



# PLANNING AND ZONING COMMISSION

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

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## MINUTES PLANNING & ZONING COMMISSION THURSDAY NOVEMBER 3, 2022 REGULAR MEETING 7:00 p.m.

This meeting was held remotely, solely via ZOOM.

Commissioners Present: J. Vaiuso, C. Andres, M. Palluzzi, J. Chadwick, S. Huttner,

Commissioners Absent: F. Russo, M. Liguori

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

Chairperson Andres introduced the staff and Commission.

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

Chairperson Andres reviewed the public hearing procedure and E. Breining explained how to participate in the public hearing.

### PUBLIC HEARINGS:

1. 819 East Main St. LLC c/o Marjorie Shansky-Applicant  
Sullivan Farm LLC, c/o Jim Sullivan-Owner  
819-841 East Main Street  
Special Exceptions-Research Laboratory, General Office, and Section 6.8 (grading within 100 feet of an inland wetland)  
**Application #22-9.3**  
**A/R 9/15/22 & P/H opened 10/20/22 & continued to 11/3/22**

Attorney Marjorie Shansky represented the applicant and noted that members of BL Companies were also present: Chris Gagnon PE, Jeff Dewey PE, Christen Robbins AIA Architect, Pat Padlo (Traffic Engineer) and Wayne Violet (Landscape Architect).

She then gave a brief overview of the application noting they had received Inland Wetland approval in October. She also noted that revised plans were recently submitted.

The first speaker was Chris Gagnon (BL Companies) and he highlighted the site plan.

Jeff Dewey (Lead Engineer, BL Companies) reviewed the drainage and grading plans.

Pat Padlo (Traffic Engineer) reviewed the traffic powerpoint.

Wayne Violet (BL Senior Architect) reviewed the landscaping and lighting plans. He noted that these plans were new, they were not submitted to the office yet.

Christen Robbins (Licensed Architect-BL Companies) displayed and reviewed the architectural drawings (interior and exterior).

The Commission and H. Smith asked a few questions to which Marjorie Shansky

responded.

PUBLIC INPUT:

1. Michael Scott (Goldsmith Road)- He asked about the 3 curb cuts and why there is one near Goldsmith Road? He asked if a condition of approval can be added to prohibit truck traffic on Goldsmith road. He also noted that the easterly curb cut aligns with the opposite side of the road. But, the westerly curb cut is not opposite the one at Evergreen woods. He asked if this can be modified. He said that would be an improvement. He supports the lighting plan and thinks it is a good development for this parcel.
2. Perry Maresca- (Branford Economic Business Development Manager) spoke and said this application has a good record, it checks all the boxes. It will generate tax dollars. The applicant is respectful of the Inland Wetlands. He also noted that the Economic Business board will assist the applicant with obtaining the electric charging stations.

The BL team then responded to Michael Scott's questions.

H. Smith reviewed the conditions in the staff report and made a few modifications as it was discussed.

Chairperson Anders closed the public hearing.

2. Pasquale & Barbara Ruocco-Applicants & Owners  
45 Pine Orchard Road  
Special Exception – Accessory Apartment  
**Application #22-9.7**  
**A/R 10/3/22 & PH set for 11/3/22**

Tony Thompson (Plans Ahead, Branford) represented the applicant saying this application is for an accessory apartment. The applicants want to transfer the home to their daughter and live in the apartment. They were granted a variance last month at the Zoning Board of Appeals.

E. Breining reviewed the staff report.

He noted that the applicant is also requesting a waiver of the A2 survey requirement.

PUBLIC INPUT:

1. Ellen Devine (neighbor) asked what the size of the apartment is. She asked if it is under 900 sq. ft and does it comply with the regs? She also asked about the deed restriction of the apartment.

Tony Thompson responded as well as Chairperson Andres.

Chairperson Andres closed the public hearing.

3. Westford Real Estate Management LLC c/o-John Westford-Applicant  
Jefferson Woods Community Inc. c/o Nally Sahiin-Owner  
11-404 Jefferson Woods

Special Exception Modification- Construction of Additional Parking

**Application #22-8.3**

**A/R 9/1/22 & PH opened & continued to 11/3/22**

Chairperson Andres stated the applicant has requested this item be continued to the November 17 meeting. The applicant offered a time extension and the commission accepted it.

