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**MINUTES- REVISED
PLANNING & ZONING COMMISSION
THURSDAY MAY 5, 2022
REGULAR MEETING 7:00 P.M.
BRANFORD FIRE HEADQUARTERS
45 NORTH MAIN ST**

Commissioners Present: C. Andres, J. Chadwick, M. Palluzzi, F. Russo, S. Huttner,
Commissioners Absent: J. Vaiuso, P. Higgins, M. Liguori
Staff Present: H. Smith-Town Planner, E. Breining- Asst. Town Planner, M. Martin-Clerk

Chairperson Andres introduced the Commission and staff present.
M. Palluzzi read the Public Hearing Notice into the record.
Chairperson Andres reviewed the public hearing procedures.

Chairperson Andres stated that Item #6 Sunrise Cove Association Camp Zoning Regulation Amendment Application has requested the Commission open the public hearing and continue the application to the next meeting. He said that rather than make the applicant wait thru lengthy public hearings they will move that item to the beginning of the agenda. So, this item is opened and continued without testimony.

PUBLIC HEARINGS:

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 continued from 4/21/22
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 continued from 4/21/22

Attorney Amy Souchuns represented the applicant and said a letter was sent to the Planning & Zoning office today (5-5-22) .This was the applicant's response to the comments from the 4-7-22 meeting. She displayed an aerial photo. She talked of the conditions of approval that they will comply with.

H. Smith gave a brief update. 'H. Smith read the comments submitted by the Fire Marshal and entered them into the record, noting the comments remain the same as last year's comments.
He then read the Town Engineer's comments dated 4-27-22.
He said that the reply from the Town counsel regarding the interior lot is still pending.
H. Smith then distributed the DEEP policy statement letter and entered it

into the record as well. The commission asked some questions.

PUBLIC INPUT:

1. Neal Warner-19 Brightwood Lane-He said years ago when the area behind him was cleared, the water came underground and caused damage to his pool. He's not certain that was the cause of the damage but based on what he's hearing at the meeting, no one can tell him it's not. He repeated that the rocks behind his house are less than 50 feet from his property and he thinks that legally they can't blast there. But if they do blast there, where is the water going to go? He said the commission could feel his disappointment. He said he hopes the board has more regard for his neighborhood than what is presented at the meeting tonight.
2. Marie Erhardt- 5 Marshall Place-She has concerns after hearing that the homeowners' assn. would be responsible for maintenance of the swales and other issues. She has some experience with homeowner's assn. and sometimes the issue is not spending money until the issue is a problem. Her property abuts this and she asked; what is her recourse if that is not maintained or she has damage as a result. She talked of open space which is tidal wetlands. She read from the regulations re: open space. There is no value for recreation on that space. She requested the Commission consider this when reviewing the application.
3. Claudio Richetelli- 23 Brightwood Ln- He is concerned about raising the grade of the land, do they then redraw the FEMA line. Right now he is out of the fema line and is not required to have flood insurance. He talked of a swale in between Brightwood Lane and Woodside that floods constantly. The flooding they have now is controllable, but they don't know what they are going to get or what will happen. He noted the access to Brightwood Land thru the cul de sac.
4. Barbara Lucas Richetelli-23 Brightwood Ln-She said she's looking at things from a technical nature. She mentioned that this is a nonconforming interior lot with respect to frontage. She researched other common ownership communities frontage is and she listed many of them. She noted the minimum required is 75 feet. She referred to zoning regulations on non-conforming lots. This development is out of character within the neighborhood.
She's asking the commission to consider the regulations for an interior lot development to apply here. She is fearful that making a manmade plateau is detrimental to the natural characteristics of the land may have a potential negative impact on the sensitive local ecology and underwater courses. She reminded the commission she had previously supplied photos of the flooding and Dave Sacco said the flooding is tidal in nature. She spoke of the development and the water problems they have and what will happen when the project is there? She spoke of the pocrd and sea level rise. She talked of open space and the Land Trust.
3. Louisa DeLand-26 Brightwood Lane- She has been a resident in that area for a period of time and she understands how the berms work. She has experience with these projects and knows sometimes they do flood and noted that soil testing should be done in that area if fill is being brought in. That is a concern of the area. She said there is also wildlife there. She has worked with the Land Trust and spoke with them and noted that area would need a lot of work to make it accessible to the public. She noted blasting has a very negative effect on the environment and community

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nearby. She said this development is out of scale with the area. She feels like there are ways that something could work there but this isn't it.

