



PLANNING AND ZONING COMMISSION

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MINUTES PLANNING & ZONING COMMISSION THURSDAY OCTOBER 5, 2023 REGULAR MEETING 7:00 PM

Commissioners Present: Chuck Andres, Joe Vaiuso, Marci Palluzzi, Sharon Huttner, Fred Russo, Massimo Liguori

Commissioners Absent: Joe Chadwick

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

Chairperson introduced the commissioners and the staff present.

Secretary F. Russo read the public hearing into the record.

Chairperson Andres reviewed the public hearing process.

E. Breining reviewed how to participate in the public hearing.

Chairperson Andres noted that J. Chadwick is absent and Massimo Liguori is seated for him.

PUBLIC HEARINGS:

1. Cherry Hill Estates, LLC-Applicant & Owner
26 Cherry Hill Road
PDD/Master Plan Modification-Multi Family Residential
Application #23-6.3
A/R 7/6/23 & PH opened 9/7/23 & continued to 10/5/23
2. Cherry Hill Estates, LLC-Applicant & Owner
26 Cherry Hill Road
Special Exception Modification-Multi Family Residential
Application #23-6.4
A/R 7/6/23 & PH opened 9/7/23 & continued to 10/5/23
3. Cherry Hill Estates, LLC- Applicant & Owner
26 Cherry Hill Road
PDD/Site Plan modification- Multi- Family Residential
Application #23-6.5
A/R 7/6/23 & PH opened 9/7/23 & continued to 10/5/23

These 3 items were discussed together. Harry Smith noted that the Town Center Revitalization Review Board has not made a decision yet. They are awaiting additional information.

The applicant has requested these items be **continued to the Oct 19, 2023 meeting.**

4. Lakeview Center Associates LLC c/o Delaurentise Management-
Applicant & Owner
249-251 West Main Street
Special Exception-Multi-Tenant Signage Program
Application #23-6.7
A/R 7/6/23 & PH opened 9/7/23 & continued to 10/5/23

The applicant requested that this item be continued to the October 19 meeting.

The applicant offered a time extension to the next meeting which the commission

accepted.

5. Town of Branford (c/o First Selectman James Cosgrove)-Applicant & Owner
185 Damascus Road
Special Exception Modification-Walsh Intermediate School-Field Improvements
Application #23-8.5
A/R 9/7/23 & PH opened 9/21/23 & continued to 10/5/23

Domonic Sultruda (BL Companies) spoke first. He noted the applicant has responded to many of the concerns expressed at the last meeting. He displayed and reviewed a colored plan of the school fields.

E. Breining reviewed the revised staff report.

The commissioners made a few comments.

PUBLIC INPUT:

1. Dr. Post- he sent in a letter with 7 points of concern. He noted that there is not tree buffer on his street, only one he has created but it's not 60 feet high. The parking lot lights shine in his home now. He is concerned with the lights shining in his house. He asked for tall trees and enough of them to be planted to shield the light. He noted that if the fields are raised, he is concerned about water issues. He is within 100 feet away and things will affect him. He is concerned about the runoff. He stated his other concerns and would like assurance that the issues are addressed.

Domonic Sultruda responded to Dr. Posts concerned.

Chairman Andres closed the Public Hearing.

6. 61 East Industrial LLC c/o Paul Santa Barbara-Applicant & Owner
61 East Industrial Road
Special Exception- Indoor & Outdoor Recreation use
Application #23-8.8
A/R 9/7/23 & PH opened 9/21/23 & continued to 10/19/23
7. Vincent Federico-Applicant
Jennifer Federico-Owner
18-19 Etzel Road
Special Exception Modification & Coastal Site Plan-for previous
Section 6.8 approval (grading within 100 ft. of a critical coastal resource)
Application #23-8.7
A/R 9/7/23 & PH set for 10/5/23

This Public Hearing is opened and continued to the 10-19-23 mtg. Staff has to review DEEP comments.

8. Julie Niedzwiecki-Applicant & Owner
35 Bayberry Lane
Special Exception- Accessory Apartment
Application #23-8.9
A/R 9/7/23 & PH set for 10/5/23

This item was opened and continued to the 10-19 meeting. This application will heard with the other special exception application that was submitted for an oversized accessory structure.

