



# PLANNING AND ZONING COMMISSION

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## MINUTES PLANNING & ZONING COMMISSION THURSDAY SEPTEMBER 2, 2021 REGULAR MEETING 7:00 P.M. BRANFORD FIRE HEADQUARTERS 45 NORTH MAIN STREET

Commissioners Present: C. Andres, J. Lust, M. Liguori (arrived at 7:45 pm),  
M. Palluzzi, J. Chadwick, J. Vaiuso, F. Russo,

Commissioners Absent: P. Higgins

Staff Present: H. Smith (Town Planner), E. Breining (Asst. Town Planner),  
D. Willette (ZEO)

The meeting started at 7:02 pm.

Chairperson Andres introduced the Commission and Staff present.  
He then reviewed the Public Hearing procedures.

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

### PUBLIC HEARINGS:

1. Syed Sami- Applicant  
Oil Barons Inc. c/o Robert Hartmann-Owner  
49 Leetes Island Road  
Special Exception Modification – Expand Convenience Store  
**Application #21-5.4**  
**A/R 5/20/21 & PH opened 7/15/21 & continued to 9/2/21**

The applicant still needs to submit additional information.  
**The item was continued to the 9/16/21 meeting.**

2. 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 9/2/21**

The applicant needs ZBA approval.  
**The item was continued to the 10/7/21 meeting.**

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3. Leopoldo Otero-Applicant  
Jazmin Vargas-Owner  
11 Circle Drive  
Special Exception- Accessory Apartment  
**Application #21-7.1**  
**A/R 7/15/21 & PH set for 9/2/21**

The applicant noted his contractor was present and could explain the project. His contractor explained they are converting a garage to an accessory apartment.

E. Breining reviewed the staff report.

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

4. Demi Capobianca-Applicant & Owner  
8 High Plains Road  
Special Exception-Grading (Sec 6.8) for a Single Family Residence  
**Application #21-7.2**  
**A/R & PH set for 9/2/21**

The applicant's father (Tom Capobianca) spoke first for the applicant. The applicant's surveyor (Paul Stowell) spoke next. He explained they received Inland Wetlands approval for the grading and fill they brought in. Now they need Planning & Zoning approval.

E. Breining reviewed the staff report.

PUBLIC INPUT: No one spoke.

Chairperson Andres closed the Public Hearing.

5. 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**  
**A/R & PH set for 9/2/21**

**This public hearing was opened and continued to the 9/16/21 meeting.**  
This application will be heard with PZ#21-9.1.

6. Robert Calderella-Applicant  
Pamela Everitt-Owner  
12 Sunrise Cove Camp  
Special Exception & Coastal Site Plan-  
Demo & Rebuild a Cottage  
**Application #21-7.5**  
**A/R & PH set for 9/2/21**

J. Pretti (Criscuolo Engineering) represented the applicant explaining this application is for the demolition of the existing cottage and the construction of a new cottage.

E. Breining reviewed the staff report.

**PUBLIC INPUT:**

1. Katherine Lernin-She owns property at 51 and 53 Lanphier Cove Assn. (abutting property) and is a 30 year resident. She referred to wording in the zoning regulations and noted that both Sunrise Cove Association and Lanphier Cove started as seasonal cottages and were similar in character. About 25 years ago Sunrise Cove decided to make the cottages more substantial for year round use. However, Lanphier Cove did not, they are still conforming. She presented copies to the Commission.  
She noted this new cottage will loom over the cottages at Lanphier Cove Cottages. It is very different massing. She asked the Commission several questions pertaining to the new structure. She is opposed to this project.
2. Tracy Kelly- Current Vice President of Lanphier Cove Assn-She agreed with Katherine's comments as well as the several neighbors that were also present at the meeting.

J. Pretti responded to some of the public comments and said he would be able to meet with the neighbors concerning the options for the property line, whether a fence or plantings. He displayed a few architectural drawings.

