



PLANNING AND ZONING COMMISSION

1019 Main Street, PO Box 150, Branford, CT 06405
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MINUTES PLANNING & ZONING COMMISSION THURSDAY MAY 20, 2021 REGULAR MEETING 7:00 P.M.

To Be Held by remote technology as authorized by Executive Orders 7B and 7I.

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

Commissioners Absent: P. Higgins, J. Vaiuso

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

Chairperson Andres called the meeting to order at 7:02 p.m.

Chairperson Andres then introduced the Commission and the Staff.

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

Chairperson Andres reviewed the Public Hearing procedures.

E. Breining reviewed the process to participate in the Public Hearings.

PUBLIC HEARINGS:

1. Stony Creek Estates, LLC c/o Michael Di Gioia-Applicant & Owner
47 Gould Lane
Special Exception Modification-Residential Open Space Development-
Modification to restriction on development of Units #'s 24-29 to be accessed via Luisa Court
Application #20-11.3
A/R 11/5/20 & PH opened 4/15/21 & continued from 5/6/21
2. Stony Creek Estates, LLC c/o Michael Di Gioia-Applicant & Owner
47 Gould Lane
Subdivision Modification-Residential Open Space Development-
Modification to restriction on development of Units #'s 24-29 to be accessed via Luisa Court
Application #21-3.12
A/R 4/1/20, PH opened 4/15/21 & continued from 5/6/21

Chairperson Andres noted Public Hearing #1 and #2 are being heard together and that these two items were kept open awaiting more information. He briefly highlighted the applications.

The applicant Michael Di Gioia noted that George Andrews (a Licensed Environmental Professional (LEP) with Loureiro Associates) was present and would speak next.

George Andrews summarized his prior presentation and gave an update.

H. Smith introduced Timothy Carr, LEP and noted that he has been engaged by the town and has spoken with George Andrews.

Timothy Carr (Down to Earth Consulting, LLC) gave a brief review of his report. He stated that the updated information from the applicant's LEP addressed his concerns with the exception of his preference for the addition of an active venting system to the proposed protection measures for those units that are proposed to be changed from on slab construction to a full basement (similar to systems that handled radon contamination) to provide a "third layer of protection". The applicant (Mr. Di Goia) agreed to this. The Commissioners asked a few questions.

H. Smith asked the applicant if they would grant a time extension to the 6-3-21 meeting to allow him time to complete the Resolutions and ensure he has the correct wording.

The Applicant (M. Di Gioia) agreed to grant the time extension to the 6-3-21 Planning & Zoning Meeting, which was accepted.

PUBLIC INPUT:

1. Claudio Richetelli-Asked what is being waterproofed if there is no water 8 feet below grade?
2. Holly Warner – Asked how much water would affect an in ground pool? She said she has a pool and has seen the groundwater come up and twist the pool liner.
3. Louisa DeLand- She thanked G. Andrews for clarifying the water table levels. She is concerned about where the membrane ends around the perimeter and that it's been tested since the neighbors are all in tune to the water level in this area.

Chairperson Andres noted that these 2 Public Hearing items are continued to the June 3 Planning & Zoning meeting to allow time for appropriate wording of conditions to be drafted.

3. Sound Real Estate LLC, c/o Dan Merriam-Applicant
101 West Main St. Branford LLC c/o Jeanne Tahnk-Owner
101 West Main Street
Special Exception- Car Storage Parking Lot
Application #21-3.6
A/R 3/4/21 & PH opened and continued from 5/6/21

Chairperson Andres noted this is continued from the last meeting.

J. Pretti (Criscuolo Engineering) represented the applicant and noted he forwarded the light specs and a revised plan to the Planning & Zoning office today. He displayed and reviewed it for the commission. He noted that this property is not in the Regional Water Authority area so no review from them is needed.

Larry Merriam (one of the property owners) was present at the meeting and noted that they have another location in East Haven and that most of the tractor trailers go there. He said he will instruct the tractor trailers that do go to the Branford location to not unload vehicles in the road. He also said he was not aware that parking is not allowed on Rose Hill Road, they won't do it anymore.

PUBLIC INPUT: No one spoke.

Chairperson Andres closed the Public Hearing.

4. Emily Abruzzo- Applicant
Gerald John Bodziak & Emily Abruzzo- Owners
28 Pine Tree Drive
Special Exception- Accessory Apartment
Application #21-3.10
A/R 5/6/21 & PH set for 5/20/21

Emily Abrusso (Applicant) spoke first giving a summary of the property and the apartment and displaying photos.

H. Smith reviewed the staff report.

PUBLIC INPUT:

1. Claudio Richetelli- Asked what was originally permitted and what is grandfathered?

Chairperson Andres closed the Public Hearing.

