



PLANNING AND ZONING COMMISSION

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MINUTES- Revised
PLANNING & ZONING COMMISSION
THURSDAY SEPTEMBER 1, 2022
REGULAR MEETING 7:00 P.M.

This meeting was held remotely, solely via ZOOM.

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

Secretary M. Palluzzi read the public hearing notice into the record.
Chairperson Andres reviewed the public hearing procedures.
E. Breining reviewed the procedures for participating in the public hearing.

PUBLIC HEARINGS:

1. 4 Three Elms Rd LLC c/o Kurt Wittek-Applicant & Owner
4 Three Elms Road
Special Exception-renovation/alterations of existing non-conforming apartment building, new garage & associated site changes
Application #22-6.4
A/R 7/7/22 & PH set for 9/1/22

This was WITHDRAWN.

2. 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 set for 9/1/22

E. Breining explained this application needs to go before the stony creek architectural review board.
This public hearing is opened and is continued to the Sept. 15 meeting.

3. 119 Montowese LLC, c/o Elena Cahill-Applicant & Owner
119 Montowese Street
Special Exception-General or Business Office
Application #22-7.4
A/R 7/21/22 & PH set for 9/1/22

J. Pretti (Criscuolo Engineering) represented the applicant, who was also present along with Robert Tobin (Architect).
J. Pretti reviewed the site plan. The property was previously a bank and the proposal is to do minor parking improvements and architectural improvements for an office Co-op workspace.

Bob Tobin reviewed the floor plans.

Elena Cahill spoke briefly and explained this would be an office co-op space with 10 offices on the first floor. People would come and go, not everyone would be there at the same time.

Town Center Review Board approved this plan with the recommendation to reduce the parking.

The commissioners asked a few questions.

E. Breining reviewed the staff report.

PUBLIC INPUT:

1. Perry Maresca- Economic Business Development- He said over the years he has received many inquiries regarding re purposing this building. He feels this use is a good one for this space. He said he did know the applicant but he has also know prior people that have inquired. He is support of this application.

The commissioners asked a few questions.

Chairperson Andres closed the public hearing.

4. 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 set for 9/1/22

E. Breining noted this application requires a variance so it is continued to the October 20 meeting via zoom.

J. Pretti verbally offered a 35 day time extension to continue the public hearing, which the commission accepted.

5. Douglas Ledewitz c/o Federal National Mortgage Assn.-
Applicant & Owner
9 Beechwood Road
Special Exception-Grading (Sec. 6.8) regrading within 100 ft. of an Inland Wetland
Application #22-7.6
A/R 7/21/22 & PH set for 9/1/22

Mark Young (Waldo Associates) represented the applicants explained that 4 years ago, the applicant wanted to enlarge his yard for his children and he deposited a large amount of fill in his back yard, unaware of the regulations. When he was informed of the violations, he spoke with Waldo Associates to assist him. Bob Russo (soil scientist) flagged the wetlands and Waldo Associates surveyed the yard and also the wetlands. The property is now owned by Fannie Mae and they are working with Douglas Ledewitz to get the property compliant.

He displayed a site plan. Inlands Wetlands has approved this plan.

E. Breining reviewed the staff report.

The commission asked a few questions.

PUBLIC INPUT:

No one spoke.

Chairperson Andres closed the public hearing.

6. Victoria Hunt-Applicant
Sharon Lea Adinolfi-Owner
6 Cherry Hill Road
Special Exception- Conversion to a Two-Family dwelling
Application #22-8.1
A/R 9/1/22 & PH set for 9/1/22

Victoria Hart (designer) represented the applicant (who was also present) and highlighted the site plan. The proposal is an 850 sq. foot addition to a single family home to make it more accessible.

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

PUBLIC INPUT:

No one spoke.

Chairperson closed the public hearing.

MINUTES: 7/21/22

Chairperson Andres noted that the Buckley Road application decision has been appealed. H. Smith suggested deferring the approval of the minutes to ensure the accuracy and that they explain the actual findings and conditions and how the commission arrived at them.

These minutes are continued to the next meeting.

CORRESPONDENCE:

1. Notice from the town of North Branford for a proposed zoning text amendment. It is for a 12 month moratorium on cannabis establishments.
2. A cell tower equipment swap out at 21 Acorn Road.

RETURN TO TABLE:

1. 119 Montowese LLC, c/o Elena Cahill-Applicant & Owner
119 Montowese Street
Special Exception-General or Business Office
Application #22-7.4
A/R 7/21/22 & PH set for 9/1/22

M. Palluzzi made a motion to approve the application with the findings 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.
2. 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 erosion control measures shall be added to the site plan to the satisfaction of the Town Planner or his designee.
2. 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.
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.
4. 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.
5. Four parking spaces nearest to the pavilion shall be designated as deferred for immediate installation, per Section 6.5.J.
6. EV Electrical charging stations may be added to the site at the discretion of the applicant.
7. Landscaping planting species may be substituted for approval by staff in coordination with the applicant's Landscape Architect, using native species as much as possible.

