



# PLANNING AND ZONING COMMISSION

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## MINUTES PLANNING & ZONING COMMISSION THURSDAY, JUNE 21, 2018 REGULAR MEETING 7:00 P.M. BRANFORD FIRE HEADQUARTERS 45 NORTH MAIN STREET

Commissioners Present: J. Lust, J. Vaiuso, C. Chadwick, F. Russo, P. Higgins, C. Andres,  
M. Palluzzi, D. Dyer  
Staff Present: H. Smith- Town Planner, R. Stoecker-Asst. Town Planner,  
M. Martin- Clerk

Chairperson Andres introduced the Commission and the staff present.  
Chairperson Andres then reviewed the Public Hearing procedure.  
Secretary M. Palluzzi read the Public Hearing notice into the record.  
Chairperson Andres began the meeting by saying that the Applicant for Public Hearing number two and three requested that the Public Hearing be opened and continued to the Planning and Zoning Meeting on July 12, 2018. He then asked if there were any public comments for these applications. There were none.  
The next item discussed was Public hearing number one.

### REGULAR MEETING 7:00 P.M. PUBLIC HEARINGS:

1. Total Estates LLC ,c/o Joshua Onofrio-Applicant & Owner  
119 Cedar Street  
Special Exception-Multi Family  
**Application #18-4.5**  
**A/R 3/15/18 & PH opened 5/17/18 & continued from 6/7/18**

David Onofrio Sr. was present representing his son who could not attend the meeting.  
R. Stoecker reviewed the revised Staff Report.  
The Commission discussed this application briefly.

PUBLIC INPUT:  
No one spoke.

**Chairperson Andres closed the Public Hearing.**

2. 26 Cherry Hill Rd, LLC- Applicant & Owner  
26 Cherry Hill Road  
ReSubdivision-(2 Lot)  
**Application #18-4.8**  
**A/R 5/17/18 & PH set for 6/21/18**

**Public Hearing opened and continued to the July 12, 2018 meeting.**

3. 26 Cherry Hill Rd, LLC- Applicant & Owner  
26 Cherry Hill Road  
Zoning Map Amendment/Master Plan Amendment-  
PDD Modification  
**Application #18-4.9**  
**A/R 5/17/18 & PH set for 6/21/18**

**Public Hearing opened and continued to the July 12, 2018 meeting.**

4. Robert Regel-Applicant  
Zoning Regulation Amendment-Amendments to  
Section 2.2 and 6.12 regarding Site Triangle definition &  
driveway requirements  
**Application #18-5.3**  
**A/R 5/17/18 & PH set for 6/21/18**

Robert Regel (Applicant) was present and explained he owned 736 Main Street and there is a barn on the property that he wants to convert to usable space.

H. Smith explained that the use Mr. Regel wanted to make of his barn under the Zoning Regulations required him to add parking spaces requiring the creation of a 24 foot wide driveway to the parking lot which does not fit on the property. Rather than seek a variance, he agreed to sponsor this Regulation Change. He also agreed to include other items that staff has been working on to improve and change the driveway section of the Regulations. He then reviewed the changes.

PUBLIC INPUT:

No one spoke.

**Chairperson Andres closed the Public Hearing.**

5. Alex Vigliotti- Applicant & Owner  
121 North Main Street  
Zoning Map Amendment-Change proposed from R-1 zone to BL zone  
**Application #18-5.5**  
**A/R 5/17/18 & PH set for 6/21/18**

Wayne Maculaitis (Owner of 117 North Main Street) was present as well as his son. He explained that he is the owner of AL Mac Motors and Alex Vigliotti gave him written permission to use the adjunct lot (proposed for rezoning) for additional parking.

Chairperson Andres explained to the Commission that the parcel that Mr. Maculaitis is using is zoned Residential and they want to rezone that parcel to BL (Limited Business). It is vacant now and he uses it for parking. If Mr. Maculaitis purchases the parcel in the future he can continue to use it for his business once he obtains the site approvals.

