



# PLANNING AND ZONING COMMISSION

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

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## MINUTES PLANNING & ZONING COMMISSION THURSDAY OCTOBER 20, 2022 REGULAR MEETING 7:00 P.M.

This meeting was held remotely, solely via ZOOM.

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

Commissioners Absent: M. Liguori

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

Chairperson Andres introduced the Commission and staff present.

Secretary M. Palluzzi read the public hearing notice into the record.

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

### PUBLIC HEARINGS:

1. Bryan Dougherty-Applicant & Owner  
616-626 Leetes Island Road  
Special Exception-(Section 6.8) Grading  
(associated with the construction of a Barn)  
within 100 feet of an Inland Wetland

**Application #22-7.5**

**A/R 7/21/22 & PH continued to 10/20/22 from 9/1/22 with a time extension**

J. Petti (Criscuolo Engineering) represented the applicant noting that they recently received a variance for this project. J. Petti reviewed the site plan explaining this application is for the grading that is associated with the construction of a barn. (3 car garage).

E. Breining reviewed the staff report.

PUBLIC INPUT: No one spoke.

Chairperson Andres closed the public hearing.

2. Matthew & Stephanie Milano-Applicants & Owners  
125 Thimble Islands Road  
Special Exception & Coastal Site Plan-Grading for a Single Family Home

**Application #22-9.1**

**A/R 9/15/22 & PH set for 10/20/22**

J. Petti (Criscuolo Engineering) represented the applicant noting this property was previously before the commission for a subdivision application and this application is for grading for the construction of a house. He mentioned they also got Inland Wetlands approval and a positive referral from the Stony Creek Architectural Review Board.

E. Breining reviewed the staff report. The commissioners discussed this briefly.

PUBLIC INPUT: No one spoke.

Chairperson Andres closed the public hearing.

3. 819 East Main St. LLC c/o Marjorie Shansky-Applicant  
Sullivan Farm LLC, 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 & PH set for 10/20/22**

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Attorney Marjorie Shansky requested that this public hearing be opened and continued to the November 3, 2022 Planning & Zoning meeting. The applicant is submitting additional material.

4. Metro 375 LLC, c/o Robert H. Smith Jr.-Applicant & Owner  
367,373-375,377,383 East Main Street  
PDD Master Plan Modification  
**Application #22-9.4**  
**A/R 10/6/22 & PH set for 10/20/22**
5. Metro 375 LLC, c/o Robert H. Smith Jr.-Applicant & Owner  
367,373-375,377,383 East Main Street  
PDD Master Site Plan Modification  
**Application #22-9.5**  
**A/R 10/6/22, Tabled from 10/6/22**

Attorney John Knuff represented the applicant and noted that Application # 22-9.4 and #22-9.5 are being heard together. He noted the project is well underway and they are proud of the results. He explained that in December of 2020 the commission approved the PDD for the construction of 144 units and the applicant made an offer to dedicate 5% of the units as affordable which were 8 units. Then in March 2022 they added 44 units in an additional building they offered to make 2 of those units affordable and the prior 8 units plus these 2 units would meet or exceed the 5% requirement. He said the commission rounded up and thought it would be a total of 3 affordable units, not 2. Now, they have a total of 188 units with 11 being affordable. This application seeks to reduce the number of affordable units from 11 to 10. He noted that they are fulfilling their promise in dedicating 5% of their units as affordable.

H. Smith briefly reviewed each application. He also noted he did the required referrals and received comments back from 3 out of the 4 people. The comments were basically saying they had no comments.

Chairperson Andres said they would discuss these 2 items shortly.

### MINUTES: 10/06/2022

**J. Chadwick made a motion to approve the meeting minutes.**  
**F. Russo seconded the motion which passed unanimously.**

### CORRESPONDENCE:

1. Accessory Dwelling Units "Opt Out" correspondence to the RTM.

H. Smith displayed and reviewed a letter that he had written on behalf of the PZ commission to Dennis Flanigan (Moderator, Representative Town Meeting) regarding the accessory dwelling units. He explained it briefly explained public act 21-29 and how the town can regulate accessory dwelling units, how it's been done to date and the changes that are proposed to the state law that states that municipalities must allow them on all properties that contain a single family dwelling. There is an opt out provision and the time period that that must be completed. The letter describes the action the planning commission took and the action the RTM will take. He noted that he went back to the recording of the meeting in which the commission decided to opt out and he listed the reasons that they gave for opting out. H. Smith wanted this in the record which is a state law requirement. This letter went to the RTM and they referred it to the rules and ordinances committee. He went to that meeting and answered some questions and they voted to recommend to the full RTM that the Town of Branford complete the opt out process. Hopefully, this will happen at the meeting in November.

### RETURN TO TABLE:

1. Bryan Dougherty-Applicant & Owner  
616-626 Leetes Island Road  
Special Exception-(Section 6.8) Grading  
(associated with the construction of a Barn)  
within 100 feet of an Inland Wetland  
**Application #22-7.5**  
**A/R 7/21/22 & PH continued to 10/20/22 from 9/1/22 with a time extension**

**F. Russo made a motion to approve the application with the Findings & 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. Chadwick seconded the motion which passed unanimously.**

6. Matthew & Stephanie Milano-Applicants & Owners  
125 Thimble Islands Road  
Special Exception & Coastal Site Plan-Grading for a Single Family Home  
**Application #22-9.1**  
**A/R 9/15/22 & PH set for 10/20/22**

**J. Vaiuso made a motion to approve the application with the Findings & 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 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.
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. Ownership of the lot indicated as "Lot – 1" on Sheet 1 of 2 entitled "Lot 2 Plot Plan" dated August 31, 2022 and last revised on September 20, 2022 shall remain the same as the lot indicated as "Lot - 2" on the same plan. On the occasion that ownership of "Lot – 1" changes, the stockpile area shall be relocated, to the satisfaction of the Town Planner or his designee.

