

**BERLIN PLANNING AND ZONING COMMISSION MINUTES
AUGUST 3, 2023 MINUTES**

I Call to Order

The Town of Berlin, CT Planning and Zoning Commission held a Regular Meeting on Thursday, August 3, 2023, at 7:00 p.m. in the Town Council Chambers, Berlin Town Hall, 240 Kensington Road, Berlin, CT. Attendance was available either in person, 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; Scott Hamel; Andra Millerd; Diane Jorsey; Brian Rogan (remote); Timothy Zigmont;

Alternate Commissioners John Diakun

Town Planner Maureen Giusti, AICP

Town Counsel Jennifer Coppola

Excused

Alternate Commissioner Steve Biella, Jr.

IV Request for Bond Release

- a. Request of Earl Wicklund for a bond release, paving of parking lot,
120 Webster Square Road

Ms. Giusti stated Deputy Director of Public Works Jim Horbal has advised the bond may be released.

Commissioner Jorsey moved to release the bond. Commissioner Zigmont seconded the motion which carried unanimously.

V Public Hearings

- a. Subdivision Application of M. Konferowicz for 3 residential lots at Map 11-1;
Block 127; Lot 16; 235 Wethersfield Road (PH 7/6/2023) (Continued to 8/17/23
at request of applicant) NO TESTIMONY ON 8/3/2023

Commissioner Jorsey read the Call of the Hearing.

RECEIVED FOR RECORD
BERLIN TOWN CLERK

2023 AUG 14 PM 2:18

Kathryn Wall

BERLIN, CT

Ms. Giusti stated the applicant has reported they are working with their engineer and have requested a continuance to August 17, 2023.

Commissioner Zigmont moved to continue the agenda item to August 17, 2023.

Commissioner Hamel seconded the motion which carried unanimously.

- b. Application of Anthony Valenti on behalf of Newport 848 Farmington Avenue LLC for Proposed Text Amendment of the Berlin Zoning Regulations, Section VIII.F. Kensington Overlay Zone, subsection 3.b. Special Permit Uses – Village Core Area 2, and subsection 7. Affordability Guidelines (PH opened 7/20/23 must close 8/24/23)

Mr. Mark Lovely, Newport Realty, Plantsville, CT, stated the building in the rear of the property would not have any commercial use occupancy; the allowable 7 units would be on an acre; 20 percent of the units will be “affordable”; including the parcel on 848 Farmington Avenue, another 6 parcels would be included in Core Area 2 and there could be 1 to 3 units with a total of 14 units. He stated this agrees with the Plan of Conservation and Development.

Ms. Giusti distributed a map created by the Assistant Town Planner showing an analysis of the amendment.

(technical issue – No. 5 of recording did not record)

Speakers

Male Speaker, Beckley Road, spoke in favor of the application.

Mr. Mark Kaczynski, Mayor of Berlin, spoke in support of the application. He stated ten additional units would not over burden the area and fit in well with the character of the area.

Ms. Sandy Coppola, 66 Heritage Drive, spoke in support of the amendment. She was in favor of the affordable units being ground floor units and the proposed amendment would allow Berlin to come closer to the ten percent goal for affordable housing.

Ms. Giusti stated there is an anticipated 50 percent of the units to be designated as affordable and deed restricted; however the text states 20 percent. She reviewed her staff report.

Commissioner Rogan moved to close the hearing.

Commissioner Jorsey seconded the motion which carried unanimously.

- c. Sunny Border Subdivision application of Pistol Brook Holdings, LLC for property of Pierre Bennerup and Susan Sawicki at 1709 Kensington Road (Map

20-4; Block 72; Lot 9) to create four residential lots in the R-86 Zone. (Must open by 8/19/2023) POSTPONED TO 8/17/23 Per Agreement with Applicant

Ms. Giusti stated the applicant recognized the size of the agenda and has asked for postponement of the hearing with their consent.

Commissioner Jorsey moved to continue the public hearing to August 17, 2023.

Commissioner Zigmont seconded the motion which carried unanimously.

- d. Applications of 1906 Berlin LLC prepared by Christopher J. Smith Esq., Alter & Pearson, LLC submitted pursuant to Connecticut General Statutes §8-30g.

