

**TOWN OF BERLIN
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARINGS**

The Berlin Planning and Zoning Commission will hold Public Hearings at a Regular Meeting on Thursday, March 6, 2025 at 7:00 P.M. in the Town Council Chambers, Berlin Town Hall, 240 Kensington Road, Berlin, CT. Interested parties may join the meeting and participate in the public hearings in person or remotely as provided below.

Proposed text and related map amendments of FHI Studio at the direction of the Berlin Economic Development Commission and Planning & Zoning Commission to amend Berlin Zoning Regulations relating to commercial zoning in §VI.G. BT-1; §VI.H. BT-2; §VI.C. SP-DD; §VIII.F. CCD-2/ Kensington Village Overlay, elimination of §VI.D and §VI.E. SP-DD Overlay and SP-DD2 Overlay; and related amendments to §II.B definitions and §VI.J and §VIII.I Bulk Tables requirements, as posted on the Town Website www.berlinct.gov, in the Town Clerk's Office and Planning & Zoning Department.

Applications and related meeting materials are available at the Planning and Zoning Department, Berlin Town Hall, 240 Kensington Road, Berlin, Connecticut.

Remote access to this meeting is available by Zoom video conference at the following link:

<https://berlinct-gov.zoom.us/j/89048044587?pwd=cC9OVHZSdVJHQjcvR3FwNjNISmUrdz09>

Meeting ID: 890 4804 4587 - Passcode: PZ100 - Dial by your location* - +1 929 205 6099 US (New York) - Meeting ID: 890 4804 4587- Passcode: 061820 *Data and toll charges may apply.

Dated this 20th day of February, 2025 at Berlin, CT.

Brian Rogan, Secretary

Berlin Planning and Zoning Commission

New Britain Herald

Legal Notices/Classified Advertising

Dates of Publication: Saturday, February 22, 2025

Friday, February 28, 2025

Posted with Berlin Town Clerk: Monday, February 24, 2025



Recommended Zoning Amendments: BT-1

Date: 12/19/2024

Purpose: Provide more flexibility in the BT-1 to better respond to changing commercial real estate and retail market conditions and reduce non-conformities within the zone.

Description: The recommended amendments would: update the purpose statement of the BT-1 zone, add one new Special Permit use and remove two existing Special Permit uses from the BT-1; reduce permit requirements for uses over a specified size from a Special Permit to a Site Plan; and halve the minimum front yard and lot size requirements.

Geographic Extents: BT-1 zones

Potential Impacts: May incentivize development, redevelopment, and investment in the zone.

Context: The BT-1 zone is the most prevalent zoning district along the Berlin Turnpike. The zone effectively enables commercial development, however many properties are non-conforming to the 2-acre minimum lot size and/or the 50-foot minimum front yard. Additionally, there is a desire to eliminate some uses that are not compatible with other uses in the zone.

Recommended Zoning Amendments:

1. Amend the Section VI.G.1 as follows (text to be removed is shown in ~~strikethrough~~)

1. *Purpose.* To provide for a wide range of commercial, civic, and recreational uses that are appropriate to the unique nature of the properties along the Berlin Turnpike. ~~that do have detrimental impacts on nearby residential properties.~~

2. Add "Clean Contractors" to the list of Special Permit uses in Section VI.G.3.
3. Remove Item n. "Lumberyards or building materials suppliers, provided that that building material is stored and displayed within an enclosed building." and Item r. "Religious, charitable and eleemosynary institutions, subject to the requirements of Section XI. L" from the list of Special Permit uses in Section VI.G.3.
4. Amend Section VI.G.2.a to increase the Special Permit requirement threshold from 5,000 square feet to 10,000 square feet.
5. Amend the Area and Bulk Requirements table of Section VI.J as follows:
 - a. Reduce the Item 1. Minimum front yard from 50 feet to 25 feet.
 - b. Reduce the Item 9. Minimum lot size from 2 acres to 1 acre.
6. Amend Section VI.3.cc to reduce the required lot area for car washes from 2 acres to 1.4 acres by replacing "Carwashes.*" with "Carwashes (shall require a minimum lots size of 1.4 acres)"
7. Add the following definitions to Section II.B:
 - a. *Clean Contractor:* A site or facility used by a contractor engaged in the building trades for the indoor storage of tools, equipment, supplies, or materials typically used off-site. Includes the outdoor parking of registered contractor vehicles with a gross vehicle weight of 15,000 pounds or less.