4. The applicant shall seek input from the Board of Police Commissioners for possible measures that can be taken to mitigate any traffic safety issues caused by the proposed driveway's close proximity to the railroad underpass, such as a fish eye mirror.

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

7. Metro 375 LLC, c/o Robert H. Smith Jr.-Applicant & Owner  
367,373-375,377,383 East Main Street  
PDD Master Plan Modification  
**Application #22-9.4**  
**A/R 10/6/22 & PH set for 10/20/22**

**J. Vaiuso made a motion to adopt the Findings & Conditions from the Town Planner's Staff Report below with the effective date of November 11, 2022.**

Findings:

1. Based in part on the consolidation of ownership of the PDD in one entity, the Commission finds that the proposed modification to the previously approved PDD and Master Plan as set forth in this application and as specified below is consistent with and conforms to Section 5.4.A of the Zoning Regulations, Section 9.10.F of the Zoning Regulations, the Comprehensive Plan, and that the POCD has been considered in the decision made on this application.
2. The Commission further finds, in accordance with Section 9.10.F of the Regulations, that:
  - a) Another existing zoning district could not be appropriately established to accomplish such purposes;
  - b) The petitioner has provided, where appropriate, for the continued maintenance of the development in general, including those open space and recreational areas not dedicated for general public use;
  - c) The streets and drives will be suitable and adequate to accommodate anticipated traffic and projected development intensity will not generate traffic in such amounts as to overload the street system in the area;
  - d) The existing and proposed utility services are adequate for the proposed development and the utilities and drainage have been so arranged as to not overburden the capacity of the facilities connected therewith;

Condition:

1. Condition 1 of the 3/3/2022 Commission Resolution that approved Application #21-12.5 is changed to replace the following words "*is amended ("Amended Affordable Housing Offer") to include the dedication of (3) three units*" with "*including the offered dedication of two (2) units.*"

**F. Russo seconded the motion which passed unanimously.**

8. Metro 375 LLC, c/o Robert H. Smith Jr.-Applicant & Owner  
367,373-375,377,383 East Main Street  
**PDD Master Site Plan Modification**  
**Application #22-9.5**  
**A/R 10/6/22, Tabled from 10/6/22**

**F. Russo made a motion to adopt the Findings & Conditions from the Town Planner's Staff Report below with the effective date of November 12, 2022.**

Finding:

1. The Commission that the proposed modification to the previously approved PDD Site Plan as set forth in this application and as specified below is in conformance with the requirements of the Approved Planned Development District and Master Plan as amended through November 11, 2022 and the Zoning Regulations.

Condition:

1. Condition #2 of the 3/3/2022 Commission approval of Application #21-12.7 is changed to replace the following words "Three (3)" at the beginning of the Condition with "Two (2)."

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

**OLD BUSINESS:**

1. 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**
2. 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 from 10/6/22**

H. Smith introduced Marshall Tromberg (Lighting consultant). He spoke next saying he is representing Kimco Realty. He gave a brief overview of the project and displayed a lighting plan.

H. Smith spoke briefly and referred to the lighting regulations. He displayed different light shields to curb the lighting. He then displayed the report on the council on science and public health and highlighted it.

Robert Crelin (lighting consultant) then spoke next.

Marshall Tromberg noted that the lights in the parking lot are not on all night. They

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will dim down after a period of time.

This item is continued to the next meeting pending further information.

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

**NEW BUSINESS:**

1. Daniel Rabin- Applicant  
Amendments to the Solar Regulations  
**Application #22-10.1**  
**To be A/R & PH to be set for 11/17/22**
2. 1171 Main St. LLC, c/o Attorney Tim Lee-Applicant  
1171 Main St. LLC-Owner  
1159-1171 Main Street  
PDD Modification  
**Application #22-10.3**  
**To be A/R & PH set for 11/17/22**
3. Marc Downes-Applicant & Owner  
72 Sunset Beach Road  
Special Exception & CAM-Single Family Home  
**Application #22-10.4**  
**To be A/R & PH to be set**  
  
**Staff will set the public hearing.**
4. 4 Three Elms LLC c/o Kurt Wittek-Applicant & Owner  
4 Three Elm Road  
Special Exception Modification & Coastal Site Plan-  
Renovation of Existing Apt. Building  
**Application #22-10.5**  
**To be A/R & PH to be set**  
  
**Staff will set the public hearing.**
5. Thomas Kelleher c/o 1100 West Main St LLC-Applicant & Owner  
1100 West Main Street  
Site Plan Modification- Exit Sidewalk  
**Application #22-10.6**  
**To be A/R**
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- Multi-Family (Three Family) Dwelling  
**Application #22-10.8**  
**To be A/R & PH to be set**

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**Staff will set the public hearing.**

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

**Staff will set the public hearing.**

**OTHER BUSINESS:**

1. Planner's Report

H. Smith said the Coastal Vulnerability Group sent a presentation to him and he forwarded it to the commission. The group would like to have a joint meeting with the PZ Commission. Harry Smith said perhaps holding a special meeting. He will send an email around with possible dates.

H. Smith reminded the commission the annual election of officers is coming up in December. Usually, one of the alternates would poll the commissioners to ask if anyone else would be interested in one of the officers positions, either chairperson or secretary. Sharon Huttner will poll the group.

The meeting ended at 8; 48 p.m.