



PLANNING AND ZONING COMMISSION

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MINUTES PLANNING & ZONING COMMISSION THURSDAY MAY 16, 2024 REGULAR MEETING 7:00 PM

This meeting was held remotely, solely via ZOOM.

Commissioners Present: C. Andres, J. Chadwick, F. Russo, S. Huttner, M. Liguori, M. Palluzzi

Commissioners Absent: J. Vaiuso

Staff Present: H. Smith (Town Planner), E. Breining (Asst. Town Planner), M. Martin (clerk)

The meeting started at 7:01 pm

Chairperson Andres introduced the commission and staff present.

H. Smith noted that since J. Vaiuso is absent, it is S. Huttner's turn to vote.

Secretary F. Russo read the public hearing notices into the record.

Chairperson Andres reviewed the public hearing procedures.

E. Breining explained how to participate in the public hearing.

PUBLIC HEARINGS:

1. Nuzzo Properties LLC c/o James J. Perito, Esq.- Applicant
Zoning Regulation Amendment- Remove Section 7.19.B.6 to delete the Twenty (20) event limit for the "Non-Agricultural Farm Events" Accessory Use in the Industrial Zones (IG-1 & IG-2)
Application #24-3.3
A/R 4/4/24 & PH set 5/16/24

Attorney James Perito (Halloran & Sage) represented the applicants and gave a brief history of the applicants' prior application.

In this application, they are seeking to remove the 20 nonfarm event limit that was placed on their prior approval.

He spoke of the number of current events and the number of people attending the events and noted that there have been no issues or complaints received from any of the events that have been held.

H. Smith gave a brief history of the site and spoke of the concerns he had. He stated that more information was needed as to how many events does the applicant want , would they be large or small events, etc.

The commission had a discussion and asked some questions.

Chairperson Andres noted that the SCROG letter was mainly concerned about noise issues. He asked a few questions.

Attorney Perito responded to some of the comments and suggested that the public hearing be continued to the next meeting and he and the applicants would meet with town staff to address the concerns.

PUBLIC INPUT:

1. Perry Maresca- (Branford Economic & Business Development Manager)
He is concerned that a business is being limited to the number of events they can have per year. Neighboring towns have farms that have multiple events. He noted that what the applicant is requesting is not unique to the area or the town. He said earlier that day, CT tourism representatives visited Branford and met with businesses and tourist attractions, and they noted that people are coming to Branford .

Chairperson Andres said the public hearing will be continued to the June 6 meeting.

2. 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 set for 5/16/24

Chairperson Andres noted that we have received a few letters from the neighbors .

Denise Von Dassel (Architect for the applicants) spoke and said the applicants request that this matter be continued to the next meeting so that they can address the concerns noted in the staff Report.

Chairperson Andres said this item is being continued to the June 6 meeting.

3. Lisa Vita Williams-Applicant & Owner
16 Wellsweep Road
Special Exception- Accessory Apartment
Application #24-4.4
A/R 4/18/24 & PH set for 5/16/24

Lisa Vita Williams (Applicant) spoke and said this apartment is in her home and is for her mother. She meets all the requirements for an accessory apartment.

E. Breining reviewed the staff report.

PUBLIC INPUT: No one spoke.

Chairperson Andres closed the public hearing.

4. 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 set for 5/16/24
5. 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 set for 5/16/24
6. 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 set for 5/16/24

Public Hearing items #4,5, and 6 were discussed together.
Attorney Meaghan Miles (Carmody, Torrance, Sandak & Hennessey) represented the Applicant and introduced the team that was present: Tony Bolduc (Engineer from Stevens & Associates), Sue fields (Landscape Designer), Joe Godio(on behalf of the applicant) and Russ Campaigne (CK Architects).

She noted that this application seeks to modify a prior approval from 2 units to 4 units. She briefly reviewed each application. She then presented a PowerPoint which gave a history of

the site. She also noted that they are requesting a waiver of the requirement for a landscape architect. She hopes that can be discussed at this meeting.

