



PLANNING AND ZONING COMMISSION

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MINUTES PLANNING & ZONING COMMISSION THURSDAY JUNE 16, 2022 REGULAR MEETING 7:00 P.M.

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

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

Chairperson Andres introduced the commission and staff.
He then reviewed the public hearing procedures.

There was not legal notice to read.
E. Breining reviewed how to participate in the public hearings.

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 6/2/22 with time extension.

This item is continued to the July 7, 2022 zoom meeting per the applicant's request.

2. Bluepoint Apothecary LLC c/o Attorney Timothy Herbst-Applicant
Zoning Regulation Amendment- Amend Zoning Regulations & Moratorium to allow
Hybrid Retailer Cannabis Establishments
Application #22-4.4
A/R 5/5/22 & PH continued from 6/2/22
3. Bluepoint Apothecary LLC c/o Attorney Timothy Herbst-Applicant
Two Dogs LLC c/o Mark Milano-Owner
471 East Main Street
Special Exception- Hybrid Retailer Cannabis Establishment
Application #22-4.5
A/R 5/5/22 & PH continued from 6/2/22

Item #1 and #2 are being heard together.

Chairperson Andres reviewed the applications for the commission.

Attorney Timothy Herbst spoke next giving a brief recap of the applications. Also present was Anne Marie Zsamba (Green Thumb Industries) and Neil Olinski (SLR Traffic Engineer).

Attorney Herbst noted they have been working with the Town Planner to revise the language of the text amendment and said when you look at the traffic report it stated this would be a less intensive use than the Mass. Facility and that they have exceeded the parking requirements. They discussed the hours of operation and Attorney Herbst thinks this should be treated like other retailers in town.

Anne Marie Zsamba then displayed the wording edits and reviewed them.

H. Smith then displayed the Town Engineer's email for the commission to review.
He gave a few comments and the commissioners asked a few questions.

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PUBLIC INPUT: No one spoke.

H. Smith briefly discussed traffic.
Neil Olinski (SLR Traffic Engineer) spoke briefly.

Chairperson Andres closed the public hearing for items #2 and #3.

4. 33 West Avenue LLC c/o Robert Regel-Applicant & Owner
33 West End Avenue
Special Exception Modification-Two Family Home
Application #22-4.6
A/R 5/5/22 & PH continued from 6/2/22

This item is continued to the July 7, 2022 zoom meeting per the applicant's request.

MINUTES: 6/2/22

J. Chadwick made a motion to approve the meeting minutes.
F. Russo seconded the motion which passed unanimously.

CORRESPONDENCE:

1. Cell tower equipment swap at 405 Brushy Plain Road.
2. Notice that an application was filed to change the tower at the Tilcon Plant.

RETURN TO TABLE:

1. Bluepoint Apothecary LLC c/o Attorney Timothy Herbst-Applicant
Zoning Regulation Amendment- Amend Zoning Regulations & Moratorium to allow
Hybrid Retailer Cannabis Establishments
Application #22-4.4
A/R 5/5/22 & PH continued from 6/2/22

The commission discussed the text amendment first.
Chairperson Andres reviewed the text amendment application for the commission.
They had a brief discussion and then H. Smith reviewed the wording changes.

The consensus of the commission was to have the moratorium end on July 12, 2022.

The commission discussed hours of operation next.

J. Vaiuso made a motion to approve the proposed text changes below stating it is consistent with the Comprehensive Plan of Zoning and the Plan of Conservation and Development with an effective date of 7/12/22.

Amendments to the Town of Branford Zoning Regulations
Approved June 16, 2022, Effective July 12, 2022

Sections that are shown with ~~strikethrough~~ shall be deleted.

Sections that are underlined shall be added.

1.7 TEMPORARY & LIMITED MORATORIUM [AMENDED, EFFECTIVE JULY 12, 2022]

B. Temporary and limited moratorium on applications to allow or facilitate new “Cannabis Establishments” as defined in Section 2.2 of these Regulations throughout all Zoning Districts.

1. Statement of Purpose

This section has been adopted to provide the Commission with the time necessary to complete the process of revising and/or creating new Zoning Regulations to address the allowance of Cannabis Establishments.

