



# PLANNING AND ZONING COMMISSION

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**MINUTES  
PLANNING & ZONING COMMISSION  
THURSDAY OCTOBER 21, 2021  
REGULAR MEETING 7:00 P.M.  
BRANFORD FIRE HEADQUARTERS  
45 NORTH MAIN STREET**

Commissioners Present: J. Lust, J. Chadwick, J. Vaiuso, C. Andres, M. Palluzzi, F. Russo, P. Higgins  
Commissioners Absent: M. Liguori

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

Chairperson Andres introduced the commission and the Staff.  
Secretary M. Palluzzi read the Public Hearing notice into the record.  
Chairperson Andres then reviewed the Public Hearing procedures.

## **PUBLIC HEARINGS:**

1. Nick Magnotta-Applicant  
John & Rachel Brasile c/o Attorney Joseph Porto-Owners  
54 & 60 North Main Street  
Special Exception- Car Wash  
**Application #21-7.4**  
**PH opened 9/16/21 & continued to 10/21/21**

2. Nick Magnotta-Applicant  
John & Rachel Brasile c/o Attorney Joseph Porto-Owners  
54 & 60 North Main Street  
Special Exception-for Grading (Sec 6.8) for a Car Wash  
**Application #21-9.1**  
**PH opened 9/16/21 & continued to 10/21/21**

**Public Hearing #1 and #2 are continued to the 11-18-21 meeting.**

3. Robert Calderella-Applicant  
Pamela Everitt-Owner  
12 Sunrise Cove Camp  
Special Exception & Coastal Site Plan-  
Demo & Rebuild a Cottage  
**Application #21-7.5**  
**PH opened 9/2/21 & continued to 10/21/21**

**This item was continued to the 11-4-21 meeting.**

4. Branford Summit Apartments LLC c/o Frank Vigliotti-  
Applicant & Owner  
5 & 13 Summit Place  
Zoning Map Amendment –To add to the Commerce Park (CP) Zone  
Incentive Housing Overlay Zone (IHOD) designation to properties  
at above addresses.

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**Application #21-9.2**

**PH opened 10/7/21& continued to 10/21/21**

5. Branford Summit Apartments LLC c/o Frank Vigliotti-  
Applicant & Owner  
5 & 13 Summit Place  
Special Exception-Multi-Family IHOD Development

**Application #21-9.3**

**PH opened 10/7/21& continued to 10/21/21**

6. Branford Summit Apartments LLC c/o Frank Vigliotti-  
Applicant & Owner  
5 & 13 Summit Place  
Special Exception for Grading (Section 6.8) associated with IHOD  
Multi-Family Development

**Application #21-9.5**

**PH opened 10/7/21& continued to 10/21/21**

**Public Hearings #4, 5 and 6 were continued to the 11-4-21 meeting.**

7. ALMR LLC, c/o David D'Atri- Applicant & Owner  
4 Three Elm Road  
Special Exception Modification-Multi Family Dwelling  
**Application #21-6.9**  
**A/ R on 7/1/21 & PH set for 10/21/21 with 65 day time extension previously granted and accepted**

Attorney James Perito represented the applicant and explained this application is for changes to a prior approval. He briefly reviewed the application. He then submitted letters of support from Thomas Colville, Peter Kusterer and Gregory Ames.

John Matthews (Architect, Post Rd, Madison Ct) spoke next giving a brief history of the project showing before and after photos and highlighting the proposed changes.

John Cunningham (TEC Landscape Design) displayed and reviewed the latest Landscape Plan.

Chuck Mandel (Agent for Applicant) reviewed the grading plan and submitted 3 pages from the 2002 Ct Guidelines for Soil Erosion & Sediment Control.

E. Breining reviewed the staff report.

PUBLIC INPUT:

1. Peter Kusterer- (8 Indian Pt. Rd.) Spoke saying he is in support of the project.
2. Barbara Chessler-(Three Elms Rd) had a few comments and corrections. She also asked the Building Dept. and PZ to monitor this project.

Chairperson Andres closed the Public Hearing.

The applicant and his attorney responded to some of the public comments.

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8. Opt-out of new State Statutory provisions (CGS Section 8-2/Public Act 21-29) regarding Accessory Dwelling Units (Apartments). Planning & Zoning Commission- Applicant.  
**PH set for 10/21/21**

H. Smith reviewed this explaining that the new state law provides for some changes regarding accessory apartments. Currently in the Zoning regulations there is a Special Exception application approval process that allows for accessory apartments in the R-3, 4 and 5 residential zones. He then briefly reviewed the requirements for those. He noted that the State law has changed and now requires municipalities to allow accessory apartments anywhere there is a single family dwelling. This would require a site plan approval. This new law changes the requirements which he reviewed. He then noted there is a provision to opt out of these requirements, after a public hearing is conducted and the planning and zoning commission votes to opt out. The RTM would then hold a public hearing. He noted the planning and zoning commission previously discussed this and voted to proceed with the opt out. That's why the public hearing is held tonight, as part of the process.

