



# PLANNING AND ZONING COMMISSION

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## MINUTES PLANNING & ZONING COMMISSION THURSDAY SEPT. 5, 2019 REGULAR MEETING 7:00 P.M. BRANFORD FIRE HEADQUARTERS 45 NORTH MAIN STREET

The meeting started at 7:00 p.m.

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

Commissioners Absent: D. Dyer

Staff Present: H. Smith-Town Planner, R. Stoecker-Asst. Town Planner,  
Town Counsel- Danielle Bercury, M. Martin- Clerk

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

### PUBLIC HEARINGS:

1. Planning & Zoning Commission- Applicant  
Zoning Regulation Amendment- Main Streets Overlay District  
**Application #19-8.1**

H. Smith reviewed the staff report. He said this application stemmed from a local restaurant owner who wanted to expand their business, and reviewed the zoning regulations for parking in the zone and felt that would not allow them to expand on their property. He noted that the Plan of Conservation & Development stated that some types of businesses such as retail and restaurants as well as other active uses should be fostered. This application is proposed in response, to create an overlay district that would cover the more active sections of the downtown that are part of the walking street scape. He summarized the changes that the Commission recommended from a previous meeting where this proposal was discussed, including reduced parking requirements for restaurants and retail in the proposed overlay district.

He then highlighted the proposed area of the Overlay District on the map. He said the Economic Development Committee as well as the Town Center Revitalization Review Board and the Merchants Association has reacted favorably to this application.

### PUBLIC INPUT:

2. Steve Mazzacane- He spoke of the mixed uses in the town center and the benefits they provide to the people who live in that area. He also spoke of the proposed Atlantic Wharf project. He does not want the services removed that will benefit the

people who reside downtown. It was explained that the proposed regulations no longer call for eliminating uses.

**Chairperson Andres closed the Public Hearing.**

3. John Lauro-Applicant & Owner  
92 Rogers Street  
PDD/Master Plan Amendment  
**Application #19-8.2**

H. Smith noted there was an issue with the abutters' letters so he advised that the Public Hearing be opened and continued without testimony to the Sept. 19 Planning & Zoning Meeting.

**The Commission opened and continued the Public hearing until September 19<sup>th</sup> without taking any testimony.**

**MINUTES: 7/25/19 & 8/12/19**

**J. Viauso made a motion to approve the July 25th meeting minutes.**

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

**M. Palluzzi made a motion to approve the August 12<sup>th</sup> meeting minutes.**

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

**RETURN TO TABLE:**

4. Planning & Zoning Commission- Applicant  
Zoning Regulation Amendment- Main Streets Overlay District  
**Application #19-8.1**

**J. Vaiuso made a motion to approve the Zoning Regulation and the Zoning Map Amendment with the effective date of October 1, 2019 with the amendments that were discussed and stating that it is consistent with the Plan of Conservation & Development. The adopted amended text follows:**

**5.9 MAIN STREETS OVERLAY DISTRICT -NEW - ENTIRE SECTION)**

**5.9.A Purpose.**

1. This District is established to provide special provisions for parking, allowed uses, signage, and other aspects of land use addressed in these regulations to implement Chapter 9 "Enhance Branford Center" of the 2019 Plan of Conservation and Development (POCD).
2. The goal of this Section is to adjust, as appropriate, parking and other requirements of these regulations within the district which consists of the immediately adjacent parcels along the "Main Streets" in the core, commercially developed, portion of

Branford Center in order to, as stated in Policy A.1. of Section 9.2 of the POCD “maintain and expand uses that attract people and make Branford Center vibrant.”

3. The special provisions are also being adopted, as stated in Policy A.3. of Section 9.2 to “encourage or require ‘active’ street level uses that attract pedestrian traffic and visual interest” and “discourage or prohibit ‘passive uses’ such as offices, banks, real estate, insurance, and similar uses at street level on key streets.”

