



# PLANNING AND ZONING COMMISSION

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## MINUTES PLANNING & ZONING COMMISSION THURSDAY SEPTEMBER 15, 2022 REGULAR MEETING 7:00 P.M.

### This meeting was held remotely, solely via ZOOM.

Commissioners Present: C. Andres, M. Palluzzi, F. Russo, S. Huttner, J. Vaiuso, J. Chadwick  
Commissioners Absent: M. Liguori  
Staff Present: H. Smith (Town Planner), E. Breining (Asst. Town Planner), M. Martin (Clerk)

Secretary M. Palluzzi read the public hearing notice into the record.  
Chairperson Andres reviewed the public hearing procedures.  
Chairperson Andres noted that the 45 Rose Hill Road application was withdrawn so if anyone was present for that application, it will not be discussed.

E. Breining reviewed the procedures for participating in the public hearing portion of the meeting.

### **PUBLIC HEARINGS:**

1. Brian Love – Applicant & Owner  
31 Thimble Islands Road  
Coastal Site Plan & Special Exception-Grading (Section 6.8) for the construction of a single family residence within 100' of a critical coastal resource  
**Application #22-7.2**  
**A/R 7/7/22 & PH continued from 9/1/22**

J. Pretti (Criscuolo Engineering) represented the applicant and reviewed the site plan, noting that the applicant was also present at the meeting. He explained the proposal is to rebuild the house and this application is for the grading.

E. Breining reviewed the staff report.  
The commissioners asked a few questions.

PUBLIC INPUT: No one spoke  
Chairperson Andres closed the public hearing.

2. 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**

**This item is continued to the October 20 meeting.**

3. Sound Real Estate LLC, c/o Dan Merriam-Applicant  
45 Rose Hill Road LLC, c/o Paul Santa Barbara-Owner  
45 Rose Hill Road  
Special Exception (Section 8.1.D) Change of Nonconforming Use Application  
Substitute a Car Storage Lot for the existing non-conforming use (Refuse Containers)  
**Application #22-7.3**  
**A/R 7/21/22 & PH set for 9/15/22**

**This item is WITHDRAWN.**

4. Eran Magen-Applicant & Owner  
28 Park Place  
Special Exception-Conversion to a Two Family Residence  
**Application #22-8.2**  
**A/R 7/21/22 & PH set for 9/15/22**

Tom Edwards (Nelson & Edwards Company Architects, Branford) represented the applicant and noted that Eran Magen (applicant) was also present. He reviewed the site plan explaining that proposal is to convert the existing single family to a two family house. The existing 2 car garage and carport will be removed and 4 parking spaces will be added.

E. Breining reviewed the staff report.

**PUBLIC INPUT:**

1. Lois Kinney (32 Park Place) She spoke of parking and felt that the option of pulling into the property or parking in the rear of the property would work. She noted that she lives next door only 14 feet away and if shrubs are planted that may obstruct her view pulling out of her driveway. She also noted that the large tree in the back yard is not living and it sways quite a bit in high winds. She felt it needed to be taken down, it's a hazard. She spoke of a pipe sticking out of the ground and asked if this was a marker from a survey.
2. Mark & Kathy Anthony (29 Harrison Avenue) They asked for the same consideration as the prior neighbors concerning either a fence or some planting between the properties. They are happy to see that the property is being improved.
3. Lois Kinney-She repeated again that the large tree in the back is dead. She also asked if she could see the parking plan before it is approved.

Chairperson Andre asked the property owner for his comments.

Eran Magen (property owner) said he wasn't aware that he had to go thru this special exception process. He wants to be a good neighbor since he plans on living there for a long time. He said he would like to remove the tree in the back. He would be willing to work with town staff and the neighbors to come up with an agreeable solution. He agreed that the neighbors can view the final plan.

Chairperson Andres closed the public hearing.

Chairperson Andres then noted that the next item under new business (App # 22-8.3)

should have been listed under the public hearings.

The applicant for this item has asked that this item be continued to the 10/6/22 planning & zoning meeting.

**MINUTES: 9/1/2022**

H. Smith explained that the 9-1-22 minutes had an error. Application 22-8.1 for 6 Cherry Hill Road should have been listed under the "Return to Table "section of the minutes but was left out in error.

**F. Russo made a motion to approve the 9-1-22 minutes as amended.**

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

**CORRESPONDENCE:**

Cell tower equipment swap at 150 North Main Street.

**RETURN TO TABLE:**

1. Brian Love – Applicant & Owner  
31 Thimble Islands Road  
Coastal Site Plan & Special Exception-Grading (Section 6.8) for the construction of a single family residence within 100' of a critical coastal resource  
**Application #22-7.2**  
**A/R 7/7/22 & PH continued from 9/1/22**

**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
  - b. The landscaping plan shall be revised to include native plantings to the satisfaction of the Town Planner.

