



PLANNING AND ZONING COMMISSION

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MINUTES
PLANNING & ZONING COMMISSION
THURSDAY JUNE 20, 2024
REGULAR MEETING 7:00 PM

This meeting was held remotely, solely via ZOOM.

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

Staff Present: Harry Smith (Town Planner), Evan Breining (Asst. Town Planner), Michelle Martin (Clerk)

Chairperson Andres reviewed the public hearing procedures.
Town Planner read the public hearing notice.
Evan Breining reviewed how to participate in the public hearing

PUBLIC HEARINGS:

1. Sue & Steffen Lunde-Applicants & Owners
32 Wood Road
Special Exception & CAM- Single Family Residence within 100 feet of a coastal resource & Grading (Sec. 6.8)
Application #24-4.3
A/R 4/18/24 & PH opened 5/16/24 & continued to 6/20/24

Chairperson Andres noted this public hearing was closed at the last meeting. This item will be moved to Old Business and will be discussed later in the meeting. This was discussed as the last item under "Return to Table".

2. 4 Three Elms LLC-Applicant & Owner
4 Three Elm Road
Special Exception Modification & Coastal Site Plan-- Multifamily Residential (4 units)
Application #24-4.5
A/R 4/18/24 & PH opened 5/16/24 & continued to 6/20/24
3. 4 Three Elms LLC-Applicant & Owner
4 Three Elm Road
Special Exception- Oversize Accessory Structure (Garage) over 15 feet in height
Application #24-4.6
A/R 4/18/24 & PH opened 5/16/24 & continued to 6/6/24----WITHDRAWN
4. 4 Three Elms LLC-Applicant & Owner
4 Three Elm Road
Special Exception Modification- Grading (Sec. 6.8)
Application #24-4.7
A/R 4/18/24 & PH opened 5/16/24 & continued to 6/20/24

Public hearing #2 and #4 will be discussed together. Attorney Meaghan Miles spoke first and noted that Kurt Wittick was present on behalf of the applicant as well as the

Engineer Tony Bolduc and Russ Champain of CK Architects and the Landscape Designer, Sue Fields.

She noted they have submitted revised plans in response to the comments made at the last meeting. She then reviewed the five sheets.

E. Breining reviewed the staff report.

PUBLIC INPUT:

1. Barbara Chesler- She asked about the swale for clarification. She then asked about the sidewalk extension. Also, she requested that the property be cleaned up a bit. She has been trying to clean it up a bit.

Commissioners asked a few questions.

H. Smith displayed a map in response to the sidewalk question brought up by Barbara Chesler.

Barbara Chesler replied to H. Smith noting that there is no sidewalks on this road or any roads nearby. She said that the prior owner D. D'Atri put a utility pole up and she asked whether this could be connected underground.

Chairperson C. Andres closed the public hearing.

5. Paula Murphy-Applicant & Owner
35 East Main Street
Special Exception- Accessory Apartment
Application #24-4.8
A/R 4/18/24 & PH opened 5/16/24 & continued to 6/20/24

The applicant Paula Murphy spoke and said this is an existing apartment and they want to get the proper approvals. She has worked with an engineer to get a parking plan. She also obtained a variance.

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

PUBLIC INPUT: No one spoke.

Chairperson Andres closed the public hearing.

6. Planning & Zoning Commission-Applicant
Zoning Regulation Amendment-
Modify Sections 2.2,3.3 & 7.6 Re: Family & Group Childcare Homes to conform to PA 23-142
Application #24-5.3
A/R 5/16/24 & PH set for 6/20/24

H. Smith reminded the commission that this change was required by state statute. He then reviewed the section in the regulations and the new language that is required. He recommended an effective date of July 12, 2024.

PUBLIC INPUT: No one spoke.

Chairperson Andres closed the public hearing.

7. Sean Jeffery-Applicant & Owner
22 Beechwood Road
Special Exception- Oversized Accessory Structure
Application #24-5.8
A/R 6/6/24 & PH set for 6/20/24

Jeremy Gannon (Criscuolo Engineering) represented the applicant and explained this application is for a proposed garage. He reviewed the site plan and noted they received IW approval.

E. Breining reviewed the staff report. He noted that we received two letters of support from the neighbors.

PUBLIC INPUT: No one spoke.

Chairperson Andres closed the public hearing.

MINUTES: June 6, 2024, May 2, 2024- Tabled to the July pz meeting.

Since many commissioners are absent, it was decided to approve these minutes at the next meeting.