MINUTES: 9/21/2023

H. Smith said one of the commissioners had a few comments and staff will revise them and they can be approved at the next meeting.

CORRESPONDENCE: Nothing was discussed.

RETURN TO TABLE:

1. Town of Branford (c/o First Selectman James Cosgrove)-Applicant & Owner
185 Damascus Road
Special Exception Modification-Walsh Intermediate School-Field Improvements
Application #23-8.5
A/R 9/7/23 & PH opened 9/21/23 & continued to 10/5/23

E. Breining reviewed his resolution and the commission made some revisions.

F. Russo made a motion to approve the application by adopting the resolution that that was discussed and revised below:

FINDINGS:

1. The Commission finds, that Section 6.7.D.4 would relieve lighting used for outdoor sports fields and outdoor playing courts from meeting the specific requirements of section 6.7.C, so long as the proposed lighting is, A.) to the greatest extent possible, contained to the field/court property area, B.) all exterior light fixtures are shielded, installed or aimed so that no direct light is visible from within the boundaries of all surrounding properties and C.) exclusively for the purpose of outdoor sports events that require such lighting.
2. 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 Town Planner or his designee, with consultation from the Superintendent of Schools:
 - a. The applicant shall amend Sheet LL-1 entitled "*Landscape Plan*" and last revised on September 21, 2023 to show the planting of a line of at least 5 native trees across the length of the parking lot adjacent to the softball field and Damascus Road. The species shall be chosen for the purpose of screening the residences across the road from the proposed field lighting.
2. 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
3. All sports field/court lighting shall be turned off after use, or no later than one (1) hour after the end of a sporting events and used solely for the sporting events.
4. As may be directed by the Zoning Enforcement Officer, Town Planner or his designee, 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 and

erosion determined to be necessary to address conditions during construction.

5. All conditions of previous approvals shall remain in full force and effect as they may apply.

M. Palluzzi seconded the motion which passed unanimously.

M. Liguori was seated for J. Chadwick who was absent.

OLD BUSINESS:

1. Shirley McCarthy & Peter Hentschel - Applicants
Zoning Regulation Amendment – Add definitions to Section 2.2, extensively revise Section 6.3 (Landscaping), add new subsection to Section 6.13 regarding Fencing, and add/re-designate Appendices.

Application #23-4.5

A/R 4/20/23 & PH opened 6/15/23 & closed 9/21/23 with time extension

DECISION REQUIRED BY 11/25/23

Chairman Andres suggested that the Landscape Regulation changes be discussed at a Special Meeting since there is a lot of information to review. He then asked the commissioners if they are Available to meet on October 26 via zoom to discuss this. The commission agreed.

A Special Meeting will be held on October 26 to discuss this.

2. Anthony Capasso-Applicant
Walter Maguire Jr. - Owner
66, 76-82 Totoket Rd. & 0 Tweed Road (Pine Orchard)
Re-subdivision to create four new lots from three existing properties located at 66, 76-82 Totoket Road & 0 Tweed Road & Coastal Site Plan

Application #23-4.8

A/R 4/20/23 & PH opened 6/15/23 & closed 9/21/23 with time extension

DECISION REQUIRED BY 11/25/23

E. Breining reviewed the staff report.

J. Vaiuso made a motion to approve the application by adopting the resolution below:

Findings:

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

Conditions:

1. The following items shall be addressed and/or added to the Record Subdivision Map to the satisfaction of the Town Planner or his designee prior to the signature of the Chairperson and recording of the Record Subdivision Map:
 - a. The applicant shall remove the Signature Box that states "Final Approval/No Financial Guarantee Required" on Sheet 02 Entitled "Resubdivision Plan" and last revised on September 6, 2023 and replace it with the signature block depicted in Section 6.02.C.2 that states "Final Approval/Financial Guarantee Provided."
 - b. 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 Town Planner or Zoning Enforcement Officer as may be advised by the Town Engineer and/or Town Attorney, except that this financial guarantee shall not be in the form of a surety bond.

