

**BERLIN PLANNING AND ZONING COMMISSION MINUTES**  
**JULY 20, 2023**

**I Call to Order**

The Town of Berlin, CT Planning and Zoning Commission held a Regular Meeting on Thursday, July 20, 2023, at 7:00 p.m. This meeting was held in person in the Town Council Chambers, Berlin Town Hall, 240 Kensington Road, Berlin, CT and was also available remotely.

**II Pledge of Allegiance**

**III Roll Call**

In attendance

Commissioners Daly, Millerd, Jorsey, Zigmont, Rogan, Veley, Hamel

Town Planner Maureen Giusti, AICP  
Town Counsel Jennifer Coppola

Excused

Alternate Commissioners Diakun, Biella

**IV Schedule Public Hearing**

- a. Moratorium of Cannabis Uses for extension through October 20, 2023

*Suggested Date: August 17, 2023*

Commissioner Jorsey moved to schedule the public hearing for August 17, 2023

Commissioner Zigmont seconded the motion which carried unanimously

RECEIVED FOR RECORD  
BERLIN TOWN CLERK

2023 AUG 14 PM 2:18

Kathryn Wall

BERLIN, CT

**V Public Hearings**

Commissioner Rogan read the Call of the Hearing.

Commissioner Jorsey moved to switch the second item (application of M. Konferowicz) to the first item to be considered.

Commissioner Zigmont seconded the motion which carried unanimously.

- 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, Must Close by 8/10/23)

Mr. Jack Guilmartin, JL Surveying, representing the applicant, stated some issues need to be addressed regarding staff comments before going forward. He asked the commission continue the application to the next meeting.

Commissioner Zigmont moved to continue the public hearing to August 3, 2023.

Commissioner Jorsey seconded the motion which carried unanimously.

- b. Subdivision Application of Coccomo Brothers for a five-lot subdivision at Lots 46 and 46D, Block 142, 170 Wilks Pond Road and 243 Somerset Road

- b. Subdivision Application of Coccomo Brothers for a five-lot subdivision at Lots 46 and 46D, Block 142, 170 Wilks Pond Road and 243 Somerset Road  
(Originally scheduled June 15, 2023) *(must open, 25/65 extension days remaining)*

Ms. Giusti stated the applicant's attorney is continuing to pursue the clarification for the issue of ownership of the property and matters regarding town land. As the applicant is not present, the commission can open the hearing which is at the deadline and take no testimony. The hearing may then be extended. There is no request for an extension from the applicant at this time.

Commissioner Zigmont noted there are persons in the audience who want to speak concerning this application and they should be given the opportunity to speak.

Commissioner Zigmont moved to open the public hearing.

Commissioner Jorsey seconded the motion and carried unanimously.

*Speakers*

Susan Lowchy, 15 Canterbury Road. She stated her husband is one third owner of the property. The property is owned by three siblings, and they are requesting denial of the application. The owner is stated fraudulently on the application and there haven't been any conversations with the Coccomo Brothers. They were made aware of this application by a neighbor. The Coccomo Brothers do not have the authority to go through with the application process. The application also includes a parcel on Somerset Road and a boundary adjustment had been approved, but never changed. Lot 46D was to be conveyed to 46 and John Curran never conveyed the lot. She submitted a letter for the record which she said she had written on this date. She had also submitted a previous letter for the record.

Ms. Giusti stated she has been working with Town Counsel Jeffrey D'Onofrio and the ownership and validity of the application are pending, and the approval for the usage of Sage Park land needs to follow a process. Ms. Giusti stated outstanding significant issues need to be resolved and that may not be able to be done within the next 34 days. The applicant's attorney has been working through Corporation Counsel. Regarding, the validity with regard to ownership stated on the application and sign-off from the "authorized agent" Mr. Ahern needs to be addressed. A DEEP commissioner approval for approval of an exchange of land would likely take more than 35 days and it is unknown if an application has been submitted. She stated a concern that the applicant is not present to respond to these questions.