R. Stoecker reviewed the Staff Report. He noted it makes sense for this parcel to be zoned commercial.

**Public input:**

1. Bill Horne- Pleasant Point Rd. - He said he was involved in the process when Alex Vigliotti conveyed some of his land for open space as part of the "Founders Village" development but kept this parcel because some people were worried that this parcel which extends behind the gas station may be contaminated. He noted this parcel has no value as a residential zoned property and he sees no problem with this zone change.

**Chairperson Andres closed the public hearing**

6. Bryan D'Orlando-Applicant  
Michael & Rosemary D'Orlando-Owner  
62 Damascus Road  
Special Exception (Accessory Apartment)  
**Application #18-5.7**  
**A/R 5/17/18 & PH set for 6/21/18**

Jim Pretti (Criscuolo Engineering) represented the Applicant. He reviewed the application saying this apartment meets all the requirements for an accessory apartment and is for a family member.

R. Stoecker reviewed the Staff Report.

PUBLIC INPUT:

No one spoke.

**Chairperson Andres closed the public hearing.**

7. Digestive Disease Associates, c/o  
Christopher Illick, M.D.-Applicant  
687 Main Street LLC- Owner  
657-697 Main Street  
Special Exception-Medical Office  
**Application #18-5.8**  
**A/R 5/17/18 & PH set for 6/21/18**

Jim Pretti (Criscuolo Engineering) represented the Applicant. He highlighted the application explaining it was previously a medical office. The Applicant is keeping the historic 2 story building (formerly a house) and will remove the remainder of the building which consists of several later additions. He also reviewed the landscaping and drainage plan.

Joe Sepot (Joseph Sepot Architects) spoke next. He explained that the building has been added on many times and the Applicant decided to only keep the original house. They plan to restore the front façade and restore the front porch all as part of creating a state of art medical center. Half of the space will be a doctor office and half will be a surgical center. The second floor would be the break room and office area.

R. Stoecker reviewed the staff report.  
The Commission briefly discussed this.

H. Smith noted for the record that the Application number on the Staff Report should read 18-5.8. He also read Section 6.3.I from the Zoning Regulations regarding the Commissions discretion to use stone walls as part of the residential district buffer.

The Commissioners had a brief discussion.

**PUBLIC INPUT:**

1. Mr. Bodin (next door neighbor) - He said he hopes the buyer knows the stone wall is in bad shape. He also mentioned the trees that are hanging over his property and noted that there are older trees falling down.

J. Pretti responded at the invitation of Chairperson Andres that they would be repairing the wall and trimming the tree.

**Chairperson Andres closed the Public Hearing.**

8. 288 East Main St. LLC, c/o  
Alex Vigliotti (member)-  
Applicant & Owner  
288-292 East Main St.  
Special Exception- Residential units on ground  
Floor of existing building  
**Application #18-5.10**  
**A/R & PH set for 6/21/18**

Jim Pretti ( Criscuolo Engineering) represented the Applicant and reviewed the Application. He noted the Applicant obtained the necessary variances to allow the proposed conversion to comply. This project is proposing converting the ground floor of the building to four one bedroom apartments which will not change the foot print of the building.

R. Stoecker reviewed the staff report.

**PUBLIC INPUT:**

No one spoke.

**RETURN TO TABLE:**

1. Total Estates LLC ,c/o Joshua Onofrio-Applicant & Owner  
119 Cedar Street  
Special Exception-Multi Family  
**Application #18-4.5**  
**A/R 3/15/18 & PH opened 5/17/18 & continued from 6/7/18**

**J. Lust made a motion to approve the application with the 3 conditions below:**

1. 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).
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 of conditions of the previous approvals remain in full force and effect as they may still apply.

