



## PLANNING AND ZONING COMMISSION

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2188

### MINUTES PLANNING & ZONING COMMISSION THURSDAY JUNE 17, 2021 REGULAR MEETING 7:00 P.M.

Commissioners Present: F. Russo, J. Lust, M Palluzzi, C. Andres, J. Vaiuso,  
M. Liguori

Commissioners Absent: J. Chadwick, P. Higgins

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

Chairperson Andres introduced the Commission and the Staff.

Chairperson Andres then discussed the upcoming meeting on July 1 and whether it would be remote by zoom or in person at the Fire Headquarters. He asked the Commission for their input and the general consensus of the Commission is that they would prefer to meet in person. Chairperson Andres noted that the present Executive Order expires at the end of the month and if a new order isn't passed then the Commission will have to meet in person for the next meeting.

H. Smith suggested planning ahead to meet in person for the two meetings in July (July 1 and 15) and then reevaluate what to do then.

Chairperson Andres then stated for the record that the next meeting on July 1 would be held at Branford Fire Headquarters (45 North Main St.) at 7 pm.

M. Palluzzi read the Public Hearing notice into the record.

Chairperson Andres reviewed the Public Hearing meeting procedures.

E. Breining reviewed the procedures to participate in the Public Hearing.

#### **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 5/20/21and continued from 6/3/21**

Attorney Amy Souchens representing Montowese Development Group spoke first saying David Sacco from TPA Group was present and will address the prior staff comments. She then gave a short history of the application and introduced David Sacco.

David Sacco displayed the revised plans and reviewed their responses to the staff comments.

Attorney Souchens then responded to H. Smith's comments regarding open space alternatives, mean high water line questions and others.

The Commission asked a few questions.

H. Smith noted we are awaiting comments from the Town Engineer.

### **PUBLIC INPUT:**

1. Louisa DeLand- She said she submitted a letter to H. Smith and the Commission on behalf of the neigh group. She spoke of the flooding in the area and displayed photos of the neighborhood after a rainfall. She asked the Commission to read the group's website.

H. Smith asked her to forward any images she had that weren't included in the letter that was submitted.

2. Bill Horne- Pleasant Pt. Rd. - He spoke of the question of the states attitude of ownership of land below the mean high water line. He spoke of when the town acquired land at the end of Helen Rd which has 5 acres that are below the mean high water line. The town received an open space grant and in the process of that had to revise the survey to show only land above the mean high water line was included in the warranty deed. He said it was clear that DEEP felt it owned land below the mean high water line.
3. Claudio Richetelli- Asked why were there so many discrepancies in the project? He asked if DEEP thinks this is a viable project. He spoke of the Fire Dept. getting access from the cul de Sac and he asked how can they get access if it's raised 8 feet. He said there is too much crammed into a little space.
4. Dick Terrill- Brightwood Lane- He is concerned about water coming into his property. He noted he gets water on his property since the trees were cleared from the tornado last summer. He also asked what will happen when the proposed swail fills.
5. Maria Earhardt- 5 Marshall Place-She directly abuts this property and is concerned. She asked about buffers between the properties and noted that none were mentioned. The prior application cleared land for a vineyard and now there is a development coming. Is that allowed? She noted there may be pollutants in the property. Who addresses that? She feels this is not consistent with the neighborhood.
6. Barbara Lucas Richetelli-She said she agreed with the previous speaker and also asked what is the definition of a fee strip?

David Sacco responded to some of the public comments.

Chairperson Andres reminded everyone that this item is continued to the July 1 meeting.

The Commission took a 10 minute break at 9:15 pm.

2. DeMartino Development & Construction LLC, c/o Dominick DeMartino-Applicant & Owner 96,102 & 104 Stony Creek Road  
Special Exception – Grading (Section 6.8)  
**Application #21-4.8**  
**A/R on 5/6/21 & PH set for 6/17/21**

J. Pretti (Criscuolo Engineering) represented the applicant explaining this application is for grading within 100 feet of Inland Wetlands for the construction of a single family house. He displayed a site plan which he reviewed.

E. Breining reviewed the Staff Report.

PUBLIC INPUT: No one spoke.

**Chairperson Andres closed the Public Hearing.**

3. 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 to be rescheduled**

**The Applicant offered a time extension to open the Public Hearing at the July 15 meeting which the Commission accepted.**

4. Joseph Lepre-Applicant & Owner  
8 Svea Avenue  
Special Exception-Two Family Dwelling  
**Application #21-5.10**  
**A/R 6/3/21 & PH set for 6/17/21**

Joseph Lepre (Applicant) spoke noting this is an empty lot now and he proposes to build a duplex facing 8 Svea Avenue and a single family home in the rear. He displayed site plans which he reviewed.

E. Breining reviewed the Staff Report.

**PUBLIC INPUT:**

1. PERRY Maresca (EDC Chairman) spoke highly of Joseph Lepre saying he was a good businessman and a longtime Branford. He supports the project.