**MINUTES: 10/20/2022 & 7/21/22**

**J. Chadwick made a motion to accept the meeting minutes.**

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

**The 7-21-22 minutes listed do not have to be approved since they were previously.  
This was a typo.**

**RETURN TO TABLE:**

1. 819 East Main St. LLC c/o Marjorie Shansky-Applicant  
Sullivan Farm LLC, c/o Jim Sullivan-Owner  
819-841 East Main Street  
Special Exceptions-Research Laboratory, General Office, and Section 6.8 (grading within 100 feet of an inland wetland)  
**Application #22-9.3**  
**A/R 9/15/22 & P/H opened 10/20/22 & continued to 11/3/22**

J. Vaiuso made a motion to approve the application by adopting the resolution 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 of Section 9.8 and with the Site Plan Application Requirements of Section 9.6.

**CONDITIONS**

1. All construction, site work, and architectural design of the proposed building on the subject property is limited to and shall substantially follow that depicted on the most recently submitted revisions of the submitted plans and documents ("Approved Plans") except as they may be modified to conform to the requirements of this approval or be further modified by the Planning and Zoning Commission or be modified for, construction related, minor changes approved by the Town Planner per Section 9.6.B.5.
2. Prior to the start of any construction activity including tree removal/clearing (beyond that needed to complete items c. and d. below) the following shall be accomplished to the satisfaction of the Zoning Enforcement Officer:

- a. A pre-construction meeting including the Zoning Enforcement Officer, Town Planner (or designee), Town Engineer or designee, Inland Wetlands Department Staff, applicant's construction supervisor, applicant's Licensed Connecticut Arborist (if determined necessary by the Town Planner) and applicant's Connecticut licensed Professional Engineer.
  - b. Installation of construction fencing along the limit of disturbance as defined on Sheet EC-1.
  - c. Installation of the sedimentation and erosion control measures.
  - d. Submittal of a Soil and Erosion Control Financial Guarantee in favor of the Town of Branford pursuant to Section 6.8.F.1 of form, content, and amount as determined by the Zoning Enforcement Officer as s/he may be advised by the Town Engineer and the Town Attorney, except that this financial guarantee shall not be in the form of a surety bond.
3. To comply with Section 6.8, the Applicant shall submit the following for the review and approval of the Town Planner or designee, as he may be advised by the Fire Marshal, prior to beginning any work on site requiring a Blasting Permit:
- a. To comply with Section 6.8.F.10, provide a statement to clarify that the amount of rock removal specified on the submitted Sheet EXH-4 will be either (1) all removed by blasting, (2) only partially removed by blasting with an estimate of the amount to be removed by blasting by location, or (3) all removed by means other than blasting.
  - b. Documentation that an offer of a pre-blast survey was made to owners of all structures any part of which is within 1500 feet of the area of the blasting as identified above.

All blasting shall comply with any Blasting Permit issued as well as the submitted Blasting Plan and be limited to Monday through Friday 9:00 am to 3:00 pm.

4. Prior to the issuance of a Zoning Permit or zoning authorization of a building permit the following shall be completed or addressed to the satisfaction of the Town Planner or his designee:
- a. Further information on the kinds of trees and other vegetation to remain post construction shall be provided to the satisfaction of the Town Planner for review by the Commission for a determination of the suitability of this existing vegetation as satisfying the front yard landscaping requirement. Additionally, to address Section 6.14, that trees greater than 4" in diameter in areas along the road frontage where construction will not require removal shall be identified in this area and incorporated into the site plan unless determined by the Town Planner or his designee to be inappropriate.  
In the absence of such a determination additional landscaping shall be provided to the satisfaction of the Town Planer or his designee.
  - b. Modifications to address the following recommendations from the applicant's Traffic Study:
    - i. Double yellow centerline at all site driveways (shown as single white)

- ii. Clear vegetation at Goldsmith Rd @ Route 1 intersection to improve sightlines (LOD not shown in this area).
- c. All relevant sheets shall be amended to include the extension of the walkway along the front of the building into the parking areas and out to E. Main Street/Route 1 to connect to the proposed sidewalk along E. Main Street/Route 1 frontage.
- d. Facilities for bicycle parking required for compliance with Section 6.5.1 of the Zoning Regulations.
- e. Modifications to fully address Comment # 10 in the Town Planner's staff report prepared for the 10/20/22 Commission meeting regarding changes needed to the proposed lighting to achieve compliance with the requirements of Section 6.7 to his satisfaction or that of the Planning and Zoning Commission.

Compliance with the requirements for full-cutoff fixtures will need to be demonstrated through the provision of International Dark-Sky Association (IDA) Dark Sky Approved certification, IES full-cut-off designation, or "BUG" ratings that demonstrate an equivalent performance for the fixtures provided.