5. Marc Reed- Applicant & Owner
46 Parish Farm Road
Special Exception- Accessory Apartment & Oversized Accessory Structure
Application #21-3.4
A/R 3/4/21 & PH set for 5/20/21
6. Marc Reed- Applicant & Owner
46 Parish Farm Road
Special Exception- Grading (Section 6.8)-
Installation of a Septic Tank
Application #21-5.3
To be A/R & PH set for 5/20/21

These two applications (Items #5 AND 6) were heard together.

The Applicant (Marc Reed) spoke explaining he is proposing an accessory apartment for his elderly mother and an oversized 900 sq. foot garage with storage space above. He explained the accessory apartment will be in the space that is now his basement, therefore the garage is necessary since he is losing storage space. The other application is for a new septic system which has been approved thru the health department as well as the Inland Wetlands Commission.

E. Breining reviewed both the staff reports.

PUBLIC INPUT: no one spoke.

Chairperson Andres closed the Public Hearing.

7. 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 set for 5/20/21

Attorney Amy Souchens represented Montowese Development Group and gave a brief overview of the project. She noted that David Sacco is present and will give a presentation of the development plan. She said she received the staff report, comments from DEEP and a few letters from abutting neighbors. She said she had not received any comments from the Town Engineer yet so the Public Hearing will need to be continued to the next Planning & Zoning meeting.

David Sacco (Civil Engineer, TPA Design Group) spoke next and gave a PowerPoint presentation. He explained the proposal is for 12 residential units with common ownership. The parcel will have a 100 foot buffer along the edge of the wetland. There will also be an emergency only exit to Brightwood Lane. He highlighted the open space areas and the grading and drainage plan. Oliver Gaffney then highlighted the landscaping plan.

Dave Sacco then reviewed the Lighting plan and displayed colored photos of the development.

H. Smith noted that the Town Engineer's comments have not been received yet. He then highlighted the site plans and reviewed the comments that were submitted by the consultants.

The Commissioners asked a few questions.

H. Smith said two letters from neighbors have been received in the office and then distributed to the Commissioners.

PUBLIC INPUT:

1. Dennis Flanagan- (RTM- 5th district) Said he has a few concerns, one being the emergency access at the end of Brightwood , as well as flooding issues and a traffic study. He also asked if the new homes will need flood insurance.
2. Louisa DeLand- She said there are many problems; some of them being the loss of natural space, zero screening between the houses. She spoke of the corridor which provides space for various wildlife. She is also interested in the Town Engineer's comments. Flooding and traffic are also problems. She felt this was not a well thought out plan. She hopes the board will do what's right.
3. Claudio Richitelli- Said 12 cluster homes in that small area is ridiculous. He asked how to make a manageable egress for emergency vehicles. He also asked if the tidal wetlands were disturbed when the trees were cut down. He is concerned about the wildlife in the areas as well as stormwater runoff.
4. Bill Horne- Said he was not speaking for the Land Trust. They have not had time to review the plan yet. He is familiar with the area. He spoke of public access and said the potential for public access is low. He also noted there is no place for parking. He spoke of other options for parking.
5. Justin DeLand- Said he chose this area because he wanted to be close to nature. He asked how emergency vehicles could maneuver the end of the cul de sac. Also, he noted this project would eliminate several large trees and disrupt natural corridors.
6. Michael & Ann Gargamelli-(30 Brightwood Ln) He asked how much fill was brought into the site.
He also asked where the water would flow from the storm surge. And he asked about landscaping along Buckley Road.
7. Richard Terrill-(15 Brightwood Ln) - He spoke of vegetation that was noted on a plan but said it's gone now due to tornado this past August. He said this property is higher than his so his property floods. He asked what recourse does he have.
8. Louisa DeLand- She asked Barbara Richitelli to read the neighbors letter aloud.
9. Barbara Richitelli- Read the letter aloud which stated the many concerns of the neighbors including: flooding, the cul de sac, water runoff, density, reduction in property values, increase in noise and others.
10. Kris Akerley- He asked if the entire road from Ark Road be turned over to the association since it's currently owned by Branford Building supply.

E. Breining noted there are several comments in the chat .Chairperson Andres said these will be printed out and sent to the applicant.

Chairperson Andres stated this item will be continued to the June 3 Planning & Zoning Meeting.

The Commission took a brief break and returned at 10:10 p.m.

8. Guy Ferraro- Applicant
Kaminskas R & L Trustees, c/o Romualdas A. Kaminskas Jr.-
Owner
540 East Main St. (Unit 7)
Special Exception- Wholesale Furniture with 20% Retail Use
Application #21-5.2
A/R 5/6/21 & PH set for 5/20/21

Tom Simjian (tenant) explained he wants to move his antique business to this location. He said its 80% wholesale with 20% retail space.