4. Perry Maresca-He said he is speaking as a resident for nearly his entire life. He grew up on cul de sacs that abutted woods, rocks and cliffs and caves. Growing up, the woods were his backyard playground. He empathizes with the neighbors with their concerns. This land is owned by someone and has the right to develop it. The Giordano family is honorable with deep roots in the town. He trusts they will build something they will be proud of. He trusts that they have listened to the neighbors. He spoke of Hunting Ridge Farms, The Ponds, Linden Shores and The Landing. He noted these developments are maintained by a homeowners Association and they all have one single entrance. This project is 12 homes on 8 acres. He thinks this will be good for the town and may increase the value of nearby homes.

Attorney Souchuns noted they are still waiting for the Town Attorney's comments on the interior lot question and they need to form a maintenance plan for next meeting. She requested the Public Hearing remain open to the next meeting on 5/19/22.

The applicant granted a time extension and the Commission accepted it.

5. Daniel Rabin-Applicant
Zoning Regulation Amendment-
Addition of Solar Regulations
Application #22-3.3
A/R 3/3/22 & PH continued from 4/21/22

This was opened at the 4/21 meeting and is continued without testimony to the 5/19/22 meeting.

6. Ron & Marie Cervero-Applicants & Owners
44 Flat Rock Road
Special Exception-Oversized Accessory Structure (Construction of a Two Car Garage)
Application #22-3.7
A/R 4/7/22 & PH set for 5/5/22

Attorney John Parese (Whitney Ave, Hamden CT) represented the applicant and submitted photos of the garage for the record. The proposed garage will replace the smaller existing shed. Marie Cervero was also present for any questions. Attorney Parese explained the applicants need more storage since they have minimal closet space. They obtained approval from the Zoning Board of Appeals. He also noted that they received approval from one of their neighbors.

E. Breining reviewed the staff report

PUBLIC INPUT: No one spoke
Chairperson Andres closed the Public Hearing.

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7. Dream Machines LLC & Cavu Holdings LLC c/o
Gerald Beauton-Applicant & Owner
226 North Main Street
Special Exception-Automotive Sales
Application #22-3.10
A/R 4/7/22 & PH set for 5/5/22

Gerald Beauton (Applicant) spoke and explained the business is collector automobiles. It is internet sales only by appointment. He stated that no repairs will be done outside He will be detailing the cars outside. He will not have outside storage or signage. He can accommodate 24 cars inside and no cars will be displayed outside.

E. Breining reviewed the staff report.

The Commissioners asked a few questions.

PUBLIC INPUT:

1. Perry Maresca-(member of Economic Development Commission) He said he hopes that all the concerns can be addressed and the project will move ahead.

S. Huttner suggested that the applicant consider using native plants as well as solar lighting.

Chairperson Andres closed the Public Hearing.

8. 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 set for 5/5/22

**The Public Hearing was opened and continued
without testimony to the next meeting per the
applicant's request.**

MINUTES: 4/21/22

H. Smith deferred the approval of the minutes to the next meeting on 5/19/22.

RETURN TO TABLE:

1. Ron & Marie Cervero-Applicants & Owners
44 Flat Rock Road
Special Exception-Oversized Accessory Structure (Construction of a
Two Car Garage)
Application #22-3.7
A/R 4/7/22 & PH set for 5/5/22

M. Palluzzi made a motion to approve the application with the Finding and Condition below:

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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 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

F. Russo seconded the motion which passed unanimously.

2. Dream Machines LLC & Cavu Holdings LLC c/o
Gerald Beauton-Applicant & Owner
226 North Main Street
Special Exception-Automotive Sales
Application #22-3.10
A/R 4/7/22 & PH set for 5/5/22

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.
2. Per Section 6.3.L.3 existing vegetation is considered to meet the rear landscaping requirement of Section 6.3.

