



PLANNING AND ZONING COMMISSION

1019 Main Street, PO Box 150, Branford, CT 06405

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MINUTES---REVISED

PLANNING & ZONING COMMISSION

THURSDAY MARCH 6, 2025

REGULAR MEETING 7:00

This meeting was held remotely, solely via ZOOM.

Commissioners Present: F. Russo, J. Chadwick, J. Vaiuso, S. Huttner, C. Andres, M. Palluzzi,
M. Liguori, D. Dyer (new Alternate)

Staff Present : H. Smith (Former Town Planner), E. Breining(Asst. Town Planner), M. Martin(clerk)

Chairman Andres introduced the commissioners and staff.

Secretary F. Russo read the Public Hearing Notice.

Chairman Andres reviewed the public hearing procedures.

E. Breining reviewed how to participate in the public hearings.

PUBLIC HEARINGS:

1. Planning & Zoning Commission(C. Andres, Chair)-Applicant
Zoning Regulation Amendments

Application #24-12.1

A/R 12/19/24 & PH opened 1/16/25 & cont. to 3/6/25

H. smith noted that he added two items that did not get included in the prior draft.

He then reviewed the revised document and noted where he added the new items.

He noted that he received a letter from Sofia Noori regarding retaining walls and the regulations for them in other towns.

Chairperson Andres noted there was a letter submitted by Attorney Marjorie Shanksy requesting that one of the commissioners, Marci Palluzzi recuse herself with respect to the section 6.13.c referring to retaining walls.

Marci Palluzzi read a statement and ultimately recused herself from discussing and voting on this item but reserved the right to discuss them in the future.

Public Input:

1. Attorney Keith Ainsworth-(Elm St, New Haven, CT)-He said he represents the owners of 34 Howard Avenue. He noted that the recusal of commissioner Palluzzi is a sad shame .Its a refection of suppression of free political speech and she does not have a conflict of interest. Nor is the town at risk .He spoke of why he felt she has no conflict of interest.
He said Jim Pretti (Crisuolo Engineers), who is the neighbor's engineer who had the retaining wall ,came to the commission in January 2024 and raised this issue of changing the regulation. He represented a neighbor who had built a retaining wall that violated the regulation without permits. He asked for the change in the reg to allow the wall to become legal. His point is, with regard to the changes, (Sec. 6.13c) , a blanket exemption for retaining walls is bad policy. As the commission knows, a wall under 3 feet can cause damage. He noted other towns have setbacks for walls. He implored the commission to maintain setbacks for walls. He spoke of the zba ruling and IW ruling.
2. Stephen Diaz Romero- 34 Howard Ave- He believes the language for the retaining walls should not be amended . There are many non-conforming properties in Branford ; on his street alone, there are 3 properties with homes that are within 3 feet of the property line.

He explained that his neighbor built an illegal retaining wall on the property line , approximately 26 inches from his home. A judge determined this caused flooding and damage to this home. That neighbor is now suing the town to allow them to keep the wall on the property line. This situation could happen again if the regulations are changed. The solution is to keep the retaining wall language the same. He then talked of other towns and their setbacks for retaining walls.

3. Eric Banson-(Brocketts Pt Rd) He noted that if his neighbors did this, it would cause the water flow to change and cause erosion on his properties and be very disconcerting.it would cause adverse impacts on his property if his neighbor was allowed to do this.
4. Mitchell Holt- (Farm River) He noticed the various shapes and sizes of the lots in Branford. It's not hard to imagine how a 3-foot retaining wall could cause a lot of trouble. He was surprised to learn that retaining walls could be placed right on the property line without agreement from the other property owner. Also, who would be responsible for the upkeep of them? He has many concerns

Chairperson Andres closed the public hearing. And noted that may not vote on this tonight, and there is no deadline to make a decision on this .

2. Island Destinations LLC c/o John Petrofsky-Applicant & Owner
Cut-In-Two Island (West)
Special Exception - Accessory Apartment
Application #25-1.5
A/R 2/6/25 & Ph opened 2/20/25& continued to 3/6/25
3. Island Destinations LLC c/o John Petrofsky-Applicant & Owner
Cut-In-Two Island (West)
Special Exception - Oversized Accessory Structure
Application #25-2.2
A/R 2/20/25 & PH set for 3/6/25
4. Island Destinations LLC c/o John Petrofsky-Applicant & Owner
Cut-In-Two Island (West)
Special Exception for Grading (Sec. 6.8)
Application #25-2.3
A/R 2/20/25 & PH set for 3/6/25

Chairperson Andres noted that public hearings 2,3 and 4 are being heard together.

The applicant has requested that these three hearings be heard later in the meeting so that their Engineer can attend.

Chairperson Andres asked the commission if that was agreeable to them and they agreed.

The commission then reviewed these applications are they heard ph#8.

Jim Pretti (Criscuolo Engineering) represented the applicant and displayed the site plan. This application is for a guest house which he displayed sketches for . He noted the existing trees will remain.

E. Breining reviewed the staff report.

The commission asked a few questions.