Affordable Housing Land Use Appeals

- i. Proposed zone text amendment to create new §XI. EE. “Planned Residential Infill Development — Inclusionary Multi-Family Residential Use with a Housing Opportunity or Workforce Housing Component” (Opened 7/20/23 must close by 8/24/23)

Attorney Christopher Smith, Alter and Pearson, LLC, on behalf of the applicant, confirmed the amendment dated July 20, 2023 is the latest version of the proposed regulation.

Attorney Smith stated Mr. Brian Miller has submitted a report in reply to Mr. Glenn Chalder’s report. He reviewed the first page of Mr. Miller’s report dated August 2, 2023. He stated the text amendment will be the same for both 8-30g applications and is required by statute. He stated if the commission’s opinion is the text amendment is not required, his client would consider withdrawing. He stated the applicant is willing to work with Mr. Chalder’s recommendations, as long as the site plan application remains in compliance and as long as his client is not required to do anything more. Mr. Miller is on remote and can address any questions.

Speakers

Mr. Miller stated he will wait for the commissioners to review the report to respond to any questions.

Ms. Giusti stated the commissioners received the document via email this morning.

Commissioner Jorsey moved to continue the public hearing to August 17, 2023.

Commissioner Hamel seconded the motion.

Discussion

Attorney Coppola recommended the commission consider the option that Attorney Smith has proposed on behalf of the applicant. The commission should consider if they would prefer not to have the amendment, as proposed, or think about changes that would make it more acceptable.

The motion carried unanimously.

- ii. Application for site plan approval to permit a fifty-two (52) unit multi-family residential community (Spruce Brook Apartments) on real properties known as 1906 Berlin Turnpike (Map 21-2 Block 115 Lot 7), 1934 Berlin Turnpike (Map 21-2 Block 115 Lot 8) and 0 Berlin Turnpike (Map 21-2 Block 115 Lot 8a) (Must Open 39/65 extension days remain)

Attorney Smith stated if the amendment is denied, it would not be a basis for not hearing the site plan due to its being submitted as an 8-30 application. The commission would need to render a decision on its merit.

Attorney Smith provided an overview of the application. He stated a PowerPoint is part of the record. He verified the April 27, 2023 set of plans are the most current. He provided an overview of the proposed site plan. Thirty percent or sixteen units will be rented as affordable housing – eight at 80 percent and eight at 60 percent median income. In accordance with state statute requirements, a text amendment has been submitted in relation to the site plan application. He provided a summary proposal as stated in his April 27, 2023 letter which describes the project and was sent to the Chair and Members of the Commission. Fifty-two units are proposed; one half of them will have one bedroom; the other half will have one bedroom. They will be distributed with in accordance with 80 and 60 percent median incomes for the affordable components; 87 parking spaces would be allowed; the local network of roads could accommodate the traffic; a stormwater system would be installed; the site has access to sewer; there are no wetlands (a certification will be submitted); and Berlin has 8.8% or its 10% for housing stock in place for affordable housing.

Mr. Dan Hill, P.E., Zuvic, presented his report, reviewing the Power Point exhibit as he spoke. Six buildings are proposed with 52 units. The site is nearly 20 feet lower than the site to the south. A chain link fence will be installed on the top of a retaining wall to be constructed. There are 87 proposed parking spaces, including 6 handicap accessible. Some concerns have been stated by the Town Engineer regarding drainage improvements. He explained the site was designed in accordance with State of Connecticut and Berlin requirements. He provided details of the design.

Mr. Scott Hesketh, FA Hesketh and Associates, East Granby, CT, described his traffic impact study. He stated traffic from a residential development on this property would not have an adverse effect on the public safety.

Attorney Smith stated the proposal is an appropriate adaptive redevelopment of this “underperforming” property on a major arterial road.

Mr. Brian Miller, AICP, reviewed rental costs of the proposed affordable units. He referenced salaries of municipal employees and teachers as a comparison for potential renters. He discussed the development of the Berlin Turnpike.

Commissioner Rogan stated he is not seeing safe access to public transportation.

Mr. Hesketh stated the site will be completed in accordance with state requirements.

Mr. Chris Edge, Director of Economic Development, stated he has been working with CT Transit and DOT to have a bus line down the Berlin Turnpike.

Mr. Glenn Chalder, AICP, Planimetrics, consultant for the town for these applications, reviewed concerns as stated in his report.

Mr. Brandon Handfield, P.E., Yantic River Consultants, LLC, consultant for the town for these applications, reviewed concerns as stated in his submitted report.