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. The Landscaping plan shall be sent to the Stony Creek Architectural Review Board for comments. Alterations to the Landscaping plan based on these comments shall be made to the satisfaction of the Town Planner or his designee.

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

2. Eran Magen-Applicant & Owner  
28 Park Place  
Special Exception-Conversion to a Two Family Residence  
**Application #22-8.2**  
**A/R 7/21/22 & PH set for 9/15/22**

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

**CONDITIONS:**

- 1) 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 light fixtures shall be provided including cut sheets with all model choices indicated and an updated photometric plan (Sheet LP-1) including an updated schedule providing information on the different types of fixture (maker & model number, mounting height, lumens generated, etc.) and surface light level projections in foot-candles that are in compliance with the requirements of the Zoning Regulations.
- 2) Prior to the issuance of a certificate of compliance or the zoning issuance of a Certificate of Occupancy, the Site Plan shall be amended to show the parking layout will meet the criteria of Section 6.5 and 6.12 and a fence shall be installed intended to block the light from vehicles parking in the proposed spaces, if deemed to be necessary, to the satisfaction of the Town Planner of his designee.

- 3) The tree marked as "Existing Tree to Remain" may be removed.

**F. Russo 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**

**Chairperson Andres noted that this application should have been listed under the Public Hearings on this agenda.**

**This is continued to the 10/6/22 meeting per the applicant's request.**

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**

**This item was Tabled to the 10/6/22 meeting.**

3. Gobinda Shrestha c/o Shrestha Management LLC-Applicant & Owner  
230 East Main Street  
Site Plan –Retail Use (under 3,000 sf)  
**Application #22-8.5**  
**A/R 9/1/22**

The applicant was present and thanked the commission for their time in considering the application.

E. Breining explained that he drafted one staff report for both applications since it is for the same property. He explained that the applicant is asking for 2 separate uses that is why there are two applications.

Chairperson Andres said the commission would consider both applications together but make 2 separate votes.

E. Breining reviewed the site plan and said the applicant proposes using the first floor (currently office space) for half retail space (convenience store) and half for a restaurant (fast food pizza & deli).

He then reviewed the staff report and the commissioners asked a few questions.

**F. Russo made a motion to approve the application with the conditions below:**

**CONDITIONS:**

1. Prior to the issuance of a Zoning Permit or the authorization for the issuance of a Building Permit the following will be met to the satisfaction of the Town Planner or his designee:
  - a. The landscaping plan shall be revised by a Landscape Architect to specify the size, species and exact location of plantings, preferably using native species, if appropriate, to the satisfaction of the Town Planner.
2. 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.
3. 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 light fixtures shall to be provided including cut sheets with all model choices indicated and an updated photometric plan (Sheet LP-1) including an updated schedule providing information on the different types of fixture (maker & model number, mounting height, lumens generated, etc.) and surface light level projections in foot-candles that are in compliance with the requirements of the Zoning Regulations.

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

4. Gobinda Shrestha c/o Shrestha Management LLC-Applicant & Owner  
230 East Main Street  
Site Plan- Restaurant (Fast food w/o Drive Thru)  
**Application #22-8.6**  
**A/R 9/1/22**

**F. Russo made a motion to approve the application with the conditions below:**

**CONDITIONS:**

4. Prior to the issuance of a Zoning Permit or the authorization for the issuance of a Building Permit the following will be met to the satisfaction of the Town Planner or his designee:
  - b. The landscaping plan shall be revised by a Landscape Architect to specify the size, species and exact location of plantings, preferably using native species, if appropriate, to the satisfaction of the Town Planner.
5. 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.
6. 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 light fixtures shall to be provided including cut sheets with all model choices indicated and an updated photometric plan (Sheet LP-1) including an updated schedule providing information on the different types of fixture (maker & model number, mounting height, lumens generated, etc.) and surface light level projections in foot-candles that are in compliance with the requirements of the Zoning Regulations.

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

**NEW BUSINESS:**

1. Matthew & Stephanie Milano-Applicants & Owners  
125 Thimble Islands Road  
Special Exception & Coastal Site Plan-Grading for a Single Family Home  
**Application #22-9.1**  
**To be A/R & PH to be set**

Staff will set the public hearing.

2. 819 East Main St. LLC c/o Marjorie Shansky-Applicant  
Sullivan Farm LLC, c/o 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**  
**To be A/R & P/H to be set**

**Staff will set the public hearing.**

**OTHER BUSINESS:**

1. Planner's Report

H. Smith reminded the commission that the next meeting on October 6 will begin at 8pm, not the usual time of 7pm due to the Jewish holiday.

The subdivision at 175 Cherry Hill Road was recently approved by the Inlands Wetlands commission. We expect to see it submitted to the Planning & Zoning Dept. soon.

H. Smith noted that the new Zoning Enforcement Officer (Jane Ellis) will start on Monday September 19 and we are happy to have her with us and to get her up to speed.

The meeting adjourned at 9 p.m.