- f. All revisions to these Approved Plans shall be submitted as part of a complete set of all of the most current Approved Plans with all sheets stamped/sealed and signed by the professionals responsible for their preparation, three full-size paper copies of which shall be submitted for review.
  - g. A note shall be added to the Site Plan indicating that the contractor shall be responsible for conducting all grading and earth removal activities in compliance with Section 6.8 of the Zoning Regulations.
  - h. Changes that may be necessary to either the civil engineering plans or the architectural plans to address conflict with the footprint of the proposed building as depicted on the Proposed Floor Plan and the civil engineering site plans.
  - i. The indications on the plans of areas noted as the locations of "Possible Future Building Expansion" shall be removed to avoid confusion as to the approval status of these areas. Alternatively, if the applicant desires, the plans should be modified to show the full depiction of the improvements (grading, lighting, landscaping, etc.) that would be associated with developing these areas as a "Phase II" of the development.
  - j. With the concurrence of the Town Planner or his designee, the applicant may designate a portion of the parking spaces that are in excess of the amount required by Section 6.5 as "reserve parking" to be completed at a later time.
  - k. Two Electric Vehicle (EV) charging station equipped parking spaces as offered by the applicant as well as conduit to at least an additional eleven potential future EV charging stations shall be provided. Additional EV charging stations may be added as well without further approval by the Commission or its staff.
5. 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 addressed to the satisfaction of the Town Planner or his designee:

- a. Submittal of a Financial Guarantee to ensure the survival of plant materials in favor of the Town of Branford pursuant to Section 6.3.M.3 of form, content, and amount as determined by the Zoning Enforcement Officer as he may be advised by the Town Engineer and the Town Attorney, except that this financial guarantee shall not be in the form of a surety bond and shall be for one year from the date the Town determines that all of the landscaping plantings have been completed.
  - b. In the event that a Blasting Permit was obtained from the Fire Marshal for all or a portion of the rock removal on-site, documentation that an offer of a post-blast survey was made to owners of all structures any part of which is within 1500 feet of the area of the blasting as identified in conformance with Condition 3 above to document any changes in conditions from the pre-blast survey required above.
  - c. Submittal of final as-builts of the development.
6. 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 and any additional measures to control soil erosion determined to be necessary to address conditions during construction.
7. 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.
8. 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 be provided including cut sheets with all model choices indicated on a photometric plan including that includes a 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.
9. 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.
10. 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.
11. Due to the presence of inland wetlands within 100' of portions of the site work, the following additional measures regarding site and soil stabilization shall be undertaken during construction (time period between the issuance of a zoning/building permit and the issuance of the final Certificate of Compliance/Occupancy):

- a. The applicant shall provide monthly progress reports per Section 6.10.F.4 unless the requirement is waived by the Zoning Enforcement Officer, who may reinstitute it as he may determine necessary.

12. The manufacturer's recommended requirements and schedule for cleaning and maintenance of the elements of the Stormwater Management System as well as an additional list of maintenance measures and schedule for their execution as approved by the Town Engineer for the elements of the Stormwater Management System without any manufacturers' s recommended requirements for maintenance shall be followed and regular monitoring of catch basins sumps, and establishment of and compliance with a cleaning schedule such that the frequency of routine cleaning will ensure that no catch basin sump at any time will be more than fifty (50) percent full (e.g. contents within the sump exceed one half of the distance between the bottom interior of the catch basin to the invert of the deepest outlet of the catch basin) performed by the applicant, owner, and/or successor in title to the Property, and reports documenting this shall be submitted to the Town Engineer every two years following the issuance of a final Certificate of Zoning Conformance or the zoning authorization of the issuance of a Certificate of Occupancy.

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

2. Pasquale & Barbara Ruocco-Applicants & Owners  
45 Pine Orchard Road  
Special Exception – Accessory Apartment  
**Application #22-9.7**  
**A/R 10/3/22 & PH set for 11/3/22**

**S. Huttner made a motion to waive the survey requirement.**

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

**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.

**CONDITIONS:**

1. Prior to the start of construction, the applicant shall submit additional plans stamped/sealed and signed by an appropriate professional demonstrating that the size of the proposed accessory apartment will be less than 30 percent of the gross floor area of the principal dwelling unit or 900 square feet (whichever is less) so as to meet the requirements of Section 7.4.A.7 and demonstrate that the addition is compliant with the side setback requirement of Section 3.4.A, to the satisfaction of the Town Planner or his designee.
2. To reduce glare, any proposed lighting 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 start of construction the following shall be completed the satisfaction of the Zoning Enforcement Officer and maintained throughout the project:

- a. Erosion control measures shall be installed and maintained throughout construction.