CORRESPONDENCE: None

RETURN TO TABLE:

1. 4 Three Elms LLC-Applicant & Owner
4 Three Elm Road
Special Exception Modification & Coastal Site Plan-- Multifamily Residential (4 units)
Application #24-4.5
A/R 4/18/24 & PH opened 5/16/24 & continued to 6/20/24
2. 4 Three Elms LLC-Applicant & Owner
4 Three Elm Road
Special Exception- Oversize Accessory Structure (Garage) over 15 feet in height
Application #24-4.6
A/R 4/18/24 & PH opened 5/16/24 & continued to 6/6/24----WITHDRAWN
3. 4 Three Elms LLC-Applicant & Owner
4 Three Elm Road
Special Exception Modification- Grading (Sec. 6.8)
Application #24-4.7
A/R 4/18/24 & PH opened 5/16/24 & continued to 6/20/24

The commission had a lengthy discussion regarding whether to install a sidewalk or not. The final consensus was that no sidewalk is needed.

E. Breining reviewed and revised the staff report to reflect that.

M. Liguori made a motion to approve Application #24-4.5 and #24-4.7 with the findings and conditions below:

FINDINGS:

1. Subject to compliance with the adopted 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.
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.
3. The Commission finds that this property is not located along a major roadway and is not in a location with high pedestrian or vehicular traffic. Therefore, a sidewalk shall not be a requirement of this approval.

CONDITIONS:

1. All conditions of the previous shall remain in full force and effect as they may still apply, and shall be demonstrated to be met.
2. Prior to the start of construction, the issuance of a zoning permit or the zoning authorization of the issuance of a Building Permit the following shall be addressed to the satisfaction of the Zoning Enforcement Officer:
 - a. Erosion control measures shall be installed and maintained throughout construction, and any supplemental measures installed that are deemed necessary by the Zoning Enforcement Officer.
 - b. The applicant shall amend the site plan to remove the proposed concrete sidewalk.
3. 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 on the approved plan. If the landscaping element does not survive or is irreparably damaged, it must be replaced in kind.
4. As may be directed by the Zoning Enforcement Officer, necessary measures to control any dust generated by fill brought into the site or movement of earth material on site shall be implemented.
5. 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.
6. Per the positive recommendation given by the Stony Creek Architectural Review Board on May 1, 2024, the proposed lighting on the garages & adjacent to the eastern side entrance shall have motion sensors. These lights shall be full cut-off and be shielded for the purpose of reducing light trespass onto adjacent properties.

7. Due to the presence of tidal wetlands the following additional measures regarding site and soil stabilization shall be undertaken during construction (time period between the issuance of a zoning/building permit and the issuance of the final Certificate of Compliance/Occupancy:

a. The applicant shall provide monthly progress reports per Section 6.10.F.4 on the status of the proposed soil and erosion control measures to the Zoning Enforcement Officer, unless waived by the Zoning Enforcement Officer, who may reinstitute it as they may determine necessary.

J. Vaiuso seconded the motion which passed unanimously.

4. Paula Murphy-Applicant & Owner
35 East Main Street
Special Exception- Accessory Apartment
Application #24-4.8
A/R 4/18/24 & PH opened 5/16/24 & continued to 6/20/24

S. Huttner 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 of the zoning regulations.

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 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.
2. Prior to the start of construction the following shall be completed to the satisfaction of the Zoning Enforcement Officer:
 - a. Erosion control measures shall be installed and maintained throughout construction, if deemed necessary.
 - b. As may be directed by the Zoning Enforcement Officer, necessary measures to control any dust generated by fill brought into the site or movement of earth material on site shall be implemented.
3. The potentially significant tree adjacent to the eastern property line shall not be removed.

M. Liguori seconded the motion which passed unanimously.

5. Planning & Zoning Commission-Applicant
Zoning Regulation Amendment-
Modify Sections 2.2,3.3 & 7.6 Re: Family & Group Childcare Homes to conform to PA
23-142
Application #24-5.3
A/R 5/16/24 & PH set for 6/20/24

J. Vaiuso made a motion to approve the application wording as presented by H. Smith and in accordance with the Plan of Conservation & Development and is consistent with the comprehensive plan of zoning, with an effective date of July 12, 2024.