The Commission then discussed this briefly.

PUBLIC INPUT:

No one spoke.

Chairperson Andres closed the Public Hearing. He noted that this then needs to be approved by the Representative Town Meeting (RTM).

9. Syed Sami-Applicant  
Oil Barons Inc. c/o Robert Hartmann-Owner  
49 Leetes Island Road  
Special Exception Modification – Expand Convenience Store  
**Application #21-9.6**  
**To be A/R & PH set for 10/21/21**

The applicant (Syed Sami) was present and explained that he has made many improvements on his site such as new paving and a new canopy. This application is for an expansion of his convenience store.

E. Breining reviewed the staff report.

PUBLIC INPUT:

No one spoke.

**Chairperson Andres closed the Public Hearing.**

**MINUTES: 10/7/2021**

**M. Palluzzi made a motion to approve the minutes with the name correction on page 2.**

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

**CORRESPONDENCE:**

1. Notice of an application for dredging and fill at 23 Prospect Hill Road.

**RETURN TO TABLE:**

1. ALMR LLC, c/o David D'Atri- Applicant & Owner  
4 Three Elm Road  
Special Exception Modification-Multi Family Dwelling  
**Application #21-6.9**  
**A/ R on 7/1/21 & PH set for 10/21/21 with 65 day time extension previously granted and accepted**

The Commission discussed the application.

J. Lust recused himself from this application.  
F. Russo was seated for him.

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

**FINDINGS:**

1. Subject to compliance with the adopted 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.

**CONDITIONS:**

1. All conditions of the previous March 2, 2020 & October 28, 2021 Special Exception approvals shall remain in full force and effect as they may still apply.
2. Prior to the issuance of a Zoning Permit or the zoning authorization for the issuance of a building permit the applicant shall make the following revisions to the submitted site plan subject to the approval of the Town Planner or his designee or the Planning & Zoning Commission:
  - a. The applicant shall revise the Site Plan and Landscaping Plan to include the location and type of tree to be planted in place of the 13" Norway Maple that was marked "to remain" on the previously approved site plan that was removed by the applicant.
  - b. The applicant shall revise the Landscaping Plan to show additional plantings on the eastern property line in accordance with Section 6.3.G (3).
  - c. The applicant shall revise the Site Plan and Landscaping Plan to show additional plantings in the vegetated" buffer strip" between the

existing parking area and the tidal stream to the north of the site to optimize the stormwater runoff water quality treatment functionality of the landscape.

- d. The applicant shall revise the Site Plan to indicate the maximum height of the wall and clarify where the elevations on each side of the wall are identical.
- e. The applicant shall revise the Site Plan to demonstrate that the drainage at the base of the wall, including flow from weep holes, shall be properly managed and not allowed to flow onto adjacent properties.
- f. The applicant shall revise the Site Plan or revise the Life Safety Plan to be in accordance with one another, specifically whether there is proposed to be a second staircase on the rear addition.

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

2. Opt-out of new State Statutory provisions (CGS Section 8-2/Public Act 21-29) regarding Accessory Dwelling Units (Apartments). Planning & Zoning Commission- Applicant.  
**PH set for 10/21/21**

**J. Chadwick made a motion to opt out of the State Statutory provision Public Act 21-29 regarding the mandatory accessory dwelling units for all residential dwellings.**

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

3. Syed Sami-Applicant  
Oil Barons Inc. c/o Robert Hartmann-Owner  
49 Leetes Island Road  
Special Exception Modification – Expand Convenience Store  
**Application #21-9.6**  
**To be A/R & PH set for 10/21/21**

**J. Lust made a motion to approve the application with the Finding 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 any zoning authorization of a Certificate of Occupancy or Certificate of Zoning Compliance the following shall be addressed to the satisfaction of the Zoning Enforcement Officer or other Town staff as indicated:
  - a. 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.
  - b. Submittal of a revised Lighting Plan that the Town Planner, or his designee, finds to be in compliance with Section 6.7 and the referred appendix.
2. No additional signage or new or replacement lighting shall be installed without Planning & Zoning Commission approval, or that of its staff whichever may be appropriate, for compliance of the proposed signage or lighting with the zoning regulations.
3. 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.