For the record, Commissioner M. Palluzzi recused herself from this application.

**Chairperson Andres closed the public hearing.**

5. Andrew Rainone-Applicant  
KTOP 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 set for 6/17/21**

**H. Smith said the applicant has requested that the Public Hearing be continued without testimony to the July 1 Planning & Zoning Meeting.**

**Chairperson Andres repeated that this item is continued to the July 1 meeting which will be held at the Branford Fire Headquarters at 45 North Main Street and will be in person, not a zoom meeting.**

**MINUTES: 6/03/21**

- J. Vaiuso made a motion to approve the June 3 minutes as written.**  
**M. Liguori seconded the motion which passed unanimously.**

**RETURN TO TABLE:**

1. DeMartino Development & Construction LLC, c/o Dominick  
DeMartino-Applicant & Owner 96,102 & 104 Stony Creek Road  
Special Exception – Grading (Section 6.8)  
**Application #21-4.8**  
**A/R on 5/6/21 & PH set for 6/17/21**

**J. Lust made a motion to approve the application with the conditions below:**

1. Prior to the issuance of any zoning authorization of a Certificate of Occupancy or Certificate of Zoning Compliance the following shall be addressed to the satisfaction of the Zoning Enforcement Officer or other Town staff as indicated:
  - a. Evidence of the legal merger of the three properties subject to this application (a.k.a. #'s 96, 102, and 104 Stony Creek Road) satisfactory to the Town Attorney or evidence of the filing on the Town's Land Records of a deed restrictions, or other similarly effective alternative legal instrument, of form and content acceptable to the Town Attorney on the two properties referred to above, stating that they cannot be sold separately from each other without approval of the Planning and Zoning Commission.
  - b. 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.
  - c. Dust control measures shall be provided as necessary at the discretion of the Zoning Enforcement Officer.

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

6. Joseph Lepre-Applicant & Owner  
8 Svea Avenue  
Special Exception-Two Family Dwelling  
**Application #21-5.10**  
**A/R 6/3/21 & PH set for 6/17/21**

H. Smith noted for the record that Commissioners F. Russo and M. Liguori Are seated for Commissioners M. Palluzzi (who is recusing herself) and J. Chadwick (absent).

**M. Liguori 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) The Special Exception approval under Section 6.8 granted with the approval of this application shall expire one-year from the date of decision on this application unless renewed by the Commission pursuant to Section 6.8.L.
- 3) 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 (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.
- 4) Prior to the start of construction the applicant shall provide a submittal of sufficient drainage information to the satisfaction of the Town Engineer.

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

**CORRESPONDENCE:**

No Correspondence

**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**

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

2. Brenna Begley-Applicant  
RGA Realty Management,  
c/o Robert Audet-Owner  
537-547 Main Street  
Site Plan-Skincare Spa  
**Application #21-5.9**  
**A/R 6/3/21**

The Applicant spoke explaining this application is for a change of use from Retail to personal service for a skincare spa. There will be 3 treatment rooms With sinks added but no exterior changes are planned.

She requested a waiver of the site plan submission requirement.

E. Breining reviewed the staff report.

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

1. 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.

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

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**

**This item is TABLED to the July 1 meeting.**

**NEW BUSINESS:**

1. Charles Potter-Applicant  
Charles Potter & Laura Harris –Owners  
2 Third Avenue  
Site Plan & Coastal Site Plan – Two-Family Dwelling  
**Application #21-6.2**  
**To be A/R**

**This item is TABLED.**

2. 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**  
**To be A/R & PH to be set**

**This item is TABLED.**

**OTHER BUSINESS:**

1. Time Extension Request – 1 additional year for Section 6.8 (Grading) approval  
58 East Industrial Drive.

H. Smith said he spoke to the applicant regarding soil & erosion controls.  
He is recommending a 6 month extension for the completion of grading.

**J. Lust made a motion to approve the 6 month extension.**  
**J. Vaiuso seconded the motion which passed unanimously.**

2. Bond Establishment for 149 Cherry Hill Rd.

J. Vaiuso made a motion to establish the bond for 149 Cherry Hill Road.  
J. Lust seconded the motion which passed unanimously.

3. Planner's Report

1. A consultant(Glenn Schelder of Planometrics) has been hired to work on the  
Affordable Housing Plan.
2. Some new legislation has recently been passed including Accessory Apartments  
As of right, a change in the parking standards and wording changes.  
More information to follow.

H. Smith then noted that another item should be added to Other Business; the  
appointment of the new ZEO.

He explained that John Rusatsky will be staying on for a short time to help with the transition for the new ZEO.

H. Smith thanked both Dan Brennan and Kait Piazza for their help.

**J. Vaiuso made a motion to add the item to the agenda.**

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

**M. Palluzzi made a motion to appoint Dylan Willette as the new Zoning Enforcement Officer.**

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

**The meeting adjourned at 10:10 pm.**