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

2. 26 Cherry Hill Rd, LLC- Applicant & Owner  
26 Cherry Hill Road  
ReSubdivision-(2 Lot)  
**Application #18-4.8**  
**A/R 5/17/18 & PH set for 6/21/18**

**Public Hearing opened and continued to the July 12, 2018 meeting.**

3. 26 Cherry Hill Rd, LLC- Applicant & Owner  
26 Cherry Hill Road  
Zoning Map Amendment/Master Plan Amendment-  
PDD Modification  
**Application #18-4.9**  
**A/R 5/17/18 & PH set for 6/21/18**

**Public Hearing opened and continued to the July 12, 2018 meeting.**

4. Robert Regel-Applicant  
Zoning Regulation Amendment-Amendments to  
Section 2.2 and 6.12 regarding Site Triangle definition &  
driveway requirements  
**Application #18-5.3**  
**A/R 5/17/18 & PH set for 6/21/18**

**J. Lust made a motion to approve the Zoning Regulation Amendment with the corrections stated by the Town Planner (See attached document) with the finding that it conforms to the comprehensive plan of zoning and is consistent with the 2008 Plan of Conservation & Development with an effective date of 7-15-18.**

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

5. Alex Vigliotti- Applicant & Owner  
121 North Main Street  
Zoning Map Amendment-Change proposed from R-1 zone to BL zone  
**Application #18-5.5**  
**A/R 5/17/18 & PH set for 6/21/18**

**J. Chadwick made a motion to approve the application with the finding that it's in accordance with the Comprehensive Plan of Zoning and is consistent with the 2008 Plan of Conservation & Development with an effective date of July 15, 2018.**

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

6. Bryan D'Orlando-Applicant  
Michael & Rosemary D'Orlando-Owner  
62 Damascus Road  
Special Exception (Accessory Apartment)

**Application #18-5.7**

**A/R 5/17/18 & PH set for 6/21/18**

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

1. Prior to the issuance of a Zoning Permit or the zoning authorization for the issuance of a Building Permit the owner of the accessory apartment property must file a deed restriction on the land records requiring that the unit, **if rented** be rented at or below prices that would qualify the apartment as “affordable housing” as defined in CGS Section 8-39a. The deed restriction is to be reviewed by the Town Attorney with evidence that the recording of executed Town Attorney is the approved version of the deed restriction.
2. Prior to the start of construction, the erosion control measures shall be installed to the satisfaction of the Zoning Enforcement Officer and maintained throughout the project.

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

7. Digestive Disease Associates, c/o  
Christopher Illick, M.D.-Applicant  
687 Main Street LLC- Owner  
657-697 Main Street  
Special Exception-Medical Office

**Application #18-5.8**

**A/R 5/17/18 & PH set for 6/21/18**

**J. Chadwick made a motion to approve the application with the following conditions:**

- 1) Prior to the issuance of a Zoning Permit or the zoning authorization for the issuance of a Building Permit, the following shall be addressed to the satisfaction of the Town Planner or staff designee. Revised plans submitted showing the following revisions:
  1. The concrete sidewalk along the frontage shall be inspected and repaired as needed.
  2. Connection from the front sidewalk to the building sidewalk shall be located and included on the site plan.
  3. Access driveway aprons shall be noted on the Plan to be repaved.
  4. The new HVAC condenser and generator pad shall be located on plan and properly screened with landscaping and outdoor lighting.
  5. The existing sewer lateral shall be noted on the plan to be inspected and replaced.
  6. The Architectural drawing (A-1) to be revised to show an additional false window on the east elevation at the North West corner to improve the appearance of the side façade.
  7. Add landscaping to the Landscape Plan to the rear western corner of the property for additional screening of the dumpster enclosure.
- 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) Outdoor Lighting specifications need to be submitted. Specifications and “cut sheets” need to demonstrate that all fixtures and pole mounting meet the IES definition of a full cut-off fixture or are “dark sky compliant”. It is recommended that the correlated color temperature of the light source be limited to 3,000 Kelvin (K) avoiding any adverse impact to site users or passerby or neighbors.

- 4) No signage shall be installed without staff or Commission approval to maintain compliance with Section 9.5.E.

