

BERLIN PLANNING AND ZONING COMMISSION MINUTES

JULY 6, 2023

The Town of Berlin, CT Planning and Zoning Commission held a Regular Meeting on Thursday, July 6, 2023, at 7:00 p.m. This meeting was attended in person at the Town Council Chambers, Berlin Town Hall, 240 Kensington Road, Berlin, CT and was available via remotely by video or telephone.

I Call to Order

Chairwoman Veley called the meeting to order at 7:06 p.m.

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

Alternate Commissioners Steve Biella, Jr. (remote); John Diakun

Maureen Giusti, AICP, Town Planner

Attorney Jennifer Coppola, Town Counsel

IV Schedule Public Hearing

- a. Proposed Subdivision Application of Pistol Brook Holdings, LLC for four residential lots at Map 20-4, Block 72, Lot 9, 1709 Kensington Road
Suggested Date: August 3, 2023 (must open by 8/18/23)

Commissioner Jorsey moved to schedule the public hearing for August 3, 2023.

Commissioner Zigmont seconded the motion which carried unanimously.

Chairwoman Veley announced the following applications will be postponed and not considered at this meeting (*a formal action will be stated at the appropriate time during the meeting*):

- 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
- 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 Text Amendment to the Berlin Zoning Regulations §XI, to add new subsection "Planned Residential Infill Development — Inclusionary Multi-Family Residential Use with a Housing Opportunity or Workforce Housing Component"

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Kathy J. Veley

BERLIN, CT.

- ii. Proposed site plan for properties at Map 21-2 Block 115 Lot 7, 1906 Berlin Turnpike, Lot 8, and Lot 8a, 1934 Berlin Turnpike for Spruce Brook Apartments, 52-unit multi-family development

V Commission Business

- a. In accordance with Section 8-24 of the Connecticut General Statutes, review and recommendation for the matter of installing two (2) solar-powered streetlights in the parking lot at the south end of Brandegee Lane

Ms. Giusti stated neighbors are requesting lighting, and they have attended Town Council and Police meetings for their request, as well. The lights will be approximately 18 feet high and their approximate locations are shown on the map in the file. They will have dimming and remote capabilities to address any concerns after their installation. She said there are no staff conflicting comments.

Chairwoman Veley stated the concern for the additional lighting has been ongoing.

Commissioner Jorsey moved to forward a favorable recommendation to the Town Council.

Commissioner Zigmont seconded the motion which carried unanimously.

- b. In accordance with Section 8-24 of the Connecticut General Statutes, review and recommendation for the project for the construction of sidewalks on Four Rod Road from Winding Meadow Drive to Norton Road, on Percival Avenue from Carbo Lane to Percival Field, on Robbins Road from Town Drive to Timberwood Road, on Kensington Road from Norton Road to Steeple View Drive, and on Norton Road, east and west of Cole Lane

Ms. Giusti stated the request for the public improvements is in associated with a grant. The POCD and town regulations identify “linkages” that are missing for sidewalks which would create a radius for school properties.

Commissioner Jorsey moved to forward a favorable recommendation to the Town Council.

Commissioner Hamel seconded the motion which carried unanimously.

- c. Cannabis uses public survey discussion and receipt of public comment regarding cannabis uses

Ms. Giusti stated the Planning and Zoning Commission has asked that staff have further discussions with the public regarding cannabis uses. A survey is a method that may provide more candid responses. Digital surveys may also be a potential method to receive comments. She stated a proposed amendment will be ready prior to the moratorium’s ending.

Attorney Jennifer Coppola, Town Counsel, stated surveys from various Connecticut towns had been reviewed. She discussed various potential municipal regulations. Attorney Coppola stated a draft for a survey will be done for the July 20th Planning and Zoning Commission meeting and presented to the commission for approval prior to its circulation. The commission directed Town Planner to prepare a draft for the extension of the moratorium of cannabis uses.

Speakers

Mr. Chris Edge, Director of Economic Development, Town of Berlin, suggested making make a delineation between the retail and a growing facility for cannabis.

There were no other speakers.

This agenda item will again be on the July 20, 2023 Planning and Zoning Commission agenda.

d. 398 Chamberlain Highway “Garden Center” Uses

Ms. Giusti provided a summary of the activity for the location which is for sale. She said the subject is on this agenda at the request of Mr. Tom Cocco, the property owner. She stated in past years the “garden shop” had expanded and was cited for selling gift items and items for pets. Certain items had been specifically cataloged for approval to sell by the Commission at that time.

She suggested waiting for further discussion until the owner is present.

Chairwoman Veley stated a garden center has to take on the theme of the seasons to be in competition for sales with larger retail stores.

Commissioner Jorsey stated she isn’t aware of any other retail store that itemizes items which they will sell and limiting sales to specific items makes it more difficult for a small business to achieve a profit.

VI Public Hearings

Commissioner Rogan read the Call of the Hearing.