#### **5.9.B General.**

1. The use of land, buildings and other structures within the Main Street Overlay District shall be established and conducted in conformity with the underlying zoning classification, subject to the additional requirements of this Section.
2. No application for a Zoning Permit shall be approved by the Zoning Enforcement Officer and no Zoning Permit or Certificate of Zoning Compliance shall be issued by her/him until s/he has made a determination and certifies in writing that such use or structure has been reviewed and approved as being in conformance with the provisions detailed below.

#### **5.9.C Parking.**

1. On the ground or street level floor of a building for tenant spaces facing and with an entrance directly onto a sidewalk along the public street; the otherwise applicable parking requirements of Section 6.5.D may be eliminated for retail, maker spaces/small artisan, art, and craft workshops and may be reduced 25% for live work units and restaurants.

#### **5.9.D Uses.**

1. The following uses are prohibited on the ground or street level floor as well as the first level or floor over underground or partially underground parking:
  - (1) Residential Dwelling Units,
  - (2) Parking Lots as the stand alone use of a property, or levels of a parking garage within the front yard.
2. The following use is allowed in addition to those of the underlying zoning district by Special Exception approval:
  - a. Maker Spaces/Small Scale Artisan, Art, or Craft Workshop – The small scale (no more than 5,000 sq. ft.) production of artisan works, art, or craft works such as stained glass, ceramics, art works, etc. that involve hand manufacturing, assembling, converting, altering, finishing, cleaning, or any other processing of products through the use of computers, hand tools, 3-d printing, and/or domestic mechanical equipment and the incidental direct sale of those goods so produced or

processed as well as other related merchandise provided that in addition to the general Special Exception criteria:

- i. The production and/or processing area shall comprise no more than \_\_\_ % of the gross floor area, leaving at least 10% of the gross floor area devoted to retail sales.
- ii. The use shall be free of nuisance characteristics and will have no adverse effect on neighboring uses.
- iii. The Planning and Zoning Commission may limit the hours of operation of this use when it determines that the protection of the health, safety, and welfare of the public in general, or the immediate neighborhood in particular, may warrant such limitation.

#### **5.9.E Shared and Cross Access.**

1. Adjacent commercial or office properties shall, where possible, provide a Shared Access Drive and Pedestrian Access to allow circulation between sites.
2. For new commercial retail and service uses, a system of shared use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:
  - (1) A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards.
  - (2) A design speed of 10 mph and a maximum width of 24 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;
  - (3) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive;
  - (4) A Unified Access and Circulation System Plan for coordinated or shared parking areas is encouraged.
3. Pursuant to this Section, property owners shall:
  - (1) Record an easement with the deed allowing cross access to and from other properties served by the shared use driveways and cross access or service drive;
  - (2) Pre-existing driveways will be closed and eliminated after construction of the shared-use driveway;
  - (3) Record a shared maintenance agreement with the deed defining maintenance responsibilities of property owners.
  - (4) The Commission may modify or waive the requirements of this Section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.

**Modify Section 6.5.D.2. as follows:**

Add the following to the chart provided in this section under “Other Business Uses”:

<b>Maker Spaces/Small Scale Artisan, Art, or Craft Workshop</b>	1 space for every 250 sq. ft. GFA or as specified in Section 4.9	
<b>Live/work units</b>	1 space for every 250 sq. ft. GFA or as specified in Section 4.9	

