,000 degrees Kelvin) Correlated Color Temperature option and a light output of 695 lumens.

- c. The plans shall be amended to modify the slope extending from the north side of the building to provide a horizontal element (low retaining wall and/or selective plantings with a defined structure that may be non-natives if needed) to the satisfaction of the Town Planner as he may be advised by design professionals.
 - d. Submittal of final as-builts of the development.
 - e. Submittal of a Financial Guarantee to ensure the survival of plant materials in favor of the Town of Branford pursuant to Section 6.3.M.3 of form, content, and amount as determined by the Zoning Enforcement Officer as he may be advised by the Town Engineer and the Town Attorney, except that this financial guarantee shall not be in the form of a surety bond.
7. All other conditions from the May 30, 2019 approval shall remain in full force and effect as they may still apply.

M. Palluzzi seconded the motion which passed unanimously.

5. Thomas Briggs – Applicant and Owner
67 North Branford Road
Special Exception- Indoor Recreation
Application #23-6.6
A/R 7/6/23 & PH set for 7/27/23

M. Palluzzi made a motion to waive the survey requirement.

F. Russo seconded the motion which passed unanimously.

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.F.
2. This approval exclusively applies to the establishment of a 2,925 square foot “Indoor recreational” use in Unit 1 at the property currently known as 67 No Branford Road as depicted on Sheet AE-1 entitled “*Existing Layout Drawing*” dated August 29, 2022. No changes to the site plan are a part of this approval. No other existing or proposed uses are to be interpreted as approved at this site.
3. The Commission notes that based on the information available at this time and the known uses on the property, this approval uses the last available parking on the

property absent of a reduction in the parking requirements or a modification of the site plan or uses on the site.

CONDITIONS:

1. To reduce glare, any 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.

M. Palluzzi seconded the motion which passed unanimously.

The commission then discussed PZ#23-4.4.

NEW BUSINESS:

1. Referral from Zoning Board of Appeals regarding variance application #23-7-4 2 Ferry Lane & 31 Spring Cove Road.
Var. Sec. 6.1.C.3 Allow common ownership of distinct parcels.
Var. Sec. 8.1.F.1 (2) 4,000 sf at time of development
Var. Sec. 8.1.F.1 (4) Allow common ownership of non-conforming parcel adjacent to conforming parcel.

Chairperson Andres explained back in January 2023 the property on Ferry Lane and Spring Cove Road was on the Planning & Zoning agenda and the question was, does the non-conforming lot provision in our regulations apply?

There was a small piece (under 4,000 sq. feet) that had been owned by the same owner but taxed separately than the rest of the parcel. The property owner's attorney said they wanted to do a lot line revision to form 2 building lots. They wanted an opinion as to whether the lot regulations applied (non-conforming lot regulations). they wanted to change the dimensions of the parcels so they would get 2 lots.

The commission had a discussion about it in January and the thought was is that none of the provisions applied because the definition of a lot is described as at least 4,000 sq. feet, and the little piece was under 4,000 sq ft. It was left open, meaning that if the owner wanted to come back and present more information, the commission would review it.

Nothing happened until the applicants filed a variance application that is presently before the Zoning Board of Appeals.

E. Breining is currently the moderator for the ZBA board and he remembered that this item was previously discussed at the Planning & Zoning meeting. He was unclear whether toe PZ Commission was done commenting on this item. So, he suggested they refer this to the PZ Commission for any additional comments.

Chairperson Andres noted that there is no additional comments from the planning & Zoning commission. They had a discussion, but no motions were made. They thought the undersized lot provision applied. He explained there was nothing that the commission needed to do at this time.

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H. Smith agreed with Chairperson Andres comments. He said he reviewed the minutes and the recording of the meeting to refresh his memory.

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The commissioners made a few comments.

The meeting adjourned at 8:18 pm