Public Input:

1. Tracy Everson-RTM member- She said this project is quite close to the water and asked why a coastal site plan isn't required? She also asked what is the proximity to the water?

E. Breining replied to her questions. She also said she hopes the proposed lighting isn't distracting to boaters and the wildlife.

Chairperson Andres then closed the public hearing.

5. Lauren Wiggins-Applicant
Meadow Street Properties- Owner
151-155 Meadow Street
Special Exception-Church and/or Places of Worship
Application #25-1.8
A/R 2/6/25 & PH opened 2/20/25 & continued to 3/20/25

This applicant is going to be heard by the Town Center Review Board on March 12, so this item will be discussed at the March 20 planning & zoning meeting.

6. Joe Mooney-Applicant
Nancy Mooney-Owner
3 Pond View Terrace
Special Exception- Oversized Accessory Structure
Application #25-1.9
A/R 2/6/25 & PH set for 3/6/25

Jeremy Gannon (Criscuolo Engineering) represented the applicant and explained the application is for a detached accessory structure over 15 ft in height. It will be a garage/storage building.

E. Breining reviewed the staff report.

Public Input: No one spoke. The commissioners asked a few questions .

Chairperson Andres closed the public hearing.

7. Jeanette Pozzi Erickson-Applicant & Owner
100 Damascus Road
Special Exception- Accessory Apartment
Application #25-1.10
To be A/R & PH set for 3/6/25

Jeremy Gannon (Criscuolo engineering) represented the applicant and explained this application is for an accessory apartment. He then reviewed the site plan , noting they are turning the garage into an apartment and that they meet all the requirements.

The commission discussed this briefly and asked a few questions.

Public Input: No one spoke.

Chairperson Andres closed the public hearing.

8. Keith Criscuolo -Applicant & Owner
36 Whiting Farm Road
Special Exception-Accessory Apartment
Application#25-2.1
A/R 2/6/25 & PH set for 3/6/25

Jeremy Gannon (Criscuolo Engineering) represented the applicant and displayed the site plan. He explained that this application is for an existing guest house that they are making an

accessory apartment. The prior owners never got special exception approval for the apartment, so they want to make it legal.

Public Input: No one spoke.
Chairperson Andres closed the public hearing.

The commission then went back to review public hearing items 2,3 and 4.

RETURN TO TABLE:

2. Island Destinations LLC c/o John Petrofsky-Applicant & Owner
Cut-In-Two Island (West)
Special Exception - Accessory Apartment
Application #25-1.5
A/R 2/6/25 & Ph opened 2/20/25& continued to 3/6/25

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 of the zoning regulations.

CONDITIONS:

1. Prior to the start of construction, the following shall be completed to the satisfaction of the Zoning Enforcement Officer:
 - a. Erosion control measures shall be installed and maintained throughout construction.
 - b. 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.
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.
3. 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 completed to the satisfaction of the Town Planner or his designee:

- a. 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 8-30g. The deed restriction is to be reviewed by the Town Counsel or follow his approved format with evidence that the recording of executed deed is the deed restriction version approved by the Town Counsel or that follows his approved format.
- b. The applicant shall revise the site plan to include the limit of vegetation to be cleared or to remain & location of any significant trees proposed to remain or be removed.

J. Chadwick seconded the motion which passed unanimously.

3. Island Destinations LLC c/o John Petrofsky-Applicant & Owner
Cut-In-Two Island (West)
Special Exception - Oversized Accessory Structure
Application #25-2.2
A/R 2/20/25 & PH set for 3/6/25

J. Chadwick made a motion to approve the application with the Findings and Conditions below:

STAFF RECOMMENDATION:

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 of the zoning regulations.

CONDITIONS:

1. Prior to the start of construction, the following shall be completed to the satisfaction of the Zoning Enforcement Officer:
 - c. Erosion control measures shall be installed and maintained throughout construction.
 - d. 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.
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.

3. 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 completed to the satisfaction of the Town Planner or his designee:
 - a. 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 8-30g. The deed restriction is to be reviewed by the Town Counsel or follow his approved format with evidence that the recording of executed deed is the deed restriction version approved by the Town Counsel or that follows his approved format.
 - b. The applicant shall revise the site plan to include the limit of vegetation to be cleared or to remain & location of any significant trees proposed to remain or be removed.

F. Russo seconded the motion which passed unanimously.

4. Island Destinations LLC c/o John Petrofsky-Applciant & Owner
Cut-In-Two Island (West)
Special Exception for Grading (Sec. 6.8)
Application #25-2.3
A/R 2/20/25 & PH set for 3/6/25

F. Russo made a motion to approve the application with the Findings and Conditions Below:

STAFF RECOMMENDATION:

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 of the zoning regulations.

CONDITIONS:

1. Prior to the start of construction, the following shall be completed to the satisfaction of the Zoning Enforcement Officer:

- a. Erosion control measures shall be installed and maintained throughout construction.
 - b. 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.
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.
3. 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 completed to the satisfaction of the Town Planner or his designee:
 - a. 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 8-30g. The deed restriction is to be reviewed by the Town Counsel or follow his approved format with evidence that the recording of executed deed is the deed restriction version approved by the Town Counsel or that follows his approved format.
 - b. The applicant shall revise the site plan to include the limit of vegetation to be cleared or to remain & location of any significant trees proposed to remain or be removed.