S. Huttner seconded the motion.

6. Sean Jeffery-Applicant & Owner
22 Beechwood Road
Special Exception- Oversized Accessory Structure
Application #24-5.8
A/R 6/6/24 & PH set for 6/20/24

M. Liguori made a motion to approve the application with the Conditions below:

CONDITIONS:

1. This approval exclusively applies to the construction of a detached garage that includes a second floor not to be used as an Accessory Apartment or an additional unit. No change in use from the approved single family home is a part of this application and the addition of any units or an accessory apartment would need to be approved by the Planning & Zoning Commission.
2. Prior to the start of construction the following shall be completed to the satisfaction of the Zoning Enforcement Officer:
 - a. Erosion control measures shall be installed and maintained throughout construction, if deemed necessary.
 - b. As may be directed by the Zoning Enforcement Officer, necessary measures to control any dust generated by fill brought into the site or movement of earth material on site shall be implemented.
3. To reduce glare, any proposed lighting 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.

J. Vaiuso seconded the motion which passed unanimously.

7. Sue & Steffen Lunde-Applicants & Owners
32 Wood Road
Special Exception & CAM- Single Family Residence within 100 feet of a coastal resource & Grading (Sec. 6.8)
Application #24-4.3
A/R 4/18/24 & PH opened 5/16/24 & continued to 6/20/24

The commission had a discussion and a few revisions were made to the staff report.

M. Liguori made a motion to approve the application with the Findings and 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.
2. The “proposed outdoor shower with drain” shall solely consist of pavers/patio flush with the proposed grade and a fence under 6 feet in height within the side setback or shall be removed from the site plan.
3. No blasting is proposed or authorized as part of this application.

CONDITIONS:

1. Prior to the start of construction, the demolition of the existing single family home, the issuance of a zoning permit or the zoning authorization of the issuance of a Building Permit the following shall be completed to the satisfaction of the Zoning Enforcement Officer and maintained throughout the project:
 - a. The applicant shall install tree protection measures consistent with Section 6.3.C for all trees within 40 feet of any construction activity.
 - b. Erosion control measures shall be installed and maintained throughout construction.
 - c. As may be directed by the Zoning Enforcement Officer, necessary measures to control any dust generated by fill brought into the site or movement of earth material on site shall be implemented.
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. Prior to the issuance of any Certificate of Zoning Compliance or the zoning authorization for the issuance of any Certificate of Occupancy the following shall be completed to the satisfaction of the Town Planner or his designee:
 - a. The applicant shall install a vegetated buffer in the areas marked as “existing lawn area to be vegetated with appropriate & salt tolerant plant species consistent with DEEP Guidelines.” This buffer shall consist of plantings that are salt tolerant native species suited to the coastal resource buffer environment.
 - b. The applicant shall plant three replacement trees of the same species as the three significant trees proposed to be removed.
4. No construction vehicles or equipment shall be parked, placed or stored for any amount of time off the property at 32 Wood Road.

J. Vaiuso seconded the motion which passed unanimously.

OLD BUSINESS:

1. 23 North Main LLC, c/o Dan Iammuno-Applicant & Owner
23 North Main Street
Special Exception-Automobile Washing and/or Lubricating & Detailing
Application #24-5.2
A/R 5/16/24 & PH set for 7/18/24
2. Faulkner Island Development LLC-Applicant
Anthony J. Lasala (Trustee)-Owner
1201 West Main Street
Special Exception & Coastal Site Plan - Motor Vehicle Service
Application #24-5.4
A/R & PH set for 7/18/24
3. East Main Street (American Polyfilm Inc) c/o Matthew Cassella –
Applicant & Owner
755 East Main Street
Site Plan Modification-Addition to building for Manufacturing Use
& change/reduction to parking
Application #24-5.7
A/R 6/6/24

Jeremy Gannon (Criscuolo Engineering) represented the applicant and reviewed the site plan. He explained the application was an extension of the pallet shed. He requested a waiver of the sidewalk requirement for the front of the building.

H. Smith reviewed the site plan and the staff report. He referred to the prior approval on this parcel from 2013 and how the commission spoke of it in the decision letter.

The commission had a discussion about sidewalks and the consensus was that yes, sidewalks are needed.

J. Vaiuso made a motion to approve the application with the Findings and Conditions below:

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 Zoning Enforcement Officer:
 - a. To reduce glare, all existing (and any proposed) 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. Information on all building mounted light fixtures shall be provided including cut sheets with all model choices indicated and an updated photometric plan 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.
 - b. Revision to the last approved Landscaping Plan (dated 11/2/17, last revised 4/4/18) “Approved Landscaping Plan” shall be submitted showing all of the required and necessary information on the existing trees and other plantings (as they may deviate from those shown on Approved Landscaping Plan) between the building and parking lot and Route 1/E. Main Street as well as along the western property line for review and approval by the Town Planner or, at the applicant’s discretion, the some or all of these plantings may be replaced to conform to the Approved Landscaping Plan. The missing plantings along the western property line shall be replaced in accordance with the Approved Landscaping Plan.
 - c. *The plans shall be amended to include additional landscaping (non-woody native vegetation consisting of grasses and shrubs that do not interfere with the drainage swale) in the area along the southern portion of the site and the adjoining Town property located south of it as required by Section 6.3.G. 1.*
 - d. *The note required by Section 6.5.J. shall be added to the modified site plan.*
 - e. *A sidewalk along Route 1/E. Main Street frontage shall be added to the submitted Site Plan Modification to comply with Section 6.15.D.*

