

**BERLIN PLANNING AND ZONING COMMISSION MEETING MINUTES  
JUNE 1, 2023**

**I Call to Order**

The Town of Berlin, CT Planning and Zoning Commission held a Regular Meeting on Thursday, June 1, 2023, at 7:00 p.m. in the Town Council Chambers, Berlin Town Hall, 240 Kensington Road, Berlin, CT. The meeting was available in person or remotely by video or telephone.

**II Pledge of Allegiance**

Those in attendance stood for the Pledge of Allegiance.

**III Roll Call**

In attendance

Chairwoman Joan Veley

Commissioners June Daly; Andra Millerd; Diane Jorsey; Brian Rogan; Scott Hamel  
Timothy Zigmont (remote – left the meeting at 8:30 as noted in the minutes)  
Alternate Commissioners Steve Biella, Jr. (remote); John Diakun

Maureen Giusti, AICP, Town Planner

Dylan Willette, ENV SP, Assistant Town Planner

Attorney Jennifer Coppola, Town Counsel

**V Review and Approval of Minutes**

- a. May 18, 2023 (Daly, Millerd, Jorsey, Zigmont, Rogan, Veley, Hamel, Biella, Diakun)

Commissioner Jorsey moved to approve the minutes, as submitted.  
Commissioner Millerd seconded the motion which carried unanimously.

**IV Executive Session**

Commissioner Rogan moved to go into Executive Session, inviting both Attorney Coppola, Town Planner Giusti, and Assistant Town Planner Willette. The motion was seconded by Commissioner Jorsey and carried unanimously.  
The time was 7:11 p.m.

- Discuss the status of the pending litigation of Little House Living, LLC v. Berlin Planning & Zoning Commission and Town of Berlin (Docket No. HHD-CV23-6165456-S) and possible action relating to same.
- Consider whether to convene in executive session to discuss the status of the pending litigation of Little House Living, LLC v. Berlin Planning & Zoning Commission and Town of Berlin (Docket No. HHD-CV23-6165456-S).

RECEIVED FOR RECORD  
BERLIN TOWN CLERK

2023 AUG 14 PM 2:19

*Kathy G. Wall*  
BERLIN, CT.

Commissioner Jorsey moved to come out of Executive Session.  
The motion was seconded by Commissioner Millerd and carried unanimously.  
The time was 8:37 P.M.

Commissioner Jorsey moved to amend the agenda and add reconsideration of May 18, 2023 decision on whether to receive the “two-part application” of 1906 Berlin LLC, including the proposed:

- i. Zone Text Amendment to create new Section XI, Planned Residential Infill Development — Inclusionary Multi-Family Residential Use with a Housing Opportunity or Workforce Housing Component" prepared by Christopher J. Smith Esq., Alter & Pearson, LLC.; and,
- ii. Site Plan Application, Sprucebrook Apartments of Patrick Snow, 1906 Berlin LLC at 1906 Berlin Turnpike for demolition of all existing structures and pavements as proposed by infilling, grading and construction of multi-family structures various underground utilities and paved parking areas.

Commissioner Rogan seconded the motion.

Voting in favor: Commissioners Daly; Millerd; Jorsey; Rogan; Hamel; Zigmont

Voting in opposition: Chairwoman Joan Veley

Commissioner Jorsey moved to amend the agenda and add reconsideration of May 18, 2023 decision whether to receive the “two-part application” of Little House Living LLC, for:

- i. Zone Text Amendment to create new Section XI, Planned Residential Infill Development — Inclusionary Multi-Family Residential Use with a Housing Opportunity or Workforce Housing Component" prepared by Christopher J. Smith Esq., Alter & Pearson, LLC.; and,
- ii. Site Plan Application, of the Bungalows at 1676 Berlin Turnpike for a 20 unit multi-family residential community

Commissioner Rogan seconded the motion.