Recommended Zoning Amendments: BT-2

Date: 12/19/2024

Purpose: Provide more flexibility in the BT-2 to better respond to changing commercial real estate and retail market conditions and reduce non-conformities within the zone.

Description: The recommended amendments would: update the purpose statement of the BT-2 zone, add new Special Permit and Site Plan uses to the BT-2; reduce permit requirements of uses from a Special Permit to a Site Plan; correct an inconsistency in the permitted building height; halve the minimum front yard and lot size requirements; and provide the Commission with discretion to reduce the required lot width.

Geographic Extents: BT-2 zones

Potential Impacts: May incentivize development, redevelopment, and investment in the zone with an emphasis on the portion of the Berlin Turnpike south of Route 9.

Context: The BT-2 zone is located along the Berlin Turnpike and covers a smaller area than the BT-1 zone while accommodating fewer heavy commercial uses. The zone effectively enables commercial development however many properties are non-conforming to the 2-acre minimum lot size and/or the 50-foot minimum front yard. Additionally, there is a desire to substantially expand the range of permitted uses in the zone.

Recommended Zoning Amendments:

1. Amend the Section VI.H.1 as follows (text to be removed is shown in ~~strikethrough~~)

1. *Purpose.* To provide for a range of commercial uses and limited civic uses that are appropriate to the unique nature of the properties along the Berlin Turnpike.
~~that do have detrimental impacts on nearby residential properties.~~

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2. Amend Section VI.H.2 as follows to add new Site Plan uses to the BT-2 (uses not previously permitted in the zone shown in **red**, uses currently permitted by Special permit shown in **blue**):

2. *Site Plan Uses.* The following principal uses shall be permitted in the BT 2 district subject to site plan approval by the Planning and Zoning Commission in accordance with Section XIII, provided that the total building area of uses does not exceed 5,000 square feet GFA:
 - a. Stores or shops for the conduct of retail business, except that the sale, service or rental of motor vehicles shall be specifically excluded.
 - b. General business medical or professional offices.
 - c. Banks.
 - d. Restaurants, banquet halls or other places serving food and beverage.
 - e. Stores or shops for the conduct of personal or business service businesses such as travel agents, beauty salons/spa, and computer repair.
 - f. **Caterers or Bakeries**
 - g. **Medical or Dental Laboratories**
 - h. **Printing or Publishing Services**
 - i. **Manufacturer Showroom**
 - j. **For-Profit Vocational Schools**
 - k. **Adult Day Care Centers, subject to the provisions of Section XI.O.**
 - l. **Health and Fitness Clubs**
 - m. **Hospitals, subject to the requirements of Section XI.E.**
 - n. **Child Day Care Centers and Group Day Care Homes, subject to Section XI.H.**
 - o. **Hotels**
 - p. **Radio & TV Broadcast Facilities**
 - q. **Public Schools, libraries, or post offices**

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3. Amend Section VI.H.3. as follows to allow the following uses not currently permitted in the zone and to increase the Special Permit threshold from 5,000 square feet to 10,000 square feet (added uses and revised text shown in red, removed uses and text shown in ~~strikethrough~~):

3. *Special Permit Uses.* The following principal uses shall be permitted in the BT-2 zone subject to Special Permit and Site Plan approvals by the Commission in accordance with Sections XII and XIII.