E. Breining reviewed the staff report.

PUBLIC INPUT:

1. Perry Maresca- He said there is nothing drastically different that that they are going to do in this space that hasn't been done in this space or an adjoining or nearby unit before. It will be open to the public for a portion of the business.For the most part, its similar to the printing use that was there in the past. All the other uses that are nearby this are similar in that they are minimal public uses.

The applicant asked about the lighting requirement since this is a business condo unit.

H. Smith clarified that only additional new lighting from this point on will have to comply with the zoning regulations.

Chairperson Andres closed the public hearing.

9. Amy Sherman (Trustee)-
Applicant & Owner
130 Pawson Road
Special Exception for Grading (Section 6.8) &
Coastal Site Plan – In ground pool
Application #21-5.1
A/R 5/6/21 & PH set for 5/20/21

J. Pretti (Criscuolo Engineering) represented the applicant noting she was also present .
The application is for the installation of a new inground pool.

E. Breining reviewed the staff report.

PUBLIC INPUT:

1. H. Plunkett- asked what the elevation will be?
J. Pretti responded saying the elevation will be 18 ft at the back and 15 ft at the front. As well as 24-26 at he house.

H. Plunkett also asked how to manage the runoff. J. Pretti replied that the landscaping that is planned should address any if there is any.
H. Plunkett asked where the fence is and J. Pretti showed him on the plan.

Chairperson Andres closed the public hearing.

10. Martha McDowell-Applicant & Owner
8 Holly Lane
Special Exception – Grading (Section 6.8)
Application #21-4.9
A/R 5/6/21 & PH set for 5/20/21

J. Pretti (Criscuolo Engineering) represented the applicant and explained this application is for grading for the installation of a new septic system. He highlighted the site plan.

H. Smith reviewed the staff report.

PUBLIC INPUT: No one spoke.

Chairperson Andres closed the public hearing.

MINUTES: 5/6/21

J. Chadwick made a motion to approve the meeting minutes as written.
J. Lust seconded the motion which passed unanimously.

CORRESPONDENCE: None
RETURN TO TABLE:

Comm. F. Russo was seated for Comm. J. Vaiuso who was absent.

1. Sound Real Estate LLC, c/o Dan Merriam-Applicant
101 West Main St. Branford LLC c/o Jeanne Tahnk-Owner
101 West Main Street
Special Exception- Car Storage Parking Lot
Application #21-3.6
A/R 3/4/21 & PH opened and continued from 5/6/21
F. Russo made a motion to approve the application with the Findings and Conditions below:

FINDING:

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 issuance of a Zoning Permit or the authorization for the issuance of a Building Permit, the applicant shall install plant beds to satisfy the front and side yard landscaping requirements of Section 6.3 to the satisfaction of the Planning & Zoning Commission or its staff, whichever is appropriate.
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 degrees Kelvin(K). Information on all building mounted light fixtures shall 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.

J. Lust seconded the motion which passed unanimously.

2. Emily Abruzzo- Applicant
Gerald John Bodziak & Emily Abruzzo- Owners
28 Pine Tree Drive
Special Exception- Accessory Apartment
Application #21-3.10
A/R 5/6/21 & PH set for 5/20/21

M. Palluzzi 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.
- 2) The Commission finds that the existing vegetation satisfies the landscaping requirements per section 6.3.M.

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:
 - a. The owner of the accessory apartment property must file a deed restriction on the land records requiring that, if rented the apartment be rented at or below prices that would qualify the apartment as "affordable housing" as defined in CGS Section 8-30G. The deed restriction shall be reviewed and approved by Town Counsel. Evidence that the recorded deed is the deed restriction version approved by Town Counsel shall be submitted to the Town Planning and Zoning Office.
 - b. The applicant shall submit an updated and accurate bulk chart to the Planning & Zoning office.

J. Chadwick seconded the motion which passed unanimously.

3. Marc Reed- Applicant & Owner
46 Parish Farm Road
Special Exception- Accessory Apartment & Oversized Accessory Structure
Application #21-3.4
A/R 3/4/21 & PH set for 5/20/21

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 of the zoning regulations.

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 Zoning Enforcement Officer:
 - 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 with evidence that the recording of executed deed is the deed restriction version approved by the Town Counsel.
 - b. 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

F. Russo seconded the motion which passed unanimously.

4. Marc Reed- Applicant & Owner
46 Parish Farm Road
Special Exception- Grading (Section 6.8)-
Installation of a Septic Tank
Application #21-5.3
To be A/R & PH set for 5/20/21

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 of the zoning regulations.