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

**OLD BUSINESS:**

1. Peter Kusterer-Applicant & Owner  
3 Three Elms Road  
Special Exception Modification - Alter conditions of a previous Special Exception approval for the construction of an oversized accessory structure (Barn)  
**Application #21-9.4**  
**PH opened & closed 10/7/21 & tabled to 10/21/21**

Chairperson Andres gave a brief history of the application for the Commission.  
H. Smith went thru each condition that the applicant requested a modification to.  
The commission then had a discussion.

**F. Russo made a motion to deny the application without prejudice due to the failure to supply a site plan.**

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

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2. BC Investment Property LLC, c/o Bruno Ciccone-  
Applicant & Owner  
175 Cherry Hill Road  
11 Lot ReSubdivision  
**Application #21-8.1**  
**A/R 9/2/21 & PH set for 11/4/21**

**NEW BUSINESS:**

1. 13 Sycamore LLC, c/o Richard Michaud-  
Applicant & Owner  
13 Sycamore Way  
Site Plan- Research Lab & Office  
**Application #21-9.8**  
**To be A/R**

Jim Rotenda (Liscensed Professional Engineer) Godfrey,Hoffman & Hodge, LLC. Was present and displayed a site plan showing the existing conditions and a site plan with the proposed addition. The proposed use is a research lab.

E. Breining reviewed the staff report.

**M. Palluzzi made a motion to approve the application with the conditions below:**

**CONDITIONS:**

1. Prior to the issuance of any zoning authorization of a Certificate of Occupancy or Certificate of Zoning Compliance the following shall be addressed to the satisfaction of the Zoning Enforcement Officer or other Town staff as indicated:
  - a. 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.
  - b. Submittal of a revised Landscaping Plan that the Town Planner, or his designee, finds to be in compliance with Section 6.3.
  - c. The manufacturer's s recommended requirements and schedule for cleaning and maintenance of the elements of the Stormwater Management System 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 every two years following the issuance of final Certificate of Occupancy to the Zoning Enforcement officer.

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2. No additional 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 lighting with the Zoning Regulations.
3. 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.

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

4. Gary Fowler-Applicant & Owner  
61 Flax Mill Road  
Special Exception for Grading (Section 6.8) for a Single Family Home  
**Application #21-10.1**  
**To be A/R & PH set for 11/4/21**
5. Anthony Loricco-Applicant & Owner  
18 Brookhills Road  
Special Exception for Grading (Section 6.8) for a new  
Septic System  
**Application #21-10.2**  
**To be A/R & PH set for 11/4/21**
6. Cherry Hill Estates, LLC c/o Joe Mineri-  
Applicant & Owner  
26 Cherry Hill Road  
PDD/Master Plan Amendment Modification  
**Application #21-10.3**  
**To be A/R & PH to be set**
7. Cherry Hill Estates, LLC c/o Joe Mineri-  
Applicant & Owner  
26 Cherry Hill Road  
Special Exception Modification- Grading (Sec 6.8)  
**Application #21-10.4**  
**To be A/R & PH to be set**
8. Cherry Hill Estates, LLC c/o Joe Mineri-  
Applicant & Owner  
26 Cherry Hill Road  
Site Plan Modification- Multi Family Residential  
**Application #21-10.5**  
**To be A/R**

**OTHER BUSINESS:**

1. Conceptual PDD Review-Rose Hill Rd. (Former Beacon Hill Estates Subdivision)

Doug Anderson spoke and gave a brief history of this parcel explaining in 2009 this was



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approved for a 10 lot subdivision. A few years later the developer signed an agreement with the town regarding the sewers (app 2 million dollars). After some time, the developer decided the plan wasn't economically feasible and the property changed hands. In 2020 Beacon Hill Properties (Paul Santa Barbara) purchased the property and came up with a new sewer plan which includes 22 homes on Rose Hill Road that have chronic septic issues. The new plan consists of a parcel just under 8 acres with 22 attached residential units.

The Commission had a brief discussion of the idea.

2. Time Extension-3 Lot Resubdivision (Mariners Landing)

H. Smith explained he received a letter from Attorney Marjorie Shansky regarding the 3 lot subdivision for Mariners Landing. The 90 days to file the mylar had expired. The letter is requesting an additional 90 day time extension to file the mylar.

**J. Vaiuso made a motion to grant a 90 day time extension for the 3 lot subdivision mylar filing.**

**J. Lust seconded the motion.**

3. Planner's Report

H. Smith noted that the housing plan is moving ahead and the next meeting for the committee will be on October 25. He will keep the Commission up to date as things progress.

Chairman Andres announce that this is Commissioner Joh Lust' last meeting. He has served on the pz Commission for 20 years and 8 months. He and the Commission thanked him for his service and for his expertise and his dedication. They appreciated all he has done. They wished him well.

The meeting adjourned at 11:04 p.m.