Commissioner Jorsey stated the commission needs additional information in order to have a more accurate representation of the application.

Attorney Smith asked if their engineer, Mr. Hill, could contact Mr. Handfield to review the issues. He stated some responses could be submitted to the commission by the next meeting.

Ms. Giusti deferred to Attorney Coppola.

Attorney Coppola stated she had no objection to their meeting. She asked that the PowerPoint exhibit be shared with Mr. Handfield. She said Attorney Smith should note that for the record.

Attorney Smith stated the Power Point presentation and any comments will be forwarded to Mr. Handfield.

Commissioner Jorsey moved to continue the public hearing to August 17, 2023.

Commissioner Millerd seconded the motion which carried unanimously.

- e. Applications of Little House Living LLC prepared by Christopher J. Smith Esq., Alter & Pearson, LLC submitted pursuant to Connecticut General Statutes §8-30g. Affordable Housing Land Use Appeals: *(must open, 53/65 ext days remain)*
 - i. Proposed zone text amendment to create new §XI. EE. “Planned Residential Infill Development — Inclusionary Multi-Family Residential Use with a Housing Opportunity or Workforce Housing Component” *(must open, 53/65 ext days remain)*

Commissioner Zigmont questioned if this application should be heard due to a pending legal action for a “similar” application which had been denied.

Attorney Coppola stated this application may be heard even though there is pending litigation for the same property, as it is a new 8-30 application and the pending litigation would have no relevance. She said to refuse the hearing would be a violation of the applicant's due process rights.

Attorney Chris Smith, on behalf of the applicant, stated letters to abutters had been mailed and the property posted. For the record, he asked for a combined hearing for this and the site plan application. Units would be designated with 80 and 60 percent for the affordable component and will be deed restricted. He referred to his cover letter of May 15, 2023 which provided an overview of the application which he reviewed. An application has been submitted to the Inland Wetlands and WaterCourses Commission, and the hearing had commenced on July 11th and continued to September 12th. He stated the proposed amendment is before the commission as it is a requirement of the submittal of an 8-30 application.

Attorney Smith then reviewed the latest version of the proposed amendment dated July 20, 2023. He read the first page of Consultant Brian Miller's report into the record.

Mr. Brian Miller (via remote) reviewed costs for the rental of the units. He said he would be available to answer any questions the commissioners may have after their review of his report.

Attorney Smith stated the text amendment is a requirement of an 8-30 application. He stated the first item on the agenda is consistent with Section 8-2. promotes affordable housing opportunities, is consistent with Berlin Zoning Regulations and the Plan of Conservation and Development, and will not result in a negative impact on the health and safety of the public.

Speakers

Linda Ahlstrand, 48 Holly Court, read a letter of opposition for the adoption of the regulation.

Petra Riley, 100 Peter Parley Row, spoke in opposition of the proposed regulation.

Sherry Rice, 30 Holly Court, spoke in opposition of the proposed regulation.

Mr. Sadowski, Berlin Auto Center, spoke in opposition of the proposed regulation.

Sherry Rice, Holly Court, spoke again in opposition.

Representative Donna Veach spoke against the proposed regulation.

Commissioner Jorsey moved to continue this application.

Commissioner Zigmont seconded the motion which carried unanimously.

- ii. Application for site plan approval to permit a twenty (20) unit multi-family residential community on real property known as

1676 Berlin Turnpike (Map 22-1 Block 114 Lot 10). 53/65 ext
days remain)

Attorney Christopher Smith stated notices had been sent to abutters and a sign posted. He stated this is a two-part application and requested a combined public hearing for the two applications. He referenced his letter dated May 15, 2023 which provided a summary of the project. He reviewed the letter.

Mr. Zach Georgina, P.E., Juliano Associates, Wallingford, CT, Project Engineer, stated his focus is mainly on the stormwater management plan for the application. He reviewed the site plan, stating the 20 proposed dwelling units will be in 18 structures; the site will have approximately 48 percent impervious surface; each unit will have a garage and driveway parking. He reviewed the stormwater system.

Mr. Scott Hesketh, FA Hesketh and Associates, East Granby, CT, presented the traffic impact study. He stated, based on his review, the proposed development traffic volumes can be readily be accommodated on the roadway network and does not constitute a substantial risk for the public.