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 Zoning Enforcement Officer:
 - a. 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. Lust seconded the motion which passed unanimously.

5. Guy Ferraro- Applicant
Kaminskas R & L Trustees,c/o Romualdas A. Kaminskas Jr.-
Owner
540 East Main St. (Unit 7)
Special Exception- Wholesale Furniture with 20% Retail Use
Application #21-5.2
A/R 5/6/21 & PH set for 5/20/21

J. Lust 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 issuance of a Certificate of Zoning Compliance or the zoning issuance of Certificate of Occupancy, the following should be addressed to the satisfaction of the Town Planner or his designee.
 - a. To reduce glare, all new 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.
2. The applicant shall dedicate no more than twenty percent (20%) of the gross floor area of Unit 7, 540 E Main Street to the retail space.

J. Chadwick seconded the motion which passed unanimously.

6. Amy Sherman (Trustee)-
Applicant & Owner
130 Pawson Road
Special Exception for Grading (Section 6.8) &
Coastal Site Plan – In ground pool
Application #21-5.1
A/R 5/6/21 & PH set for 5/20/21

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

FINDINGS:

1. The Coastal Site Plan is consistent with the goal and policies of the Coastal Area Management Act (CGS Section 22a-92) and incorporates conditions and modifications necessary to mitigate adverse impacts on coastal resources and any future water dependent activities.

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.

J. Lust seconded the motion which passed unanimously.

7. Martha McDowell-Applicant & Owner
8 Holly Lane
Special Exception – Grading (Section 6.8)
Application #21-4.9
A/R 5/6/21 & PH set for 5/20/21

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

FINDING:

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 sections 6.8 and 9.8.

CONDITIONS:

1. Prior to the start of construction or any earth disturbing activity, erosion control measures shall be installed to the satisfaction of the Zoning Enforcement Officer and maintained throughout the project.

2. Prior to the start of construction, revised plans clearly indicating erosion control measures shall be submitted to the Planning and Zoning Office.

3. 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.

4. Heavy equipment and machinery shall only operate between the hours of 7:30 a.m. and 7:30 p.m. per the zoning regulations.

5. Upon completion of any earth moving activity approved by the Commission, a final as-built plan, prepared and sealed by a Connecticut-licensed land surveyor and in sufficient detail to demonstrate compliance with the approved permit, shall be submitted to the Town Engineer for approval.

J. Chadwick seconded the motion which passed unanimously.

OLD BUSINESS:

1. 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 on 5/6/21 & PH to be set

PH to be set by Staff & Chairperson

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

PH to be set by Staff & Chairperson

NEW BUSINESS:

1. Syed Sami- Applicant
Oil Barons Inc. c/o Robert Hartmann-Owner
49 Leetes Island Road
Special Exception Modification-Convenience Store
Application #21-5.4
To be A/R & PH to be set

PH to be set by Staff & Chairperson

2. Lazarus & Sargeat, c/o Steven Lazaruz-Applicant
Shirley Martin & Allen William-Owners
10 Buena Vista Road
Special Exception- One car garage with loft
Application #21-5.8

To be A/R & PH to be set

PH to be set by Staff & Chairperson

3. Will Brierley-Applicant
Alison H. Brierly- Owner
18 Whiting Farm Road
Special Exception - Accessory Apartment
Application # 21-5.7
To be A/R & PH to be set

PH to be set by Staff & Chairperson

4. Brenna Begley-Applicant
RGA Realty Management,
c/o Robert Audet-Owner
539 Main Street
Site Plan – Skincare Spa
Application #21-5.9
To be A/R

PH to be set by Staff & Chairperson

5. Joseph Lepre-Applicant & Owner
8 Svea Avenue
Special Exception-Two Family Dwelling
Application #21-5.10
To be A/R & PH to be set

PH to be set by Staff & Chairperson

OTHER BUSINESS:

1. Time Extension Request for filing Mylar - 8 Howd Ave. Subdivision

Per H. Smith, this item is TABLED.

2. Planner's Report

H. Smith noted the Governor's Executive order that was issued that day allows ZOOM meetings until June 30. The Commission will discuss other options for meetings after that date at the last meeting in June.

H. Smith then asked the Commission for clarification of a section in the regulations under "Coverage". He read it and believes the wording includes "decks" in the definition of "lot coverage" but wants to be clear as to whether the Commission agrees that decks are included in lot coverage.

After a brief discussion, the consensus was yes, decks are included in lot coverage.

Chairperson Andres asked H. Smith about the independent committee that is being formed to discuss the Exit 56 area. H. Smith noted that Commissioner M. Palluzzi has volunteered and will report back to the Commission at the July 15 meeting about the committees progress.

The meeting adjourned at 10:52 p.m.