Tony Bolduc spoke next and responded to the comments they received in the staff report. He reviewed the site plan also. He also responded to the Town Engineers' comments.

Sue Fields -Landscape Designer- spoke next and gave her professional credentials. She reviewed the landscape plan .

Russell Campaigne reviewed the lighting plan and floor and architectural plans.

Attorney Miles gave a few closing comments.

E. Breining reviewed the staff report.

M. Palluzzi noted she was impressed with Sue Fields credentials, and she supports the plan that was presented.

H. Smith added a few comments and noted for the record that commissioner Marci Paluzzi is a licensed landscape architect in the state of CT.

PUBLIC INPUT:

1. Attorney Marjorie Shansky- She is representing the neighbors Barbara Chesler and Karen Dohl. She noted that the aerial photos that were displayed earlier in the presentation were notable for the amount of vegetation that was on the site, including the tree that E. Breining referred to which needs to be replaced. The directive for the tree to be identified on the plans is appreciated. She spoke of the regulations pertaining to the height of the garages. They would provide a barrier to the tidal marsh and the additional height would impair views access. She's trying to keep the water and marsh views from being privatized. She spoke of lighting, and plantings . Her clients would like a taller barrier of plantings. Also, can the Eversource pole be relocated? Also, maybe a higher level of stewardship of the property can occur now.
2. Barbara Chesler- (abutting neighbor)- She wanted to add , this has been a long process. She has been there 25 years, and this is important to them. She noted, who is maintaining the property now until construction begins? It is a blight situation. This street is a tight knit community. The new plans include garages that will eliminate the green space. She would like to create a buffer along the property line to help with headlight glare. She is also concerned with the runoff from the property . She hopes the new owner will follow the DEEP guidelines and also maintain the property now until the construction begins.
3. Dan Bullard- (Stony Creek Assn. & resident of Stony Creek) He said he is requesting that the property be maintained during construction. He doesn't understand the garage height . And he noted he is concerned about the lighting.

Attorney Miles added a few comments.

E. Breining asked the commission if they would make a decision regarding the applicants request for a landscape architect waiver.

The commission discussed this and the consensus was that they granted the waiver for a landscape architect.

Chairperson Andres noted that these items are continued to the next meeting .

7. Paula Murphy-Applicant & Owner
35 East Main Street
Special Exception- Accessory Apartment
Application #24-4.8
A/R 4/18/24 & PH set for 5/16/24

The applicant requested that this public hearing be opened and continued to the June 6, 2024 meeting.

MINUTES: May 2, 2024

H. Smith noted he wants to review these further. They can be approved at the June 6, 2024 meeting.

CORRESPONDENCE: None

RETURN TO TABLE:

1. Lisa Vita Williams-Applicant & Owner
16 Wellsweep Road
Special Exception- Accessory Apartment
Application #24-4.4
A/R 4/18/24 & PH set for 5/16/24

F. Russo 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, 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.
2. The owner of the accessory apartment property must file a deed restriction on the land records requiring that the unit, if rented be rented at or below prices that would qualify the apartment as "affordable housing" as defined in CGS Section 8-30g. The deed restriction is to be reviewed by the Town Counsel or follow his approved format with evidence that the recording of executed deed is the deed restriction version approved by the Town Counsel or that follows his approved format.

J. Chadwick seconded the motion which passed unanimously.

OLD BUSINESS:

1. 31-33 Flax Mill Road LLC, c/o Kevin O' Neill-
Applicant & Owner
Special Exception- Grading (Sec. 6.8)
33 Flax Mill Road
Application #24-4.9
To be A/R & PH to be set

Public Hearing will be June 6, 2024

2. 31-33 Flax Mill Road LLC, c/o Kevin O' Neill-
Applicant & Owner
Site Plan -Off-Street Parking Facility
33 Flax Mill Road
Application #24-4.10
To be A/R & PH to be set (with associated application for Special Exception above)

Public Hearing will be June 6, 2024

NEW BUSINESS:

1. Parkside Village I LLC, c/o Andrea Gomes-Applicant
Branford Housing Authority-Owner
Site Plan Modification per CGS Section 8-30g – (Affordable Housing Land Use Appeals)
Multi-Family Residential
115 South Montowese Street
Application #24-5.1
To be A/R

H. Smith noted this application was the subject of a public hearing when it was originally approved . A site plan does not require a public hearing but it's within the commissions prevue to hold a public hearing if they choose to. He suggested they discuss that before any information is presented.