**Modify Section 9.6.B as follows:**

**9.6.B. Applicability/Modification**

- a. A site plan application shall be submitted for any activity designated in these Regulations as requiring a site plan approval.
- b. A site plan application shall be submitted for any change in a previously approved Site Plan if such change would alter any feature that is required to be shown on the site plan.
- c. Notwithstanding the above, a site plan application shall not be required for interior renovations and modifications for space within a structure previously approved by the Commission as a site plan application provided that:
  - (1) The uses for which such changes are to be made have received all other permits required by these Regulations,
  - (2) There are no exterior alterations to the structure or the site,
  - (3) There is no additional requirement for parking based upon interior layouts submitted by the applicant, and
  - (4) The site is in compliance with all aspects of a previously approved site plan.
- d. All site plan revisions must bring into conformance, to the extent practicable, all aspects of the site that do not conform to current Regulations.
- e. The Town Planner may approve, in writing, written requests for minor changes to approved Site Plans including Site Plans approved as part of a Special Exception approval and architectural plans included with a Site Plan approval, within and outside of the Town Center Village District. The City Planner shall notify the Commission (and the Town Center Revitalization and Review Board for projects within the Town center Village District) of any request for changes and the action taken. All other changes to the approved site plan shall be approved by the Commission.

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

**CORRESPONDENCE:**

**OLD BUSINESS:**

1. Audra Nuzzo- Applicant  
Zoning Regulation Amendment-Addition of new Accessory Use to a Farm use (by Special Exception) "Non-Agricultural Farm Events"

**Application #19-6.1**

**A/R 6/6/19, PH closed on 7/25/19, tabled from 7/25/19, Decision due on 9/26/19**

Chairperson Andres stated that the Commission will vote on this application at the September 19 meeting since a revised version of the proposed regulation will need to be prepared to reflect the Commissions deliberations.

H. Smith then reviewed the items regarding which he was seeking Commission consensus.

Chairperson Andres noted that the Commission will receive a draft of the approval document before the next Planning & Zoning meeting. If anyone has any questions, please contact H. Smith.

**NEW BUSINESS:**

1. Town of Branford c/o John Hoefflerle (Town Engineer)-Applicant  
David R. Jenkins & Mary R. Barnett- Owners  
60 Averill Place  
Coastal Site Plan- Storm Drainage & Erosion Control  
**Application #19-8.6**

Michael Harkin-(Harkin Engineering) was present along with Jennifer Aquino (Asst. Town Engineer).He explained that this project started 12 years ago, and highlighted the plan for the Commission, noting that this is the last approval that is needed for this project. This project consists of storm drainage and erosion control improvements at the end of Averill Place.

R. Stoecker reviewed the staff report.

**J. Chadwick made a motion to approve the application with the finding and the condition listed below:**

FINDING:

- 1) The Coastal Site Plan is consistent with the goals 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.

CONDITION:

1) Prior to the start of construction the erosion control measures shall be installed to the satisfaction of the Zoning Enforcement Officer in cooperation with the Assistant Engineer.

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

2. Premier Realty Holdings, LLC,  
c/o Robert Alvine (President)-  
Applicant & Owner  
175 North Main Street  
Special Exception Modification-Additional parking to be added to plans on alternate Surface (slab of demolished building)  
**Application #19-8.5**

Michael Harkin P.E.(Harkin Engineering) represented the applicant and Robert Alvine (Applicant) was present as well.  
He explained this application consists of the demolition of the brick building that once stood on 175 North Main Street (which is completed). The concrete slab will remain and be converted into a new designated inventory parking area. Also included in the application are the addition of outdoor lighting, parking area striping and the addition of an island.

R. Stoecker reviewed the Staff Report. He noted the applicant has requested a waiver of the public hearing requirement.

**J. Lust made a motion to waive the public hearing requirement.**

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

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

1. Applicant shall provide the cut sheets or other information documenting that the new lights comply with Section 6.7 and lighting Appendix and that the three additional light poles and fixtures match the outdoor lighting specifications included in the approved Site Lighting Plan for the entire dealership.
2. All previous approvals shall remain in full force and affect as they may still apply.
3. Spaces not needed to comply with the parking required by the Zoning Regulations shall additionally be marked as "inventory parking area".

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

3. William C. Lyons-Applicant

Barbara Lyons-Owner  
190 Damascus Road  
Subdivision Modification-Lot line change  
**Application #19-7.7**  
**To be A/R**

R. Stoecker –noted the prior application for this parcel was for the creation of an interior lot, which was denied. This application is a lot line revision which straightens the property line. H. Smith noted that this approval does not constitute a subdivision or a re-subdivision however the Commission is approving a modification to the prior subdivision approval.