Voting in favor: Commissioners Daly; Millerd; Jorsey; Rogan; Hamel; Zigmont

Voting in opposition: Chairwoman Joan Veley

Commissioner Jorsey moved to rescind the May 18, 2023 decision of the Commission to not receive the “two-part application” for:

- i. Zone Text Amendment to create new Section XI, Planned Residential Infill Development — Inclusionary Multi-Family Residential Use with a Housing Opportunity or Workforce Housing Component" prepared by Christopher J. Smith Esq., Alter & Pearson, LLC.; and,
- ii. Site Plan Application, of Sprucebrook Apartments of Patrick Snow, 1906 Berlin LLC at 1906 Berlin Turnpike for demolition of all existing structures and pavements as proposed by infilling, grading and construction of multi-family structures various underground utilities and paved parking areas.

Commissioner Jorsey clarified it should be noted for the record the original motion that was voted upon was to receive two applications. The motion had failed to carry. We are now moving to rescind that decision and receive the applications.

Commissioner Rogan seconded the motion.

Voting in favor: Commissioners Daly; Millerd; Jorsey; Rogan; Hamel; Zigmont

Voting in opposition: Chairwoman Joan Veley

Commissioner Jorsey moved to rescind the May 18, 2023 decision of the Commission to not receive the “two-part application” for:

- i. Zone Text Amendment to create new Section XI, Planned Residential Infill Development — Inclusionary Multi-Family Residential Use with a Housing Opportunity or Workforce Housing Component" prepared by Christopher J. Smith Esq., Alter & Pearson, LLC.; and,
- ii. Site Plan Application for the Bungalows at 1676 Berlin Turnpike for a 20 unit multi-family residential community

Commissioner Jorsey clarified it should be noted for the record the original motion that was voted upon was to receive two applications. The motion had failed to carry. We are now moving to rescind that decision and receive the applications.

Commissioner Rogan seconded the motion.

Voting in favor: Commissioners Daly; Millerd; Jorsey; Rogan; Hamel; Zigmont; Biella

Voting in opposition: Chairwoman Joan Veley

Commissioner Zigmont (via remote) clarified that his votes were in favor of the motions.

Commissioner Jorsey moved to schedule a public hearing for the proposed:

- a. Zone Text Amendment of 1906 Berlin Turnpike to create new Section XI, Planned Residential Infill Development — Inclusionary Multi-Family Residential Use with a Housing Opportunity or Workforce Housing Component" prepared by Christopher J. Smith Esq., Alter & Pearson, LLC.

Ms. Giusti stated the hearing should be opened by July 8, 2023 which is the deadline of 65 days. She suggested July 6, 2023 for the public hearing date.

Commissioner Jorsey stated the date of July 6, 2023 for the date of the public hearing.

Commissioner Rogan seconded the motion which carried unanimously.

Commissioner Jorsey moved to schedule a public hearing for:

- i. Site Plan Application, of Sprucebrook Apartments of Patrick Snow, 1906 Berlin LLC at 1906 Berlin Turnpike for demolition of all existing structures and pavements as

proposed by infilling, grading and construction of multi family structures various underground utilities and paved parking areas.

Referring to the separate 2-part applications, Ms. Giusti stated due to the complexity of the review, July 20<sup>th</sup> may be a preferable date for the other applications and will provide an opportunity to keep the record separate and clear.

Commissioner Jorsey stated the date of July 20, 2023 for the public hearing

Commissioner Rogan seconded the motion which carried unanimously.

- Zone Text Amendment of 1676 Berlin to create new Section XI, Planned Residential Infill Development — Inclusionary Multi-Family Residential Use with a Housing Opportunity or Workforce Housing Component" prepared by Christopher J. Smith Esq. Alter & Pearson, LLC.

Ms. Giusti suggested the date of July 20, 2023.

Commissioner Jorsey moved to schedule the text amendment public hearing to July 20, 2023.

#### Discussion

Ms. Giusti clarified that the text amendment appears to be the same for both applications.