- c. The applicant shall revise the proposed grading on Sheet 04 entitled "Grading, Drainage & Utility Plan" last revised on September 6, 2023 to be compliant with Section 6.8 of the Town of Branford Planning & Zoning Regulations, per Section 3.07.A of the Town of Branford Subdivision Regulations" to the satisfaction of the Town Planner or his designee.
 - d. The applicant shall amend sheet 03 entitled "Site Plan" last revised on September 6, 2023 to indicate which of the 20 significant trees are proposed to remain and which are proposed to be removed.
 - e. The applicant shall revise sheet 06 entitled "Erosion Control Plan" last revised on September 6, 2023 to label each of the six (6) enclosed hatched areas as "Area to remain undisturbed."
 - f. The applicant shall update the engineering report, based on the assertions of Michael Ott P.E. of Summer Hill Civil Engineers & Land Surveyors, P.C, in order to verify the detention basin is adequate, to the satisfaction of the Town Planner or his designee with input from the Town Engineer.
2. A Fee-In Lieu of Open Space payment or open space dedication of 10% of the total area of the subdivision is required prior to recording of the Record Subdivision Map. The procedure for determining the amount of the fee in lieu payment shall be in accordance with Section 8-25 of the Connecticut General Statutes. The required appraisal shall be performed by a Connecticut-licensed appraiser who has been certified as a member of the Appraisal Institute (MAI). The appraiser must also be jointly selected with the Planning and Zoning Commission. The Planning and Zoning Commission shall review and approve the appraisal report.
 3. The applicant shall also submit one (1) Mylar along with three (3) paper copies of the Record Subdivision Map, with appropriate signature blocks and any required modifications.
 4. As may be directed by the Town Planner or his designee, 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 and erosion determined to be necessary to address conditions during construction.
 5. Any clearing of vegetation, regrading or construction of any kind within the hatched "Areas to remain undisturbed" shown on sheet 06 entitled Erosion Control plan is prohibited and shall require approval from the Town of Branford Planning & Zoning Commission.

F. Russo seconded the motion which passed unanimously.

3. Wells Fargo Bank c/o Kelly Christian –Applicant & Owner
840 Main Street
Site Plan Modification- Modifications to Exterior Lighting
Application #23-7.4
A/R 9/7/23

The applicant has requested this item be continued to the 10-19 meeting.

4. Tara Knight-Applicant & Owner
279 Linden Avenue
Coastal Site Plan-Demo of existing house &
Construction of a new single family home
Application #23-9.1
A/R 9/21/23

This item is Tabled pending DEEP comments.

5. Southview Island LLC c/o Fritz Heidenreich-
Applicant & Owner
Bear Island aka Big Curtis Island
Special Exception & Coastal Site Plan-
New single family home with detached guest bedrooms
As accessory structure
Application #23-9.2
AR 9/21/23 & PH set for 10/19/23

NEW BUSINESS:

1. 61 East Industrial LLC c/o Paul Santa Barbara-
Applicant & Owner
61 East Industrial Rd.
Special Exception- Grading (Sec. 6.8) –
Indoor & Outdoor Pickle ball & Padel Courts
Application #23-9.5
To be A/R & PH set for 10/19/23
2. Julie Niedzwiecki-Applicant & Owner
35 Bayberry Lane
Special Exception- Oversized Accessory Structure
Application #23-9.6
To be A/R & PH set for 10/19/23
3. Matt Sahintepe-Applicant & Owner
5 Spice Bush Lane
Special Exception- Grading (Sec. 6.8)
Application #23-9.7
To be A/R & PH to be set

Public Hearing will be set for 11-2-23

OTHER BUSINESS:

1. CGS 8-24 Referral- Field Improvements at Walsh Intermediate School-
(185 Damascus Road)
F. Russo made a motion to issue a positive referral.
M. Palluzzi seconded the motion which passed unanimously.
2. 90 Day Time Extension for the filing of re-subdivision plans for 175 Cherry Hill
Road with the Town Clerk.
J. Vaiuso made a motion to approve the time extension.
M. Palluzzi seconded the motion which passed unanimously.
3. Planner's Report

TOWN OF BRANFORD PLANNING AND ZONING COMMISSION

Minutes October 5, 2023

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H. Smith spoke of the commissioner training and the upcoming deadline of December 31 to fulfill the 4 hour requirement. He mentioned that there is a training session next week at the SCROG office in North Haven or via zoom.

He also noted that a few of the commissioners attended the training session held at Wesleyan University and there was some confusion regarding the number of hours of training this covered. He said he would try to verify that and report back at a future meeting.

The meeting ended at 9:02 pm.