**M. Palluzzi made a motion to approve the application.**  
**J. Lust seconded the motion which passed unanimously.**

4. Branford Evangelical Free Church, c/o  
Sr. Pastor Stephen E. Chamberlain-Applicant & Owner  
231 Leetes Island Road  
Special Exception Modification- Kitchen Renovation and building addition  
**Application #19-8.3**

**J. Chadwick made a motion to waive the public hearing requirement.**  
**J. Vaiuso seconded the motion which passed unanimously.**

Pastor Stephen Chamberlain explained that the prior addition done in 1993 had a warming kitchen. They want to bring the kitchen in compliance with the health dept. regulations and they are installing a 10 burner gas stove. They need to add 12 square feet to the space to accommodate this.

He noted that he is aware that the current lighting on the site is not compliant with the current regulations and they had planned to replace it. He asked the Commission for additional time to raise the necessary funds to complete the replacement. He then spoke of the landscape requirement noted in the Staff report and said since they are a nonprofit group, they don't have the funds to meet the landscape requirement. He requested that the landscape requirement not be included in this approval.

R. Stoecker reviewed the staff report.

The Commission discussed it briefly. H. Smith suggested revisions to the proposed conditions to address the issues raised.

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

- 1) The following shall be addressed to the satisfaction of the Zoning Enforcement Officer within 24 months:



A) The non-compliant pole lighting on site shall be replaced with compliant fixtures with a correlated color temperature less than or equal to 3,000 degrees Kelvin.

B) Proposed lighting must be compliant with requirements for full cut off fixtures. All full-cutoff fixtures will need to comply with 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. Cut sheets for the fixtures shall be submitted shall be submitted for approval by Town Planner or designee. Adjustable mounting brackets on all lighting fixtures are prohibited.

- 2) To ensure continued compliance with the Zoning Regulations, landscaping must be maintained as an on-going requirement of this approval to ensure survival of all required landscaping shown. If the landscaping element does not survive or is irreparably damaged, it must be replaced in kind.
- 3) 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.
- 4) All conditions of previous approvals regarding this property shall remain in full force and effect as they may still apply.

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

5. The Peter Hentschel Revocable Trust, c/o  
Peter Hentschel (Trustee)-Applicant & Owner  
30 School Street  
Special Exception-Excavation/grading within 100 feet of a wetland  
(accessory structure)  
**Application #19-8.4**

**The Commission A/R and set the PH for 10/17/19**

6. Bausch & Stroebel Machine Co. Inc.  
c/o Oliver Schmidt-Applicant & Owner  
10 Thompson Road  
Site Plan Modification-Change to building footprint/building use/parking layout  
**Application #19-8.7**

**This was tabled to the 9/19/19 meeting**

7. Stone Ridge Associates, c/o Patricia Owens-Applicant & Owner  
Liesl Lane Rear-Zoning Map Amendment R-1 to BL  
**Application #19-8.8**

**The Commission A/R and set the PH for 9/19/19**

**This and the two following applications will be heard together.**

8. 3 Liesl Lane LLC.-Applicant & Owner  
3 Liesl Lane/Liesl Lane Rear  
Stone Ridge Associates, c/o Patricia Owens-Applicant & Owner  
Liesl Lane Rear  
Subdivision Modification-lot line change  
**Application #19-8.9**

**This was tabled to the 9/19/19 meeting**

9. 3 Liesl Lane LLC.-Applicant & Owner  
3 Liesl Lane/Liesl Lane Rear  
Site Plan Modification- Changes to site including addition of parking  
**Application #19-8.10**

**This was tabled to the 9/19/19 meeting**

10. Beacon Communities Development LLC,  
c/o Attorney Timothy Hollister-Applicant  
Town of Branford Housing Authority- Owner  
Application for a Site Plan Modification under CGS Section 8-30g Affordable  
Housing Land Use for property located at 115 South Montowese Street  
(Parkside Village I).  
**Application #19-8.11**  
**To be A/R**

Chairperson Andres gave a brief summary of this application.