- a. All uses permitted by site plan in excess of 5,000 10,000 square feet provided that a single unified site plan may be submitted for multi-building projects.
- ~~b. Health and fitness clubs.~~
- ~~c. Hospitals, subject to the requirements of Section XI.E.~~
- d. Public transportation facilities, including bus stations and bus shelters.
- ~~e. Adult day care centers, subject to the provisions of Section XI.O.~~
- ~~f. Radio or television broadcast facilities.~~
- ~~g. Public schools, libraries, or post offices.~~
- h. Drive-in establishments, which are part of a use otherwise permitted by right and including, but not limited to restaurants and banks.
- i. Religious, charitable and eleemosynary institutions, subject to the requirements of Section XI.L.
- ~~j. Child day care centers or group day care homes, subject to Section XI.H.~~
- ~~k. Hotels.~~
- l. Motels, in accordance with Section XI.W.
- m. Veterinary Clinics (without kenneling for the purpose of boarding.)
- n. Self-Storage Facilities provided that:
(maintain existing requirements i-viii, excluded here for brevity only)
- o. Indoor or outdoor commercial recreation
- p. Private transportation or auto rental services
- q. Nurseries or garden supply stores
- r. Enclosed amusement facilities
- s. Boat, vehicles, and equipment sales and service
- t. Public Utility Buildings
- u. Car Washes (shall require a minimum lot size of 1.4 acres)

4. Amend the Area and Bulk Requirements table of Section VI.J as follows:
 - a. Reduce the Item 1. Minimum front yard from 50 feet to 25 feet.
 - b. Reduce the Item 9. Minimum lot size from 2 acres to 1 acre.
 - c. Reduce Item 5. Maximum building height from 4 stories to 3 stories (maintain the maximum permitted height of 35 feet).

5. Add the following definition to Section II.B:

Manufacturer Showroom: An indoor facility for the display and sale of products by the manufacturer of the product.



Recommended Zoning Amendments: Kensington Village Core Area 2

Date: 12/19/2024

Purpose: Enable infill development and redevelopment in the zone, which is a transit-oriented development area.

Description: The recommended amendment would double the density of dwelling units permitted in the overlay zone and allow prorating of units per acre.

Geographic Extents: Kensington Core Area 2 overlay zone.

Potential Impacts: May incentivize residential mixed-use infill development and redevelopment of properties that are not currently a fit for the long-term vision for the area.

Context: Core Area 2 surrounds Core Area 1, which permits residential density of up to 26 units per acre and has successfully enabled development of Steele Center (see map on next page for reference). The existing limit of 6 units per acre does not allow for density of development that is financially viable under current market conditions. The existing density limit is more consistent with low to medium density residential areas than a town or village center. Additionally, prorating of density is not allowed meaning that increments of one full acre are needed to construct six dwelling units (by example a 1.9-acre site may only contain six dwelling units because it only has one full acre). Furthermore, the area has multiple small parcels that have the potential to change ownership and use. Greater flexibility in the regulations would potentially enable mixed-use development on those parcels that is consistent with the purpose of the zone as stated in the excerpt below.

This section of the Regulations is intended to allow the commission to modify some of the use and dimensional standards in the underlying zoning districts in the Kensington area in order to:

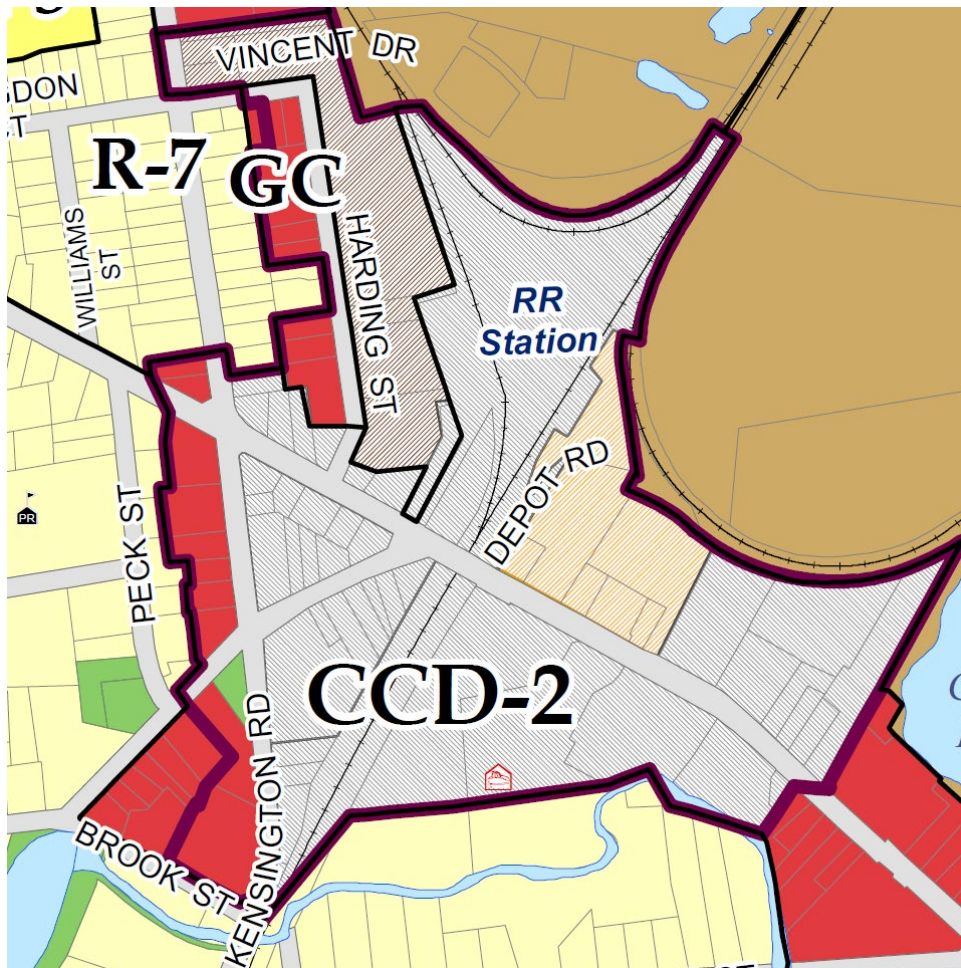
- a. Promote the development of a transit-oriented, pedestrian-friendly, village-type environment in the Kensington Village area and within walking distance to the Berlin train station.
- b. Help create an attractive and inviting, pedestrian friendly environment.
- c. Allow and encourage mixed use development that offers a high intensity of uses.
- d. Help provide for a variety of housing opportunities in Berlin.
- e. Help preserve, restore, and enhance the overall village character and feeling.
- f. Ensure high quality site planning, architecture, and landscape design that will complement and enhance the area and surrounding neighborhoods.

Recommended Zoning Amendments:

1. Amend Section VIII.F.3.b(5) as follows (add text in **red**, remove text in ~~strike through~~):

(5) There shall be a one acre minimum with a maximum of:

- i. six dwelling units per whole acre (~~no pro-rate of acreage~~), Or
- ii. **twelve** ~~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.



Kensington Village. Source: Town of Berlin Zoning Map
(for reference only)





Recommended Zoning Amendments: SP-DD

Date: 12/19/2024

Purpose: Facilitate development within the SP-DD zone and update zoning regulations to respond to current market conditions.

Description: The recommended amendments would lower the permit requirements for multiple uses from a Special Permit to a Site Plan, add permitted uses, and reduce lot requirements.

Geographic Extents: SP-DD

Potential Impacts: May incentivize development within the SP-DD.

Context: The SP-DD zone occupies approximately 163 acres, 113 acres of which are comprised of 12 parcels with the remaining areas being rights-of-way of the Berlin Turnpike and Route 9 (see map on page 3 for reference). Only three of the 12 parcels are developed, comprising a total of 6 acres. Only two of the parcels are developable under the SP-DD regulations without a modification of the standards due to minimum lot size (10 acres) and minimum lot width (400 feet) requirements; neither of these parcels has direct access to the Berlin Turnpike.