2. Applicability

During this temporary and limited-term moratorium, no applications for Zoning Regulation Amendments, Zoning Map Amendments, PDD/Master Plan approvals, Special Permits, Site Plan Reviews, Zoning Permits and other applications for development projects proposing Cannabis Establishments, except for “Cannabis Establishment – Hybrid Retailer,” shall be received or acted on by the Commission or staff.

3. Effective Date/Term

This temporary and limited-term moratorium shall become effective on DECEMBER 24, 2021 and shall remain in effect until July 12, 2022 ~~for a period of twelve (12) months.~~ Revisions to the term of the moratorium may be made for good cause after a review as a Zoning Regulation Amendment application.

Section 2.2

CHANGE definitions as follows:

Cannabis. Marijuana, as defined in section 21a-240 of the Connecticut General Statutes.

Cannabis Establishment - Other. A producer, dispensary facility, cultivator, microcultivator, ~~hybrid retailer,~~ retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter as these establishments are defined in the June 2021 Connecticut Public Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis (Public Act 21-1, Senate Bill No. 1201), as may be amended.

Cannabis Establishment – Hybrid Retailer. A hybrid retailer is a person that is licensed to purchase cannabis and sell cannabis and medical marijuana products as defined in the June 2021 Connecticut Public Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis (Public Act 21-1, Senate Bill No. 1201), as may be amended.

4.8 TABLE OF USES - BUSINESS ZONES

P = Zoning Permit	S = Site Plan	SE = Special Exception	N = Not Permitted
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4.8.A RETAIL USES	BC	BR	BL	MU	IG1	IG2	CP	BL-HR
1. Retail < 3,000 square feet.	S	S	S	S	SE	SE	SE	S
2. Retail ≥ 3,000 square feet, but < 20,000 square feet.	S	SE	S	S	N	N	N	S
3. Retail ≥ 20,000 square feet.	SE	SE	SE	SE	N	N	N	SE
4. Retail, Limited.	SE	SE	SE	SE	N	N	SE	SE
5. Sale at retail of any commodity manufactured, processed, fabricated or warehoused on the premises provided the total floor area devoted to retail sales does not exceed 20 percent of the gross floor area of the building.	SE	SE	SE	SE	SE	SE	SE	SE
6. Outside storage or display of merchandise.	SE	SE	SE	SE	N	N	N	SE
7. <u>Cannabis Establishment - Hybrid Retailer (See Section 7.20)</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>SE</u>	<u>N</u>	<u>N</u>
8. <u>Cannabis Establishment - Other</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

7.20 CANNABIS ESTABLISHMENTS

7.20.A. Additional Application Requirements:

In addition to all other Special Exception requirements, the application shall contain the following additional information:

1. The applicant shall submit a map showing all the properties and uses located within seven hundred and fifty (750') of the property proposed to contain a Cannabis Establishment.

7.20.B General Requirements.

All Cannabis Establishments allowed under these regulations shall conform to the following additional standards:

1. The use shall be limited to the hours of 9 am and 8 pm Monday through Saturday. Sunday hours shall be limited to 9 am to 6 pm.
2. No Cannabis Establishment shall be located within seven hundred fifty feet (750 ft.) of the property line of any church, public or parochial school, convent, charitable institution (whether supported by private or public funds) hospital, veterans' home, or military establishments.

For the purposes of this Section, distances shall be measured in a straight line, without regard to intervening structures or objects from the nearest portion of the property upon which is located building containing or proposing to contain a Cannabis Establishment to the nearest boundary of the property upon which are located the uses specified above. Cannabis Establishments are not permitted in structures which contain accessory apartments or other dwelling units.

3. Standards and Requirements: A Special Exception may be granted provided that the following criteria are met in addition to the standards, criteria and conditions stated in Sections 6 and 9.8:
 - a. Notwithstanding, and in addition to, any other requirements of these regulations or applicable provisions of the Connecticut General Statutes the following provisions regarding signage shall apply:
 - i. A Cannabis Establishment – Hybrid Retailer may not display cannabis, cannabis products or any image, or any other visual representation, of the cannabis plant, so as to be clearly visible from the exterior of the facility used in the operation of a Cannabis Establishment – Hybrid Retailer, or display signs or other printed material advertising any brand or any kind of cannabis product, including any image or any other visual representation, of the cannabis plant or any part of the cannabis plant, including, but not limited to, the leaf of the cannabis plant, on the exterior of the facility used in the operation of a Cannabis Establishment – Hybrid Retailer.
 - ii. In addition to the prohibitions of Sections 6.6.B and 6.6.F on certain signs on the building and property, such signs are also prohibited either on the window or within three feet (3') interior to the window.
 - iii. Any advertisement or signage for any Cannabis Establishment – Hybrid Retailer, as defined herein, shall comply with the provisions of Sections 21a-420 through 21a-422 of Public Act 21-1 as they may be further amended and Section 6.6 of the Branford Zoning Regulations, respectively.