Attorney Bercury said the applicant asked that the Commission modify the existing approval and several sheets of the Site Plans and to separately consider changes to the emergency access pull off. She said modification of the blasting condition is included as well.

H. Smith said the Commission should decide whether to hold a Public Hearing or not.

Chairperson Andres asked the Commission if a Public Hearing should be held. It is not required but they can hold one. They can also allow public comment. He would expect that the Commission will allow public comments without a Public Hearing based on past practice.

H. Smith said the 65 day period allowed for review starts tonight. November 7, 2019 would be the final regular meeting date before the expiration of the 65 days.

Attorney Andrea Gomes spoke next noting Professor Pottenger was also present. She noted Attorney Hollister will attend the September 19 Planning & Zoning meeting. She said a public hearing is not necessary since this is a minor revision.

After a brief discussion and comments from Commissioners that they would like to have a Public Hearing, Chairperson Andres said a Public Hearing will be held on September 19, 2019 at Branford Fire Headquarters. H. Smith said to have the Public Hearing on that date would require the legal notice to be published in the New Haven Register at a substantially higher fee. He also noted if the ad can't be published to allow a public hearing on Sept. 19, 2019 then a Special Meeting can be held and suggested the Commission delegate setting the final date for the Public Hearing to him and the Chairperson.

**The Commission agreed and Chairperson Andres said the Public Hearing would be held on September 19, 2019 or at a Special Meeting on a date to be determined later if necessary.**

11. 1064 Main Street LLC, c/o Alex Vigliotti –Applicant & Owner  
1032-1064 Main Street  
Special Exception – Convert 2<sup>nd</sup> floor Office Space to Residential Apartments  
**Application #19-8.12**  
**To be A/R & PH to be set**

**The Commission A/R and set the PH for 10/3/19**

12. Kris Shapiro- Applicant  
49 Commercial Pkwy, LLC, Hamilton Branford LLC, Branford Property Development,  
Rita Ann Sachs – Owners  
49,81-111,131 Commercial Pkwy & 102 North Main Street  
Zoning Map Amendment- BL to BL-HR  
**Application #19-9.1**  
**To be A/R & PH to be set**

**The Commission A/R and set the PH for 10/17/19**

13. Kris Shapiro- Applicant  
49 Commercial Pkwy, LLC, Hamilton Branford LLC, Branford Property Development,  
Rita Ann Sachs – Owners  
49,81-111,131 Commercial Pkwy & 102 North Main Street  
Zoning Regulation Amendment- BL to BL-HR  
**Application #19-9.2**  
**To be A/R & PH to be set**

**The Commission A/R and set the PH for 10/17/**

**OTHER BUSINESS:**

1. 690 Leetes Island Road 2 Lot Subdivision- Approval of the selection of an Appraiser per Section 3.04 M of the Subdivision Regulations.

R. Stoecker reviewed this for the Commission, explaining this 2 Lot Subdivision was approved by the Commission in July 2019. The Commission opted for a fee in lieu and the Subdivision Regulations require that the Commission and the Applicant choose an appraiser who meets the required standards stated in the regulations. He recommended Mark Nadeau, who had previously worked on projects in town.

**J. Lust made a motion to approve Mark Nadeau as the Appraiser for the 690 Leetes Island Road 2 Lot Subdivision.**

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

2. Interpretation of Zoning Regulation 6.2.D

H. Smith read the section from the regulation and said the question is whether a parapet wall can be considered to be included in the features excluded from the height limit or, if it should be excluded from the definition of height.

After some discussion, the Commission concluded that a parapet wall should be included in features exempt from the definition of height.

3. Planner's Report

H. Smith noted the new Zoning Regulations and Zoning Map are complete but undergoing final review and should be in print within a month.

The meeting adjourned at 9:25 p.m.