CONDITIONS:

1. 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 added to the site plan addressed on the property to the satisfaction of the Zoning Enforcement Officer or the Town Planner:
 - a. A planting bed along the west side property line and all the landscaping noted on the 1985 plan shall be planted with a canopy tree added per Section 6.3.E.1.
 - b. All lighting shall conform to the regulations of Section 6.7 or will be removed/replaced if found to be nonconforming.
 - c. Parking spaces shall be striped to be consistent with the submitted plan.
2. No additional signage or new or replacement exterior lighting shall be installed without staff or Commission approval, as appropriate, for its compliance with the Zoning Regulations.

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3. Outdoor storage of materials or motor vehicles shall not be permitted. Outdoor storage of materials and equipment may only take place within the fenced area to the rear of the building.
4. This Special Exception approval shall apply only to motor vehicle sales. Minor detailing, repair and washing is also included. No service repair, washing, lubricating or detailing of motor vehicles not being offered for sale shall be permitted without approval from the Planning & Zoning Commission.

J. Chadwick seconded the motion which passed unanimously.

CORRESPONDENCE:

1. Referral from Town of East Haven-A Regulation Amendment Application
2. Cell tower equipment swap at Leetes Island Road

OLD BUSINESS:

1. Proposed Affordable Housing Plan-**Public Hearing set for May 19, 2022.**
2. 61 Burban Associates LLC, c/o Joseph Iamunno (Manager)-
Applicant & Owner
61 Burban Drive
PDD/Master Plan-Multi-Family Residential Development
Application #21-11.4
A/R 11/18/21 & PH opened 1/20/22 & closed 3/17/22.

S. Huttner made a motion to approve the draft Resolution as amended with the effective date of 5/30/22.

J. Chadwick seconded the motion.

M. Palluzzi was opposed.

3. 61 Burban Associates LLC, c/o Joseph Iamunno (Manager)-
Applicant & Owner
61 Burban Drive
PDD Site Plan/Coastal Site Plan – Multi-Family Residential Development
Application #21-11.5
A/R 11/18/21 & PH opened 1/20/22 & closed 3/17/22.

S. Huttner was seated for J. Vaiuso who was absent.

The Commission discussed the applications.

H. Smith reviewed the proposed Findings & Conditions from the memorandum dated 4/29/22.

F. Russo made a motion to approve the PDD Site Plan/Coastal Site Plan and adopt the findings and conditions from the 4/29/22 memo from H. Smith as amended with the effective date of 5/31/22.

J. Chadwick seconded the motion which passed 4-1.

M. Palluzzi was opposed.

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4. Justin Gargano-Applicant
Charles Weber Jr. c/o 16 Business Park LLC-Owner
16 Business Park Drive
Site Plan Modification- Add patio & landscaping to Brewery
Application # 22-3.6
A/R on 3/17/22 & tabled to 5/5/22

This is Tabled to the 5/19/22 meeting.

5. Robert & Elena McLean-Applicants & Owners
26 Old New England Road
Special Exception- Single Family Home
Application #22-3.8
A/R 4/7/22 & PH set for 5/19/22

6. Robert Mangino-Applicant
Shrestha Management CCC-Owner
230 East Main Street
Site Plan-Restaurant/Convenience Store
Application #22-4.2
A/R 4/7/22 & tabled to 5/5/22

This is Tabled to the 5/19/22 meeting.

NEW BUSINESS:

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
To be A/R and PH to be set

This was A/R and the PH set for 6/2/22.

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
To be A/R & PH to be set

This was A/R and the PH set for 6/2/22.

3. 33 West Avenue LLC c/o Robert Regel-Applicant & Owner
33 West End Avenue
Special Exception Modification-Two Family Home
Application #22-4.6
To be A/R and PH to be set

This was A/R and the PH set for 6/2/22.

OTHER BUSINESS:

1. Planners Report

H. Smith asked the commission if they want to continue to meet in person or go back to zoom meetings. Chairperson Andres suggested a hybrid option.

The IT dept. can assist with setting that up. The Commissioners discussed this and the general consensus was to continue in person meetings for the month of May since the legal notices have already been sent out. Then go back to zoom meetings for June and July.

They will not meet for the month of August and they will decide how to continue with the meetings.

The meeting adjourned at 10:26 pm.