M. Palluzzi seconded the motion which passed unanimously.

4. Joe Mooney-Applicant
Nancy Mooney-Owner
3 Pond View Terrace
Special Exception- Oversized Accessory Structure
Application #25-1.9
A/R 2/6/25 & PH set for 3/6/25

J. Chadwick 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.

CONDITIONS:

1. Prior to the start of construction the following shall be completed to the satisfaction of the Zoning Enforcement Officer and maintained throughout the project:
 - e. Erosion control measures shall be installed and maintained throughout construction, if deemed necessary by the Zoning Enforcement Officer.
2. As may be directed by the Zoning Enforcement Officer, Town Planner or his designee, 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.
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 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.
4. 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 completed to the satisfaction of the Town Planner or his designee:
 - a. The applicant shall revise the site plan to include the limit of vegetation to be cleared or to remain & the location of any significant trees proposed to remain or be removed.

J. Vaiuso seconded the motion which passed unanimously.

5. Jeanette Pozzi Erickson-Applicant & Owner
100 Damascus Road
Special Exception- Accessory Apartment
Application #25-1.10
To be A/R & PH set for 3/6/25

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.

CONDITIONS:

1. Prior to the start of construction, the following shall be completed to the satisfaction of the Zoning Enforcement Officer and maintained throughout the project:
 - a. Erosion control measures shall be installed and maintained throughout construction, if deemed necessary by the Zoning Enforcement Officer.
2. As may be directed by the Zoning Enforcement Officer, Town Planner or his designee, 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.
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 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.
4. 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 completed to the satisfaction of the Town Planner or his designee:
 - a. 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 8-30g. The deed restriction is to be reviewed by the Town Counsel or follow his approved format with evidence that the recording of executed deed is the deed restriction version approved by the Town Counsel or that follows his approved format.
 - b. The applicant shall revise the site plan to include the limit of vegetation to be cleared or to remain & the location of any significant trees proposed to remain or be removed.

M. Palluzzi seconded the motion which passed unanimously.

5. Keith Criscuolo -Applicant & Owner
36 Whiting Farm Road
Special Exception-Accessory Apartment
Application#25-2.1
A/R 2/6/25 & PH set for 3/6/25

J. Chadwick made a motion to approve the application with the Findings and Conditions Below:

FINDINGS:

2. 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.

CONDITIONS:

4. Prior to the start of construction, the following shall be completed to the satisfaction of the Zoning Enforcement Officer and maintained throughout the project:
 - a. Erosion control measures shall be installed and maintained throughout construction, if deemed necessary by the Zoning Enforcement Officer.
5. As may be directed by the Zoning Enforcement Officer, Town Planner or his designee, 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.
6. 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.
7. 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 completed to the satisfaction of the Town Planner or his designee:
 - a. 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 8-30g. The deed restriction is to be reviewed by the Town Counsel or follow his approved format with evidence that the recording of executed deed is the deed restriction version approved by the Town Counsel or that follows his approved format.

M .Palluzzi seconded the motion which passed unanimously.

The commission then went back and deliberated the zoning regulations changes that H. Smith reviewed. They asked questions and had a brief discussion.

This item will be continued to the March 20, 2025 meeting.

For the record, M. Palluzzi is recused from voting on Section 6.13.

H. Smith suggested voting on section 6.13 separately.

OLD BUSINESS:

1. Kim McCabe & Charles Watts-Applicants & Owners
38 Howard Avenue
Special Exception for Grading (Sec. 6.8) within 100 feet of a wetland
Application #25-1.7
A/R 2/6/25 & PH set for 4/3/25
2. Cedar Holdings, LLC c/o Jerry Saldutti-Applicant & Owner
48 Cedar Street
Special Exception- Dwelling Containing 4 dwelling units
Application #25-2.4
A/R 2/20/25 & PH set for 3/20/25

NEW BUSINESS:

1. Mariners Landing LLC c/o Robert Sachs (Member)-Applicant & Owner
52,54,56,58 aka 60 Maple Street
Special Exception- Approved Residential Development w/Mixed Use
Application #25-2.5
To be A/R and PH to be set
2. Mariners Landing LLC c/o Robert Sachs (Member)-Applicant & Owner
52,54,56,58 aka 60 Maple Street
Site Plan Modification & Coastal Site Plan
Application #25-2.6
To be A/R

MINUTES: 2/20/25

F. Russo made a motion to approve the minutes as written.

J. Chadwick seconded the motion which passed unanimously.

CORRESPONDENCE:

A notice of a regulation change in the Town of Guilford re: Gas stations.

OTHER BUSINESS:

1. Planner's Report
E. Breining announced this would be his last PZ meeting. He has taken a job in Plainville, CT as the Town Planner.

The commissioners wished him well in his new job.

The meeting adjourned at 9:30 PM.