Chairwoman Veley stated the commission would not want to become involved with the ownership issue.

There were no other speakers.

Commissioner Zigmont moved to close the public hearing.

Commissioner Hamel seconded the motion which carried unanimously.

- 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

Mr. Tony Valenti, Principal of Newport Realty Group, Plantsville, CT stated a five page narrative has been submitted for the application. He summarized Newport has worked with staff to craft an applicable text change language. He reviewed key points which include permitting residential uses at street level on Farmington Avenue but only be permitted in a building located more than 75 feet from Farmington Avenue and behind another building with first floor commercial uses. There would be a one acre minimum with a maximum of six dwelling units per whole acre (no pro-rate of acreage) or seven units per whole acre (no pro-rate of acreage) provided that at least 20% of the units are deed restricted as affordable pursuant to VIII.F.7. He stated first floor units would be desirable to seniors and would not be age restricted.

Mr. James Mahoney, Economic Development Coordinator, via remote, stated a grant is in place to support development and the amendment is needed to move that development forward.

Ms. Giusti stated there are three elements of the grant which covers the Kensington Overlay area. She read sections from the recently adopted POCD which support the amendment.

Mr. George Millerd, former chair of Affordability Housing Committee, stated the proposal is a “good idea” with regard to affordable housing.

Mr. Chris Edge, Director of Economic Development, stated his support for the amendment which will help making the area more “walkable:.

Mayor Mark Kaczynski, Town of Berlin, stated his support for the amendment which could help keep the YMCA in the area and provide positive aspects, as well.

Ms. Giusti spoke about the affordability guidelines. The language was modified to more closely align the section regarding the State standards to make sure units count toward the 10% threshold.

Commissioner Zigmont questioned the feasibility of the amendment for other qualifying projects.

Ms. Giusti clarified the property within the Core Area 2.

Mr. Valenti clarified that the grant is specific to five units at 80% median income. The remaining five units will be market value.

Chairwoman Veley stated the units would literally be located “next” to the train tracks.

Ms. Giusti stated this is a text amendment before the commission, noting a site plan will need to be submitted for a development proposal. The Core Area 2 is shown on the submitted rendering.

Mr. Mark Lovley, Newport Realty, Plantsville, CT, stated a site plan approval would be submitted if the amendment is approved. He stated buildings will be 40 to 50 feet from the tracks and pine trees planted as a buffer. The affordable units will assist in obtaining financing.

Mr. Valenti briefly reviewed the train schedules which would go by the development.

Commissioner Zigmont suggested the Core 2 zone could be expanded and the median income be reduced.

Mr. Aaron Edelson, 103 Childs Street, New Britain, stated he is a member of the Berlin Land Trust. He stated he has purchased some properties in the CCD-2 zone and Kensington Overlay zone. The amendment would help him in developing those properties.

Mr. Chris Edge, Director of Development Services, stated he has had conversations with developers for this area of town.

Chairwoman Veley stated a concern that there are several properties that could be impacted by a favorable decision for the amendment which could mean increased traffic and parking issues on Farmington Avenue.

Commissioner Rogan stated the POCD looked at “buildable acreage” which may alleviate some of the concern for traffic.

Other commissioners stated concerns for parking and traffic on Farmington Avenue.

Mr. Valenti stated they are very “hands on” regarding their business and steps have been taken to provide adequate parking for their sites. Any complaints that they have been made aware of have been addressed.

Ms. Giusti stated if a development is proposed using the Kensington overlay zone for mixed use development, a special permit would be required. With regard to the text amendment and any future proposed development, parking requirements would need to be met. Major modifications to the amendment would need to be re-noticed. She stated she would like to research whether changing the affordability would have an effect on the regulations and would still be compliant with the grant.

Commissioner Rogan moved to continue the public hearing to August 3, 2023.