Chairperson Andres said it may be helpful to hear the proposal and then they can decide.

Attorney Andrea Gomes (Hinkley & Allen, Hartford) represented the applicant and noted that Emily Bouton (Senior Development Director at Beacon Communities) and Paul Santos (Newman Architects) were also present. She gave an overview of the modification explaining that this application has to do with a note that was added to the site plan in 2017. She then gave some background saying in 2019 the commission approved the final resolution for the site of a 67 muti family community under 8-30G and it was subject to a number of conditions. The note she mentioned was added at the request of town staff. The note provided that the existing residents of Parkside Village could be moved into the new building upon issuance of a temporary certificate of occupancy new residents could not be moved into the new building until a final co was issued. So, Beacon now has its temporary certificate of occupancy in March and in April, it relocated 30 residents into the new building. The final stages of construction include the new parking lot, those 30 people are parking in the spot to the west of the property in Sliney Field. She highlighted a colored plan. She noted of the 30 residents, only 12 people have cars, so there are 10 vacant spots not being used. Beacon limits each unit to one car on site and any unit that wishes to have a car, must pre-register the car with management in advance. So, 37 of the units remain vacant. According to the plan note, the 10 vacant spaces will remain until a final certificate of occupancy is issued.

The reason they are at the meeting is to ask the commission to delete that site plan note and permit the applicant to move new residents into the 37 vacant units on a rolling basis until the parking areas are full . She spoke of the one car per unit rule and the pre-registration of vehicles per unit stating that Beacon will be able to monitor the parking accurately on a daily. Placards will also be issued for each car on site.

If this is approved, Beacon would provide staff with weekly updates on how many people have been moved into the building and the number of parking spaces being utilized.

She noted there is a schedule of what parking spaces will be available and when as the final stages of construction are completed. She then reviewed the schedule and showed the site plan. She reminded them that this is a temporary parking arrangement and she asked for a decision tonight.

Chairperson Andres asked the commission if they wanted to have a public hearing. They

discussed this and the final consensus was to not have a public hearing for this item.

The commission then discussed this item and asked Andrea Gomes a few questions. Emily Bouton- Spoke and stated that Beacon has to finish this project, and they have to convert to permanent financing. They currently have a construction loan that will end in 2025 and they will have to convert to their permanent long term mortgage.

The commission had a lengthy discussion and asked Attorney Gomes questions to which she responded.

H. Smith added some comments an asked a few questions.

J. Chadwick made a motion to approve the site plan modification which involves deleting the note and subject to the certifications and representations in the letter submitted by Beacon.

F. Russo seconded the motion which passed unanimously.

2. 23 North Main LLC, c/o Dan Iammuno-Applicant & Owner
Special Exception-Autobody Repair
23 North Main Street
Application #24-5.2
To be A/R & PH to be set

Staff will set the public hearing.

3. Planning & Zoning Commission-Applicant
Zoning Regulation Amendment-
Modify Sections 2.2,3.3 & 7.6 Re: Family & Group Child Care Homes to conform to PA 23-142
Application #24-5.3
To be A/R & PH to be set

H. Smith stated the Public Hearing will be June 20, 2024.

OTHER BUSINESS:

1. Planner's Report

H. Smith noted that the Landscaping Subcommittee had their first meeting on May 6 and the second meeting is planned for the first week in June. He will report back to the commission after that to give an update.