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

At the request of the applicant, Commissioner Jorsey moved to postpone to July 20, 2023. Commissioner Millerd seconded the motion which

Attorney Coppola stated for the record that Town Counsel Donfrio did correspond with Attorney Reiner (Mr. Cocco’s attorney) and he had agreed the public hearing should be postponed.

- b. Subdivision Application of M. Konferowicz for 3 residential lots at Map 11-1; Block 127; Lot 16; 235 Wethersfield Road (must open by: July 22, 2023)

Mr. Jack Guilmartin, Surveyor, 212 Old Brickyard Road, representing the applicant, the lot is existing with an existing house, septic system and well. The septic system and well have failed. Water and sewer will be extended for the proposed 3 lot subdivision. These lots were approved in 1995 and, for whatever reason, a development had not gone forward. He stated that basically, the same subdivision is before the commission. The plan is to keep the existing home and build two more houses. The application has been before the IWWC and a condition of their approval is the developer would need to locate one house in accordance with its recommendation. A force main system for the sewer and water will be installed for the three lots. Grades will be adjusted to address drainage concerns. The applicant is requesting a waiver for new sidewalks. Basements are not proposed. A 30 ft conservation easement prohibiting filling, grading, excavating and tree removal, except for necessity to maintain the course of the water, and a restriction for tree cutting will be filed on the Land Records. Prior to the issuance of building permits, the Town will work with the applicant to improve the site with regard to cleaning the site and improved (tree cuttings, etc). The drainage system will be designed to a hundred year storm. Street trees will be installed. The originally approved subdivision was built prior to wetlands requirements. The wetlands area will be brought back to its original state, as a condition of the IWWC approval.

Ms. Giusti stated new subdivisions require underground utilities, if they are located above in the street they have to be dropped to get into the lot.

Mr. Andy Stevoiak, PE, addressed the ponding issue. He stated plantings and a berm by the original property owner has caused temporary ponding. He stated the soils are “good enough” and will drain. This concern will be addressed with the installation of a French drain.

Ms. Giusti stated she had discussed a sidewalk waiver with Engineering. Staff does not support a waiver of sidewalks.

Ms. Giusti distributed a document from an engineer hired by the abutting property owners (Mr. Steven Trinkaus) and comments from the Town Engineer with regard to the drainage.

Speakers

Mr. Steven Trinkaus, PE, Trinkaus Engineering, LLC stated tested data is lacking for this application. He reviewed specific items of concern regarding the application.

Mr. David Lewczyk, 106 Brownstone Road, submitted photographs of the subject property showing recent flooding events, noting during his testimony, flooding occurs approximately six times a year or more. He stated the photographs had also been submitted to the Inland Wetlands Commission during its review of this application.

Ms. Lori Budney, Wethersfield Road, stated neighbors have consistent flooding issues. There was flooding in her basement two Spring seasons ago, noting her home is on a hill. She stated the vegetation in the area has diminished over the years and approval of this subdivision would remove evergreens and additional vegetation.

Ms. Ella Konferowicz, 235 Wethersfield Road, stated the water issue has been ongoing and their home renovation is not causing the water problems.

Female Speaker stated the issue is not a personal issue, but the water flow created by the land.

Commissioner Zigmont stated the conservation easement should be clarified and marked with standard markers.

Ms. Giusti stated she is working with Conservation Commission to unify the conservation easement markers.

Commissioner Rogan moved to continue the public hearing to July 20, 2023.

Commissioner Jorsey seconded the motion which carried unanimously.

- c. 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 Text Amendment to the Berlin Zoning Regulations §XI, to add new subsection “Planned Residential Infill Development — Inclusionary Multi-Family Residential Use with a Housing Opportunity or Workforce Housing Component”
 - ii. Proposed site plan for properties at Map 21-2 Block 115 Lot 7, ~~409~~ 1906 Berlin Turnpike, Lot 8, and Lot 8a, 1934 Berlin Turnpike for Spruce Brook Apartments, 52-unit multi-family development

As requested by the applicant, Commissioner Jorsey moved to postpone these applications to July 20, 2023. Commissioner Hamel seconded the motion which carried unanimously.

VII Old Business

- a. 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

Postponed to July 20, 2023.

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

Commissioner Zigmont moved to continue the public hearing to July 20, 2023.

Commissioner Millerd seconded the motion which carried unanimously.

- c. 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:
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 - ii. Proposed site plan for properties at Map 21-2 Block 115 Lot 7, ~~109~~ 1906 Berlin Turnpike, Lot 8, and Lot 8a, 1934 Berlin Turnpike for Spruce Brook Apartments, 52-unit multi-family development

Postponed to July 20, 2023.

VIII Planner Comments

IX Adjournment

Commissioner Rogan moved to adjourn.

Commissioner Jorsey seconded the motion which carried unanimously.

The time was 10:20 p.m.

Respectfully submitted,

Frances M. Semnoski
Recording Secretary