Commissioner Jorsey 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 *(Postponed and re-noticed from 1/6/23)(must open or ext.):*

*(The public hearings were not combined – they are listed separately.)*

Attorney Chris Smith, Alter and Pearson, stated notice letters which had been sent out and proof of their mailing provided. He asked that regarding the application in process that the letters and motion, meeting video transcripts concerning the original moratorium issue be incorporated into the record. He stated this is a two-part application concerning an amendment and site plan filed pursuant to Provision of

8-30g of the Connecticut General Statutes, and he requested one public hearing for both applications, stating they would address the text amendment first. He stated the approval of this request would avoid duplicating the information during presentation and provide one record.

Attorney Coppola stated she and Ms. Giusti had discussed the matter of combining the two; however, their combining may create some confusion. She noted it has not been past practice. One of the reason is that it creates confusion for the public as they may be unfamiliar with the application process.

Commissioner Zigmont noted the address stated the address on the application doesn't appear correct.

Ms. Giusti clarified the official address in the public hearing legal notice is correct. She explained the legal process of assigning an address.

Attorney Smith stated this is an "8-30 g" application which has a different standard of review. He reviewed the details of the legalities of the legislation. He again asked for the combination of the applications.

The consensus of the commission was to keep the applications separated.

- 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, rescheduled from 7/8/23, 53/65 ext. days remain)*

Attorney Smith introduced members of the representatives of the applications who were present. He provided a power point presentation during his testimony. He stated the proposal has two parts (amendment and site plan) and the site plan application is for a 52 unit residential community on 1906 Berlin Turnpike. There are 3 properties, 1906, 1934, and one unnumbered vacant lot that would be developed. Sixteen units would be designated as affordable.

As to the zone text amendment, three items for applications had been submitted: 1) A cover letter from him dated April 27, 2023; 2) the text amendment 3) an affordability plan submitted by Brian Miller, AICP. He summarized his letter, stating there is a motel and two residences on the property; 26 units would have 1 bedroom; 26 units will have 2 bedrooms; 87 parking space; they will be rental units. Access to sewer and water is available. There are no wetlands or water courses on the site. A soil scientist report will be part of the record. He reviewed the affordable housing requirements, stating the affordability report has been submitted for the file. He stated Berlin is at 8.8 percent of affordable units, close to the required 10 percent. He summarized the proposed amendment regarding its intent and purpose.

As Mr. Brian Miller, who had prepared the Affordable Housing Plan, was not in attendance for this meeting, Attorney Smith reviewed the Affordable Housing Plan.

Attorney Smith stated the text amendment is consistent with §8-2 of the CT General Statutes to promote housing opportunities and is consistent with Berlin Zoning Regulations, as well as other regulations to

promote density. It is consistent with affordable the Affordable Housing Plan and Berlin's 2013 Plan of Conservataion. Its approval will not result in a negative impact. He stated a response to Consulting Planner Glenn Chalder will be provided.

Commissioner Rogan stated a concern for approval of development of site should include effects on mental and emotional health. The stated setbacks seem inadequate to provide the greenspace which is essential for good mental health.

Attorney Smith stated a revision to the amendment has been submitted. The proposal is twenty-two units on 1.5 acres.

Commissioner Zigmont stated the proposed regulation is "spot zoning".

Chairwoman Veley stated the State of Connecticut has changed the requirements for counting affordable housing. The percentage is figured when certificates of occupancy are issued. She stated Berlin has numerous units approved to achieve the ten percent.

#### *Speakers*

Mr. George Millerd, Orchard Road, noted his familiarity from working on the Affordable House Plan. He commented regarding 8-30g as an appeal process and burden on the town regarding its decision on the applications.

Ms. Linda Ahlstrand, 48 Holly Court, stated her comments are related to 1676 Berlin Turnpike.

Attorney Coppola stated the text amendment is the same for 1676 Berlin Turnpike as 1906 Berlin Turnpike.