Commissioner Jorsey stated her motion is for July 20, 2023. Commissioner Rogan seconded the motion for July 20, 2023 which carried unanimously.

The motion carried unanimously.

- Site Plan Application, for the Bungalows at 1676 Berlin Turnpike for a 20 unit multi-family residential community

Commissioner Jorsey moved to schedule a public hearing for July 20, 2023.

Commissioner Rogan seconded the motion which carried unanimously.

Ms. Giusti asked the commission for their opinion regarding a consultant for the applications. She stated at a BAR Association Land Use Seminar they had recently attended the subject of hiring a consultant for technical and legal assistance for certain applications, including Affordable Housing, was recommended and allowed, as also stated in the Connecticut General Statutes and Berlin Zoning Regulations.

Commissioner Jorsey moved to hire a consultant for the applications.  
Commissioner Rogan seconded the motion.

### Discussion

Ms. Giusti stated if hired, the applicant will provide funds and one and one-half rate and any leftover funds will be returned to the applicant.

The motion carried unanimously.

## **VI Request for Bond Reductions/Releases**

- a. Request of Pat Snow for a release of the Erosion and Sedimentation Bond, Finisher's Court, 319 Main Street, East Berlin

Ms. Giusti stated Deputy Director of Public Works advises that all work has been completed and this bond may be released.

Commissioner Jorsey moved to release the bond.

Commissioners Hamel seconded the motion which carried unanimously.

- b. Request of Pat Snow for a release of the Site Bond, Finisher's Court, 319 Main Street, East Berlin

Ms. Giusti stated Deputy Director of Public Works advises that all work has been completed and this bond may be released.

Commissioner Jorsey moved to release the bond.

Commissioners Hamel seconded the motion which carried unanimously.

## **VII Schedule Public Hearing**

- a. Subdivision Application of M. Konferowicz for 3 residential lots at Map 11-1; Block 127; Lot 16; 235 Wethersfield Rd. (Suggested Date: TBD, must open 7/22)

Commissioner Jorsey moved to schedule the public hearing for July 6, 2023.

Commissioner Rogan seconded the motion which carried unanimously.

## **VIII New Business**

- a. Site Plan Application of PDS Serafino Calafiore, PDS Engineering and Construction, Inc. for a proposed 7,250 sq. ft. addition with parking lot expansion, Map 4-3, Block 81, Lot 3A, 400 Christian Lane (must decide 7/7/23)

Mr. Bart Bovee, P.E., HE Cole, Plantsville, CT stated the site is the home of DelMar Products, and the proposal is to add the addition to the rear to the rear of the property. Parking will be added; however the applicant is requesting that the rear parking spaces be deferred at this time. Inland Wetlands and WaterCourses approval has been received. Some outbuildings will be

relocated. He submitted building elevation plans consistent with existing style and materials. The entire addition will be a warehouse facility. Water and sewer are on the site.

Mr. Chris Edge, Director of Economic Development, spoke in favor of the application.

Ms. Giusti stated the Town Engineer's comments are pending and he has stated any concerns could be addressed during permitting. She reviewed staff comments. When the outbuildings are relocated, they should be shown on the plans, as well as relocation of any parking spaces for zoning compliance review.

Commissioner Rogan moved to approve the application, including staff comments, with deferral of the 28 parking spaces. Commissioner Hamel seconded the motion which carried unanimously.

- b. Site Plan Amendment Application of Luke McCoy, PLA, Kaestle Boos Associates, Inc. for renovations to Biscoglio Field at Berlin High School, 139 Patterson Way (must decide 7/7/23)

Mr. McCoy joined the meeting remotely. He stated the project for the site includes renovations to the existing field and walkways. He stated the lighting will be portable as currently used and can be angled down into the field. The scoreboard is proposed as shown; and if that changes, the applicant will come back to the commission. The project will begin as soon as approval is received from this commission and will finish in the Fall. At this time, there are no bleachers, press box, or audio improvements proposed as part of this project. The track will have minor repairs but will not be resurfaced.