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

8. 288 East Main St. LLC, c/o  
Alex Vigliotti (member)-  
Applicant & Owner  
288-292 East Main St.  
Special Exception- Residential units on ground  
Floor of existing building  
**Application #18-5.10**  
**A/R & PH set for 6/21/18**

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

- 1) No additional signage or new or replacement lighting shall be installed without staff or Commission approval, as appropriate, for its compliance with the Zoning Regulations.
- 2) All conditions of previous approvals regarding this property shall remain in full force and effect as they may still apply

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

**MINUTES: 6/7/18 & 5/17/18**

H. Smith noted there is a few wording changes he proposed for the June 7 minutes – on page 5 of 9 under the proposed conditions; #1 one should read” Prior to the start of construction, the erosion control measures including the installation of construction fencing along the line of the erosion control shall be installed to the satisfaction of the Zoning Enforcement Officer and maintained throughout the project”.

Also condition #4 should read” Any needed measures to control dust shall be taken as may be directed by the Zoning Enforcement Officer”.

A third correction was requested by M. Palluzzi and was on page one. The Landscape Architect for Application # 18-2.4 name should be Domonic Celtruda.

H. Smith noted that at the last meeting it was stated that there was an error in the May 17 Meeting Minutes. It was thought that the minutes stated the Public Hearing was closed for the 250 North Main Street application, but after further review, it was noted that it was correctly stated on the following page.

**P. Higgins made a motion to approve the minutes with the corrections stated above. M. Palluzzi seconded the motion.**

**CORRESPONDENCE:**

None

**OLD BUSINESS:**

1. 250 North Main St. Branford LLC-Applicant

J & J Property LLC- (Owner of 244 North Main St.)  
250 No Main St. LLC-(Owner of 250 North Main St.)  
244 & 250 North Main Street  
Special Exception- Retail Use building & (parking lot and associated site development, grading/excavation for site development and new traffic light)

**Application #18-2.4**

**A/R 3/1/18 PH opened 4/5/18,closed 6/7/18 & Tabled from 6/7/18**

**H. Smith noted the draft resolution will be presented at the 7/12/18 meeting.**

2. Trinity Episcopal Church-Applicant  
Town of Branford/ First Congregational Church of Branford-Owner  
1109 Main Street  
Special Exception-Addition of accessible ramp & entrance  
**Application #18-5.11**  
**A/R 6/7/18 & Tabled to 7/12/18**
3. John M. Mainetti & Gary Dinicola-Applicants & Owners  
417-421 Leetes Island Road  
Coastal Site Plan –Building Addition & Grading  
**Application # 18-6.4**  
**A/R 6/7/18 & Tabled to 7/26/18**

**H.Smith stated that this item has received IW approval. He noted the agenda was posted with the date of 7/26/18 as the meeting date it would be discussed. If the Commission approves, the date can be changed to reflect that the item will be discussed at the 7/12/18 meeting instead. If the commission is comfortable, Staff will present the application since the Applicant is unable to attend the 7/12/18 meeting.**

**Chairperson Andres noted this item will be discussed at the 7/12/18 meeting.**

4. Sal Marotolli-Applicant & Owner  
287 East Main St. Rear  
Site Plan Modification & PDD/Master Plan Amendment  
**Application #18-6.5**  
**A/R & Tabled from 6/7/18**

Ryan McEvoy (Milone & Macbroom) was present along with Sal Marotolli (Applicant).He reviewed the site plans explaining that these are minor changes to the plan.  
He noted that 58 of the 60 units at Riverwalk have received certificates of occupancies. The remaining 2 units are under construction now and will need to obtain certificates of occupancy as well.

The site plan changes they are requesting approval for are; the entrance driveway and replacement of the vinyl fencing along the entrance. Additionally, at 3 locations sidewalks were proposed but the owner has decided not to install them.

He noted there are a few minor features shown on the Site Plan but after consulting the Branford Land Trust and the Homeowners Assn. that are not being sought at this point. Items proposed for change include the surface of the trails thru the wooded area now wood chips, not stone dust as



originally planned, as well as the signage for the trails. Benches along the trail will not be installed. An observation platform near the river will also not be installed.