Recommended Zoning Amendments:

(see next page)



1. Amend existing Section VI.C.2 as follows to change existing Special Permit uses to a Site Plan requirement and to add new permitted uses (items to be removed in ~~striketrough~~ text and items to be added or modified are in red text):

3. Special permit uses. The following principal uses shall be permitted in the SP-DD district subject to special permit and site plan approvals by the commission in accordance with Sections XII Special Permits and XIII Site Plans:

- ~~a. Banks and financial services.~~
- ~~b. General business, medical and professional offices.~~
- ~~c. Hotels, with a minimum of 100 rooms.~~
- ~~d. Indoor commercial recreational facilities, when a part of shopping center.~~
- ~~e. Restaurants, excluding drive-through restaurants.~~
- ~~f. Retail uses including shopping centers with a gross building floor area of 50,000 sf or less.~~
- ~~g. Stores and shops for the conduct of personal service businesses~~
- ~~h. Schools operated for profit; studios of dance, photography, graphic design, painting or similar endeavors.~~
- a. Mixed Use Residential Development (40% commercial gross floor area minimum and 20% minimum affordable housing requirement)
- b. Adult and Child Day Care
- c. Assisted Living Facilities
- d. Banquet Halls and other Food and Beverage Service, excluding restaurants
- e. Continuing Care Retirement Communities
- f. Health and Fitness Clubs
- g. Medical or Dental Laboratories
- h. Research and Development Facilities
- i. Retail Establishments or Shopping Centers greater than 50,000 square feet, provided that no retail establishment shall be greater than 50,000 square feet except if included within an enclosed shopping mall in excess of 500,000 square feet.
- j. Shopping Malls
- k. Indoor/Outdoor Recreation Facilities
- l. Nursery or Garden Supply Store
- m. Sales and service for boats, vehicles, and equipment
- n. Car Washes
- o. Restaurants with Drive-Thrus



2. Add new Section VI.C.2 (and renumber existing Section VI.C.2 and subsequent sections) to the Zoning Regulations as follows:

2. Site Plan Uses. The following principal uses shall be permitted in the SP-DD, subject to site plan approval by the commission in accordance with Section XIII:

- a. Banks and financial services.
- b. General business, medical and professional offices.
- c. Hotels, with a minimum of 100 rooms.
- d. Indoor commercial recreational facilities, when a part of shopping center.
- e. Restaurants, excluding drive-through restaurants.
- f. Retail uses including shopping centers with a gross building floor area of 50,000 sf or less.
- g. Stores and shops for the conduct of personal service businesses
- h. Schools operated for profit; studios of dance, photography, graphic design, painting or similar endeavors.