- b. Parking requirements shall comply with Section 6.5 of these Regulations. The retail parking standard to apply to Cannabis Establishment – Hybrid Retailer.
- c. No portion of the property upon which a Cannabis Establishment – Hybrid Retailer is proposed shall be any closer to Lake Saltonstall or Long Island Sound than 6,000 feet. No portion of the property upon which a Cannabis Establishment – Hybrid Retailer is proposed shall be any closer to another property containing an existing Cannabis Establishment – Hybrid Retailer than 8,000 feet.

J. Chadwick seconded the motion which passed unanimously.

- 2. Bluepoint Apothecary LLC c/o Attorney Timothy Herbst-Applicant
Two Dogs LLC c/o Mark Milano-Owner
471 East Main Street
Special Exception- Hybrid Retailer Cannabis Establishment
Application #22-4.5
A/R 5/5/22 & PH continued from 6/2/22

The commission discussed this application and the consensus was that they will vote to approve it. The commission directed the Town Planner to prepare a motion of approval with conditions and they will act on it at the July 7 meeting (via zoom).

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

Old Business #1 and #2 were discussed together. H. Smith gave the commission an over view of what they should be considering with these two applications. He then highlighted his June 16 memo which discussed duplex units, drainage, site layout and special exception criteria.

The commission discussed the two applications. H. Smith gave some comments and made a few suggestions. He then displayed the DEEP letter for the commission and they discussed it.

The commission discussed this application and the consensus was that they will vote to approve it. The commission asked the Town Planner to prepare a motion of approval with conditions and they will discuss it at the July 21, 2022 meeting (via zoom).

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3. Matthew & Stephanie Milano-Applicants & Owners
125 Thimble Islands Road
2 Lot Subdivision & Coastal Site Plan
Application #22-5.2
A/R 5/19/22

Attorney Bernard Pellegrino represented the applicants and spoke first. Also present at the meeting were the applicants and Jim Pretti (Criscuolo Engineering).

He explained the applicants would like to create another lot and build a larger home for themselves on that lot. They have received Inland Wetlands approval.

J. Pretti (Criscuolo Engineering) displayed the site plan and reviewed it.

Attorney Pellegrino spoke of the open space noting there is not enough property to donate any open space. They propose a conservation easement for a conservation area. He felt it would be appropriate in exchange for open space.

E. Breining reviewed the staff report and noted there were a few missing items in the application. He would like to review the conservation easement in greater detail.

This item is continued to the July 7 meeting.

4. Shrestha Management LLC-c/o Gobinda Shrestha-
Applicant & Owner
230 East Main Street
Site Plan-Convenience Store (Unit 1) & Pizza/Deli (Unit 2)
Application #22-5.3
A/R 6/2/22

This is WITHDRAWN.

5. Donte Branch- Applicant
Joe Moruzzi c/o JMM Properties LLC-Owner
803-873 West Main Street
Special Exception- Tae Kwon Do School
Application #22-5.5
A/R 6/2/22 & PH set for 7/7/22

6. Jordan Flowers-Applicant
Robert Lundgren-Owner
257 East Main Street
Special Exception & Coastal Site Plan-Food Truck Park
Application # 22-5.6
A/R 6/2/22 & PH set for 7/7/22

NEW BUSINESS:

OTHER BUSINESS:

1. Soil and Erosion Control Financial Guarantee (Bond) Establishment –Mariners Landing Development

F. Russo made a motion to approve the bond in the amount of \$ 19,285.00.

J. Vaiuso seconded the motion which passed unanimously.

2. Planner's Report
Nothing was discussed.

The meeting adjourned at 10:15 pm

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