**Chairperson Andres continued this item to the next meeting on 9/16/21.**

**RETURN TO TABLE:**

1. Leopoldo Otero-Applicant  
Jazmin Vargas-Owner  
11 Circle Drive  
Special Exception- Accessory Apartment  
**Application #21-7.1**  
**A/R 7/15/21 & PH set for 9/2/21**

**M. Palluzzi made a motion to approve this applications with the conditions listed on the staff report.**

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

2. Demi Capobianca-Applicant & Owner  
8 High Plains Road  
Special Exception-Grading (Sec 6.8) for a Single Family  
Residence  
**Application #21-7.2**  
**A/R & PH set for 9/2/21**

**J. Vaiuso made a motion to approve the application with the conditions listed on the staff report.**

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

#### **MINUTES: 7/1/21 & 7/28/21**

**J. Chadwick made a motion to approve the meeting minutes of 7/1/21 as written.**

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

**F. Russo made a motion to approve the meeting minutes of 7/28/21 as written.**

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

#### **CORRESPONDENCE:**

1. Letter from DEEP regarding the mean high water question raised by the Buckley Rd. Project which was withdrawn.
2. Referral for a Zoning Regulation change from North Branford.
3. Referral for a Zoning Regulation change from East Haven.
4. Referral for a Zoning Regulation change from Pine Orchard Zoning.
5. Cell tower equipment upgrade at the Branford Landing.
6. Cell tower equipment upgrade at the MIF Building.
7. Cell tower equipment upgrade at the Subaru dealership on North Main St.
8. Cell tower equipment upgrade at Pine Orchard Road.
9. Cell tower equipment upgrade at the Tabor Property near the pond.
10. Cell tower equipment upgrade at 850 West Main Street.
11. Cell tower equipment upgrade at Beaver Road.

#### **OLD BUSINESS:**

#### **NEW BUSINESS:**

1. BC Investment Property LLC, c/o Bruno Ciccone-  
Applicant & Owner  
175 Cherry Hill Road  
11 Lot ReSubdivision  
**Application # 21-8.1**  
**To be A/R & PH to be set**

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**  
**To be A/R & PH to be set**

#### **OTHER BUSINESS:**

1. Discussion: Proposed Solar Energy Zoning Regulation Amendments

H. Smith distributed material to the Commission. He explained that this amendment would allow a ground mounted small scale solar installation as an accessory use to a residential dwelling. The Commission discussed this briefly.

The Commission took a 5 minute break.

2. Discussion: Proposed Cannabis Zoning Regulation Amendments

H. Smith said he recently attended a webinar regarding the recent change in the state laws. He previously thought the licenses would be limited to one per 25 thousand people in each town. But he noted this is only true for some of the license types. He read the list of the license types. He went into further details of these. He noted there is a lottery system to apply for a license. The Commission discussed this and asked questions.

3. Time Extension Request – PZ#20-8.10 & #20-10.1

H. Smith explained this is a one year time extension request to complete the work at 367,373-375 & 377 East Main Street.

**J. Lust made a motion to grant the one year time extension.**

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

4. Bond Establishment for 85 Todds Hill Road-**Tabled to the 9/16/21 meeting.**

5. Bond Establishment for 135 Todds Hill Rd – **Tabled to the 9/16/21 meeting.**

6. Interpretation- Definition of “Agriculture Use”

Dylan Willette (ZEO) noted this is in regards to 125-133 Leetes Island Rd. He is preparing to send them a notice of violation regarding their firewood business. He noted the prior ZEO had issued a notice of violation to them in 2020 stating the processing and sale of firewood in a R4 zone is not allowed in that zone. Dylan noted he is having difficulty finding references to that in the zoning regulations. He asked the Commission for an interpretation as to whether or not the processing and sale of firewood from logs and lumber offsite and brought to another site is

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considered to be an agricultural use or part of an agricultural use.

The Commission discussed it and decided it was not considered an agricultural use.

7. Planner's Report

H. Smith noted they are moving forward with the Affordability Plan and the committee has been formed.

The meeting adjourned at 9:30 pm.