Attorney Smith stated their presentation for this evening is done at this time.

Ms. Giusti distributed a hard copy of the PowerPoint presentation to the commissioners.

Commissioner Jorsey moved to to continue this matter to August 17, 2023.

Commissioner Hamel seconded the motion which carried unanimously.

VI Old Business

- a. Sunny Border Subdivision application of Pistol Brook Holdings, LLC for property of Pierre Bennerup and Susan Sawicki at 1709 Kensington Road (Map 20-4; Block 72; Lot 9) to create four residential lots in the R-86 Zone.

No discussion or action – continued to August 17, 2023.

- b. Subdivision Application of M. Konferowicz for 3 residential lots at Map 11-1; Block 127; Lot 16; 235 Wethersfield Road

No discussion or action – continued to August 17, 2023.

- c. Application of Anthony Valenti on behalf of Newport 848 Farmington Avenue LLC for Proposed Text Amendment of the Berlin Zoning Regulations, Section VIII.F. Kensington Overlay Zone, subsection 3.b. Special Permit Uses – Village Core Area 2, and subsection 7. Affordability Guidelines

Commissioner Jorsey moved to approve the application. She stated the application is consistent with the Plan of Conservation and Development and Berlin's Affordable Housing Plan.

Commissioner Rogan seconded the motion which carried unanimously.

- d. Applications of 1906 Berlin LLC prepared by Christopher J. Smith Esq., Alter & Pearson, LLC submitted pursuant to Connecticut General Statutes §8-30g. Affordable Housing Land Use Appeals
 - i. Proposed zone text amendment to create new §XI. EE. "Planned Residential Infill Development — Inclusionary Multi-Family Residential Use with a Housing Opportunity or Workforce Housing Component"
 - ii. Application for site plan approval to permit a fifty-two (52) unit multi-family residential community (Spruce Brook Apartments) on real properties known as 1906 Berlin Turnpike (Map 21-2 Block 115 Lot 7), 1934 Berlin Turnpike (Map 21-2 Block 115 Lot 8) and 0 Berlin Turnpike (Map 21-2 Block 115 Lot 8a)

Continued to August 17, 2023

- e. Applications of Little House Living LLC prepared by Christopher J. Smith Esq., Alter & Pearson, LLC submitted pursuant to Connecticut General Statutes §8-30g. Affordable Housing Land Use Appeals:
 - i. Proposed zone text amendment to create new §XI. EE. "Planned Residential Infill Development — Inclusionary Multi-Family Residential Use with a Housing Opportunity or Workforce Housing Component"
 - ii. Application for site plan approval to permit a twenty (20) unit multi-family residential community on real property known as 1676 Berlin Turnpike (Map 22-1 Block 114 Lot 10)

Continued to August 17, 2023

VII Commission Business

- a. Cannabis Discussion

There was no discussion.

- b. Consideration of re-application fees: application of Joseph Cascio, Mulligan's Virtual Golf, 586 Deming Road

Ms. Giusti explained the original submission of the application had been submitted with fees. The applicant was told he had to submit an application to the Inland Wetlands and WaterCourses Commission but that was not done. Fees had been submitted; however, no costs regarding newspaper publication or staff review had been incurred. The application had not been accepted as simultaneous submission to IWWC was required and not been done. A re-submission of the application has been received without fees. To date, an application has not yet been submitted to the IWWC.

Commissioner Jorsey moved to apply previously submitted application fees towards the re-application of Joseph Cascio, Mulligan's Virtual Golf, 586 Deming Road. The motion was seconded by Commissioner Rogan and carried unanimously.

Attorney Coppola stated it would be appropriate if the commission did not receive the application.

Mr. Chris Edge, Director of Economic Development, stated the applicant has been working with an engineer and IWWC staff to begin the process of the IWWC application.

Commissioner Jorsey moved to not accept the application of Joseph Cascio, Mulligan's Virtual Golf, 586 Deming Road as simultaneous submission to IWWCC is required and has not been made. The motion was accepted by Commissioner Hamel and carried unanimously.

VIII Planner Comments

There were no additional comments.

IX Adjournment

Commissioner Jorsey moved to adjourn the meeting.

Commissioner Millerd seconded the motion which carried unanimously.

The time was 11:10 p.m.

Respectfully submitted,

Frances M. Semnoski
Recording Secretary