**S. Huttner seconded the motion which passed unanimously.**

**CORRESPONDENCE: No correspondence**

**OLD BUSINESS:**

1. KIOP Branford LLC, c/o Andy Lucibello (Agent)-Applicant & Owner  
1025-1091 West Main Street  
Site Plan- Modification of Parking Lot Lighting  
**Application #22-8.4**  
**A/R 9/1/22 & tabled to 11/3/22**

**H.Smith noted the applicant is requesting this item be Tabled to the November 17 meeting.**

**The applicant offered a 20 day time extension which the commission accepted.**

2. Daniel Rabin- Applicant  
Amendments to Section 6.16 (Alternative Energy) and 4.18 to allow Large Scale Ground Mounted Solar Arrays as currently defined in Section 2.2.  
**Application #22-10.1**  
**A/R 10/6/22 & PH set for 11/17/22**
3. 1171 Main St. LLC, c/o Attorney Time Lee-Applicant  
1171 Main St. LLC-Owner  
1159-1167 Main Street  
PDD Modification –Changes to allowed uses in this PDD.  
**Application#22-10.3**  
**A/R 10/20/22 & PH set for 11/17/22**
4. Marc Downes-Applicant & Owner  
72 Sunset Beach Road  
Special Exception for Grading (Sec 6.8) within 100 feet of a critical coastal Resource & CAM- for a Single Family Home  
**Application #22-10.4**  
**A/R 10/20/22 & PH set for 11/17/22**
5. 4 Three Elms LLC c/o Kurt Wittek-Applicant & Owner  
4 Three Elm Road  
Special Exception for further modifications regarding the renovation of an existing apartment building & Coastal Site Plan.  
**Application #22-10.5**

**A/R 10/20/22 & PH set for 11/17/22**

6. 94 East Main Street LLC, c/o Stacy Ruwe-Applicant & Owner  
94 East Main Street  
Special Exception-Construction of (3) Two Family Dwelling Units  
**Application #22-10.7**  
**To be A/R & PH to be set**

**Staff will set the public hearing.**

7. Richard Pellitier-Applicant & Owner  
56-58 Harrison Avenue  
Special Exception Modification for changes to an existing Multi-Family  
(Three Family) Dwelling  
**Application #22-10.8**  
**A/R 10/20/22 & PH set for 11/17/22**

8. Matthew Reale-Applicant & Owner  
0 Bartholomew Road  
Special Exception & Coastal Site Plan-Oversized Accessory Structure  
**Application #22-10.9**  
**To be A/R & PH to be set**

**The public hearing is set for 12/8/22**

**NEW BUSINESS:**

1. Branford Land Development LLC c/o Attorney Megan Miles-  
Applicant & Owner  
5 Indian Neck Avenue  
PDD/Master Plan Modification (Site Plan review process)-Addition of silos  
to Brewery Building  
**Application #22-10.12**  
**To be A/R**
2. Branford Land Development LLC c/o Attorney Megan Miles-  
Applicant & Owner  
5 Indian Neck Avenue  
PDD Site Plan Modification-Addition of Silos to Brewery Building  
**Application #22-10.13**  
**To be A/R**

**H, Smith noted that a Coastal Site Plan application for 65 Sunset Beach Road was received and is added to the agenda.**

3. Paul Crisci-Applicant & Owner  
65 Sunset Beach Road  
Coastal Site Plan-FEMA Compliant House  
Application #22-10.4

**OTHER BUSINESS:**

1. Planner's Report

H. Smith said the meeting calendar for 2023 year is almost complete.

H. Smith noted that a gentleman who had a decade's long tenure as Sanitarium and the Assistant Director at East Shore Health District passed away this morning. His name was Alex Ciniotti. H. Smith asked for a brief moment of silence for him to acknowledge his passing. He was a true professional and gentleman. He will be missed.

H. Smith reminded the commission it's that time of year again for the election of officers. S. Huttner is polling the commission to see if anyone is interested in running for either the Chairman or the secretary positions. This will be discussed at a meeting in the near future.

H. Smith mentioned that the state statute has gone into effect that changes the parking requirements for 2 bedroom units and 2+ units from 2 ½ spaces to 2 spaces. He said it has not been a problem to date but larger developments that have come in have voluntarily offered to comply with the 2 ½ spaces. It may become a problem in the future since guest parking is not well addressed in the state law. So far, the commission has not opted out of this and there is no deadline to opt out. If the commission wants to opt out, it is the same procedure as the opt out for the accessory apartments.

This can be discussed at a future meeting since there is no deadline. To opt out.

The meeting adjourned at 10:16 p.m.