Ms. Giusti stated there is an existing sanitary sewer line under the track which is in the Worthington Fire District. Any disturbance to the line should be coordinated with WFD and protective measures put in place to their satisfaction. She stated she had discussed this the Town Engineer Ahern and the Ray Jarema, Berlin Water Control, and they agreed with that recommendation.

Mr. McCoy stated 4,000 c.y. of material will be removed and 3,000 c.y. of material will be brought in.

Ms. Giusti stated the soil to be removed would be in part stockpiled for use by the town.

In response to Chairwoman Veley's questions regarding truck traffic, Mr. McCoy stated the work will be not be consistent, but on-going, and done during a limited period of each time.

Ms. Giusti suggested coordination of routes with Town Engineer could be a condition of approval.

Speaker (remotely) stated the lighting has not been addressed.

Chairwoman Veley noted the item is not a public hearing and stated the lighting will be portable and brought in and directed downward.

Mr. McCoy stated he will find out if the lighting is shielded.

Commissioner Rogan moved to approve, with staff comments, including staff comments and lighting be reviewed for compliance, and trucks' taking care not to bang their tailgates when off loading materials.

Commissioner Jorsey seconded the motion which carried unanimously.

## **IX Public Hearings**

- a. Proposed Amendment of Planning and Zoning Staff to Berlin Zoning Regulations Section XI.DD Planned Residential Infill Development  
(Public Hearing opened January 19, 2023; 2/2/23; 2/16/23; 3/2/23;4/20/23; 5/4/23; 5/18/23; 6/1/23)

Ms. Giusti distributed a summary for this application and reviewed the information.

There were no speakers from the public.

Commissioner Rogan moved to continue the public hearing to June 15, 2023.

Commissioner Jorsey seconded the motion which carried unanimously.

## **X Old Business**

- a. Zone Change Application of Ralph Y. Ed-Hayek, member CRL Hayek LLC to change the zone of Map 16-1 Block 106 Lots 27, 27A and 27B, Berlin Turnpike from Berlin Turnpike-2 (BT-2), SP-DD2 Overlay to Berlin Turnpike-1 (BT-1) Zone (April 20, 2023; 5/18/23 closed) (must decide by 7/22/23)

Commissioner Diakun was seated.

Commissioner Rogan stated he is not opposed to the proposal; however, he would prefer to keep the SPDD2 zoning in effect.

Commissioner Jorsey agreed with the idea of increasing the development opportunities in this area. She recalled some discussion to limiting development on the eastern side of the turnpike; but that should not be a limiting factor in this case and future expansion may happen when the Plan of Conservation and Development is adopted.

Chairwoman Veley stated a concern that the Plan of Conservation and Development is pending. She stated she doesn't see a compelling argument to change the zone which would be considering.

Commissioner Diakun moved to approve the application, as modified.  
Commissioner Jorsey seconded the motion which carried unanimously.

Commissioner Rogan amended Commissioner Diakun's motion to state the SPDD2 overlay will remain in place.  
Commissioner Jorsey seconded the amended motion.

The amended motion carried four in favor to three in opposition.  
Voting in favor: Commissioners Daley; Rogan; Hamel; Diakun  
Voting in opposition: Commissioners Jorsey; Veley; and Biella

- b. Proposed Amendment of Planning and Zoning Staff to Berlin Zoning Regulations  
Section XI.DD Planned Residential Infill Development  
(Public Hearing opened January 19, 2023; 2/2/23; 2/16/23; 3/2/23;4/20/23;  
5/4/23; 5/18/23;6/1/23)

No action or discussion – continued to June 15, 2023.

## **XI Planner Comments**

There were no comments.

## **XII Adjournment**

Commissioner Jorsey moved to adjourn.  
Commissioner Diakun seconded the motion which carried unanimously.  
The time was 10:00 p.m.

Respectfully submitted,

Frances M. Semnoski

Recording Secretary