Chairwoman Veley stated they could then accept Ms. Ahlstrand's comments.

Attorney Coppola stated at this point, the testimony should be related only to the text amendment.

Ms. Ahlstrand spoke in opposition to the proposed setbacks, height of buildings, impervious surface, and number of units in the text amendment.

Sherry Rice, 38 Holly Court, stated her opposition to the text amendment which could create health and safety issues.

Petra Riley, Peter Parley Row, spoke in opposition to the proposed amendment.

Female Speaker, 17 Holly Court, stated her concern with the size of the buildings, units allowed, and parking and the safety regarding school buses.

Shelly Peterson, 57 Church Street, stated opposition to the amendment with regard to size and the negative impact on the school system.

Mr. Glenn Chalder, Planametrics, third party consultant for the Town of Berlin, stated he has significant comments on the affordability plan. Regarding the amendment, the concept isn't fully developed. This regulation will apply to the entire BT zone. He emphasized the provisions in the regulation should require technical information to ensure health and safety in proposed development. The regulation could be adjusted to relate to Berlin and the Berlin Turnpike. He summarized his comments in his report.

Noting some audio difficulty for a resident who was attending the meeting, Attorney Coppola stated the meeting is also being recorded on MP3 or MP4 as well as "Zoom" if clarification of any testimony is needed.

Ms. Patty Bergio, 27 Holly Court, speaking from a remote connection, stated she could not hear the meeting, noting she would listen to the recording; however, her testimony to the commission was very clear. She stated concern with the density, height of the building, parking, and traffic.

Ms. Giusti noted the consulting engineer for the Town, Brandon Handfield, YRC, had to leave the meeting and will defer his comments.

Commissioner Rogan moved to continue the public hearing to August 3, 2023, clarifying his motion the hearing will be held in the Berlin Town Council Chambers at 7:00 p.m.

Commissioner Zigmont seconded the motion which 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, rescheduled from 7/8/23, 53/65 ext. days remain*)

After some discussion, with the consent of the applicant to utilize extension time, Commissioner Rogan moved to continue the application for site plan approval to August 3, 2023 at 7:00 p.m. to be held in the Berlin Town Council Chambers, Berlin Town Hall

Commissioner Jorsey 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:
  - 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"

After some discussion, with the consent of the applicant to utilize extension time, Commissioner Rogan moved to continue opening the public hearings on the applications of Little House Living LLC to the August 3, 2023 meeting to be held at 7:00 p.m. in the Town Council Chambers, Berlin Town Hall.

Commissioner Jorsey 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).

After some discussion, with the consent of the applicant to utilize extension time, Commissioner Rogan moved to continue opening the public hearings on the applications of Little House Living LLC to the August 3, 2023 meeting to be held at 7:00 p.m. in the Town Council Chambers, Berlin Town Hall.

Commissioner Jorsey seconded the motion which carried unanimously.

## **VI Old Business**

- b. Subdivision Application of Cocomo Brothers for a five-lot subdivision at Lots 46 and 46D, Block 142, 170 Wilks Pond Road and 243 Somerset Road

Commissioner Jorsey moved to deny the application for the reason stated.

Commissioner Millerd seconded the motion which carried unanimously.

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

*No discussion or action.*

- d. 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

*No discussion or action.*

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- 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"

*No discussion or action.*

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*No discussion or action.*



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*No discussion or action*

- 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).

*No discussion or action.*

**VII Commission Business**

Cannabis uses

Public Survey Discussion and

Receipt of Public Comment Regarding Cannabis Uses

Ms. Giusti distributed information. Attorney Coppola stated it was the first draft of the survey.

**VIII Planner Comments**

There were no comments.

**IX Adjournment**

Commissioner Rogan moved to adjourn the meeting. Commissioner Jorsey seconded the motion which carried unanimously. The time was 11:25 p.m.

Respectfully submitted,

Frances M. Semnoski  
Recording Secretary