H. Smith reviewed his Staff Report noting that this was also approved with a Coastal Site Plan when it was originally approved. He said he has no concerns with most of the proposed changes; however Staff is concerned about the removal of a portion of the sidewalk along the access drive saying it may be less safe for walkers without it. It seems logical to keep the sidewalk in place and have a sidewalk to the trail entrance. He also suggested perhaps installing a low maintenance bench along the trail. He stated a letter was received from the Branford Land Trust today.

Bill Horne- Pleasant Point Rd. said he drafted the letter and he reviewed it. The Branford Land Trust approves the changes the Applicant is requesting but noted that the Land Trust has no responsibility to install or maintain the walking trails or the benches. The developer and the Home Association are responsible for them. He then spoke of the trail signs saying that they too are the responsibility of the developer and Home Association.

Sal Marotolli- (Oakwood Development) explained that when it was conceived they thought walking trails were nice but no one uses them. He then discussed the sidewalks, saying in some locations they would be impossible to install. He had photos which he distributed to the Commission. He respects the staff comments but he is asking to eliminate the sidewalks. He then asked for approval of the site modifications and requested that one Certificate of Occupancy be issued.

H. Smith agreed to that.

The Commission then discussed the other changes.

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

1. All of the proposed modifications including minor changes to proposed grading, exact locations of building foundations, elevations of utility lines, location of lighting fixtures as reflected on the submitted as-built survey as well as the items shown on Sheets L1- L4 as revised through 6-5-2018/listed in a letter to Harry Smith dated 6/6/2018 are approved. It is specifically noted that a sidewalk in the "island" in front of units 29-32 is not shown on the submitted as-built and is also approved for elimination.
2. Removal of the entrance across from unit 51, now shown over the sewer easement shall be replaced with the extension of the sidewalk to the entrance to the path now proposed over the sewer easement.
3. Prior to the issuance of the final additional Certificate of Zoning Compliance or zoning authorization for the issuance of final Certificate of Occupancy the following shall be addressed to the satisfaction of the Zoning Enforcement Officer:
  - a. The remaining unaddressed site improvements shall be completed.

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

**NEW BUSINESS:**

1. Lucia's Tailoring, LLC,  
c/o Lucia Camarada-Applicant & Owner  
504 & 524 Main Street  
Special Exception-Mixed Use (Business & Apartment)  
**Application #18-6.6**  
**To be A/R & PH to be set**

**The Commission A/R and set the PH for 7/26/18.**

2. Joseph DeSarbo-Applicant  
Ash Realty Associates LLC-Owner  
50 East Industrial Road  
Special Exception-Wholesale Food Distributor  
**Application #18-6.7**  
**To be A/R & PH to be set**

**H. Smith explained the Applicant has requested the PH be held at the 7/12/18 meeting and is willing to pay the extra cost for the advertising fee.**

**OTHER BUSINESS:**

1. Planner's Report  
H. Smith said there was a public meeting held on June 13 at which many comments were gathered. They will be presented at the July meeting of the Steering Committee.

2. 595 Corporate Circle(Diane W. Whitney(Pullman & Comley)-  
Agent)-Applicant  
595 Corporate Circle-(Owner of 569 East Main Street)  
W. Cooke Limited Partnership & Cooke Harrison Family Partnership (Owner of 573 East Main Street)  
AHB, LLC, (Owner of 16 East Industrial Road)  
Peter G. Mandragouras (Trustee) & CVP Trust (Owners of 20 East Industrial Road)  
Connecticut Shellfish Company (Owner of 26 East Industrial Road)  
**PDD Master Plan-Request to extend the Section 5.4.D 24 month period to file the Site Plan.**

**This was Tabled to the 7/12/18 meeting.**

3. Partial Bond Release for 202-206 North Main St.

**This was Tabled.**

The meeting adjourned at 9:24 pm