1. Prior to the issuance of any Certificate of Zoning Compliance or the zoning authorization for the issuance of any Certificate of Occupancy the following shall be addressed to the satisfaction of the Zoning Enforcement Officer:
 - a. The completion of all site work or an appropriate bond established per Section 9.6.G.
 - b. Submittal of final as-builts of the development.

M. Liguori seconded the motion which passed unanimously.

4. Pent Road LLC, c/o Joe Lepre-Applicant & Owner
28 Kirkham St.(0 Elm St)
Special Exception-Two Family Dwelling(s)
Application#24-5.9
A/R 6/6/24 & PH set for 7/18/24

5. Linda Casanova-Applicant & Owner
68 Gould Lane
Special Exception-Accessory Apartment
Application #24-5.11
A/R 6/6/24 & PH set for 7/18/24

NEW BUSINESS:

1. Kevin Rocco-Applicant & Owner
10 Wakefield Rd.
Special Exception & Coastal Site Plan-
Single Family Residence
Application #24-6.3
To be A/R & PH to be set

2. CP Branford LLC c/o Attorney John Knuff-Applicant
Stop & Shop Supermarket Co. aka Twiss Realty Co. Inc-Owner
329 East Main Street aka 325 East Main Street
PDD Master Plan
Application #24-6.4
To be A/R & PH to be set

3. CP Branford LLC c/o Attorney John Knuff-Applicant
Stop & Shop Supermarket Co. aka Twiss Realty Co. Inc-Owner
329 East Main Street aka 325 East Main Street
PDD Site Plan
Application #24-6.5
To be A/R

4. CP Branford LLC c/o Attorney John Knuff-Applicant
Stop & Shop Supermarket Co. aka Twiss Realty Co. Inc-Owner
329 East Main Street aka 325 East Main Street
Special Exception -Grading (Sec. 6.8)
Application #24-6.6
To be A/R & PH to be set

5. CP Branford LLC c/o Attorney John Knuff-Applicant
Stop & Shop Supermarket Co. aka Twiss Realty Co. Inc-Owner
329 East Main Street aka 325 East Main Street
3 Lot Subdivision
Application #24-6.7
To be A/R

H. Smith suggested these items have a public hearing date of July 18, 2024. He noted that the Town Engineer (John Hoeffler) is recommending a peer review. The commission agreed that a peer review should be done.

OTHER BUSINESS:

1. Request for an extension of the completion date for the Special Exception (PZ#22-1.4) & Grading (Sec 6.8) at 14,16,& 0 Buckley Road
Montowese Building Group, LLC-Applicant
John & Anne Hines-Owners of 14 Buckley Road

H. Smith reviewed this request explaining that the applicant is requesting an extension of time to complete the grading. He noted that the prior time frame was suspended because this was involved in a court case.

J. Vaiuso made a motion to approve the extension.

M. Liguori seconded the motion which passed unanimously.

2. Bond Establishment – 245 East Main Street

E. Breining explained that this is a bond for site lighting that needs to be completed,

S. Huttner made a motion to establish the bond.

M. Liguori seconded the motion which passed unanimously.

3. Planner's Report

H. Smith noted that minutes from the two Landscaping subcommittee meeting were sent out in the prior meeting packet. Since many of the commissioners are absent tonight, he will review these at the next meeting when everyone is present .

He mentioned that the landscape committee will meet next on July 8 for their third time.

He also noted that he will be attending the Board of Finance meeting next week to request a

Transfer of funds to hire a consultant to help out with working on updating some sections of the regulations.

Then, he asked the commission for their thoughts in having an additional meeting after the regularly scheduled one on July 18. Perhaps to hear the Regal Cinema resubmission applications? He mentioned a few possible available dates.

Chairperson Andres suggested waiting until the next meeting when everyone is present to talk about the possibility of having a special meeting in August.

H. Smith asked if we should survey the commission for the possibility of August 8 meeting and Chairperson Andres agreed.

The meeting adjourned at 9:45 pm