J. Chadwick seconded the motion. The final vote was 4 – approvals and 1- denial.

2. Douglas Ledewitz c/o Federal National Mortgage Assn.-
Applicant & Owner
9 Beechwood Road
Special Exception-Grading (Sec. 6.8) regrading within 100 ft. of an Inland Wetland
Application #22-7.6
A/R 7/21/22 & PH set for 9/1/22

J. Vaiuso made a motion to approve the application with the findings 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 start of construction the following shall be addressed to the satisfaction of the Zoning Enforcement Officer and maintained throughout the project.
 - a. Erosion control Measures.
 - b. The 24” Oak Tree shall be deleted from the site plan.
2. Prior to the issuance of a Certificate of Zoning Compliance the following will be addressed to the satisfaction of the Town Planner or his designee:
 - a. All conditions of the approval granted by the Inland Wetlands Commission on August 11, 2022.
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.

F. Russo seconded the motion which passed unanimously.

7. Victoria Hunt-Applicant
Sharon Lea Adinolfi-Owner
6 Cherry Hill Road
Special Exception- Conversion to a Two-Family dwelling
Application #22-8.1
A/R 9/1/22 & PH set for 9/1/22

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

CONDITIONS:

- 1) 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.
- 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 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.

- 3) Prior to the issuance of a Certificate of Zoning Compliance or the zoning issuance of a Certificate of Occupancy, the following will be addressed to the satisfaction of the Town Planner or his designee:
 - a. The site plan entitled “Proposed Plot Plan” found on sheet 1 of 1 shall be modified to include the three required parking spaces for a Two Family Dwelling.
 - b. The site plan shall also show a layout showing all four required parking spaces conforming to all requirements of Section 6.5 of the Zoning Regulations. The fourth space shall be labeled as deferred for immediate installation, per Section 6.5.J.

J. Chadwick seconded the motion which passed unanimously.

OLD BUSINESS:

1. 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
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 #22-7.7
A/R 7/21/22 & PH set for 9/15/22

NEW BUSINESS:

1. Eran Magen-Applicant & Owner
28 Park Place
Special Exception-Conversion to a Two Family Residence

Application #22-8.2

To be A/R & PH to be set

PH set for 9/15/22

2. 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

To be A/R

PH set for 9/15/22

3. 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

To be A/R

This item was Tabled

OTHER BUSINESS:

1. Update to Official Zoning Map

H. Smith noted that the zoning map that is on the town website has been updated. A copy of it was included in the commissioner's packet that was mailed last week. He asked for an acknowledgment from the commission that this map was updated to the best of his knowledge. When that is done, the map will be posted on the town website. The commission then acknowledged it and gave H. Smith permission to post the updated map to the website, replacing the one that is there now.

2. Bond Establishment for 69 Todd's Hill Rd (Lot 2 Pond View Estates)

F. Russo made a motion to approve the bond establishment.

J. Chadwick seconded the motion which passed unanimously.

3. Zoning Enforcement Officer

H. Smith announced that a new Zoning Enforcement Officer has been hired. She is Jane Ellis, who is currently in the Building/Engineering Dept. He is looking forward to her joining the department. She will be starting on Sept. 19 and the Commission can designate her as a Zoning Enforcement Official at a later meeting.

4. Planner's Report

H. Smith noted he and E. Breining have been working on revising Section 6.8 (Grading) of the Zoning Regulations. This section has caused a lot of applications and reviews that in some of the circumstances do not provide any benefit. He is looking into reducing some of the requirements, particularly if the application has already been reviewed by the Inland Wetlands Dept.

He will report back when more progress has been made.

He has looked at some potential guidelines issued by DEEP for large scale arrays. There is an individual that may want to bring this item to the commission as a regulation amendment. More information will follow.

H. Smith said there is an application for 175 Cherry Hill Road for a thru road that is currently before the Inland Wetlands Dept. now. The application will most likely come before the Planning & Zoning Commission either in October or November.

He noted there are several projects that are coming to construction. One is the Parkside project is getting ready to start. The Aldi store and Chase bank are almost completed, just a few loose ends to tie up.

The Goodsell Mariners Village at the end of Goodsell Point Road has received approval for the first three units.

The project at the Old Days Inn property is well under way. They are hoping to have the first two buildings open in a month or two.

The Bausch and Stroebel research and development building on North Branford is under construction as well as the brewery next door.

The Sterling Ridge development on Cherry Hill Road (across from Richlin) is well under construction and there are a few changes the applicant wishes to make so that application may come before the commission soon.

The Mariner's Landing project is almost ready to pour footings for all four of the buildings.

The Gould Lane subdivision is almost complete.

H. Smith mentioned there is a tentative get together at the Stony Creek Brewery for John Lust and Paul Higgins set for Friday, September 9. Hopefully, everyone can attend.

Chairperson Andres asked H. Smith about the accessory apartment opt-out the Commission voted on a while back.

H. Smith noted that he is sending a letter to the RTM in the next week or two which is the next step. He also mentioned the opt out for the parking.

H. Smith mentioned that there will be online training available for Commissioners and starting in 2023 it will be required that commissioners do an annual training course.

Chairperson Andres said the Bar Association is doing their bi yearly all day Seminar this coming March. It was previously held at Wesleyan University but now it will be online.

The commission then briefly discussed whether to continue the meetings via

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Zoom or go back to in person. Chairperson Andre asked H. Smith the status of Possible hybrid meetings and the answer was that IT doesn't have the technology to hold hybrid meetings yet.

The consensus of the commission was to continue the meetings via zoom for the Time being.

The meeting adjourned at 8:52 pm.