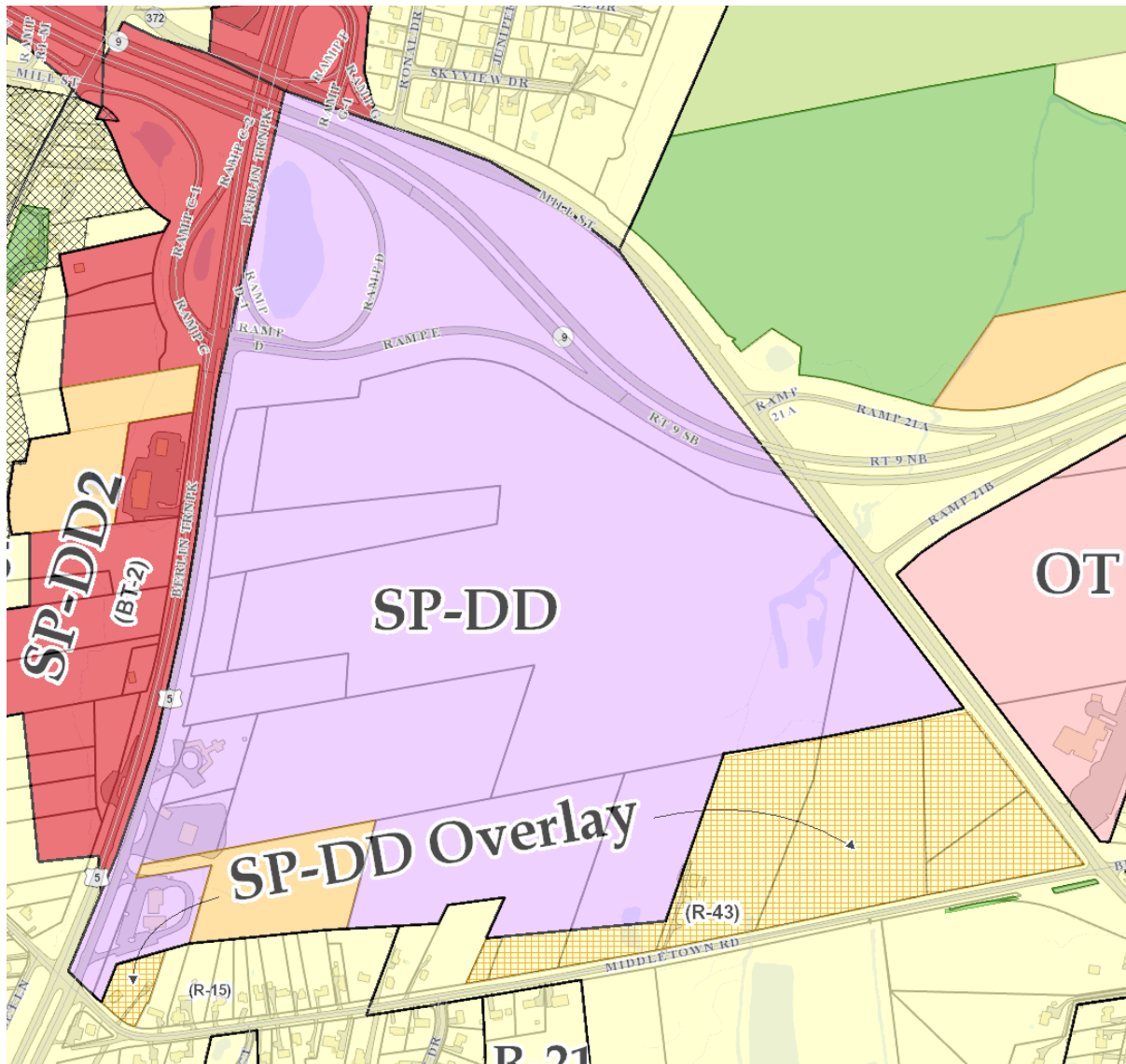
3. Reduce the lot requirements of the SP-DD by amending the Area and Bulk Requirements of Section VI.J as follows:

- a. Change Item 1. Minimum Front Yard from 100 feet to 50 feet.
- b. Change Item 2. Minimum Side Yard from 100 feet to 50 feet.
- c. Change Item 3. Minimum Rear Yard from 100 feet to 50 feet.
- d. Change Item 10. Minimum Lot Width from 400 feet to 200 feet.
- e. Change Item 11. Maximum Floor Area from 1.0 to 1.5.
- f. Amend Footnote 11 as follows:

(11) For lots in the SP-DD zone which are developed jointly in conformance with a master plan approved by the commission, **the minimum lots size shall be 5 acres, and the commission may reduce the minimum lot size requirement and may reduce or eliminate the setback requirements.**

4. Add the following definition to Section II.B:

Banquet Hall or Facility: An establishment that provides food prepared and served in a formal setting for special occasions and events.



SP-DD Zone. Source: Town of Berlin Zoning Map (for reference only)



Recommended Zoning Amendments: SP-DD Overlay and SP-DD2

Date: 12/19/2024

Purpose: Remove ineffective zones and regulations from the Zoning Regulations.

Description: This amendment would eliminate both the SP-DD Overlay and the SP-DD2 (also an overlay zone) and all regulatory content associated with those overlays from the Zoning Regulations and Official Zoning Map.

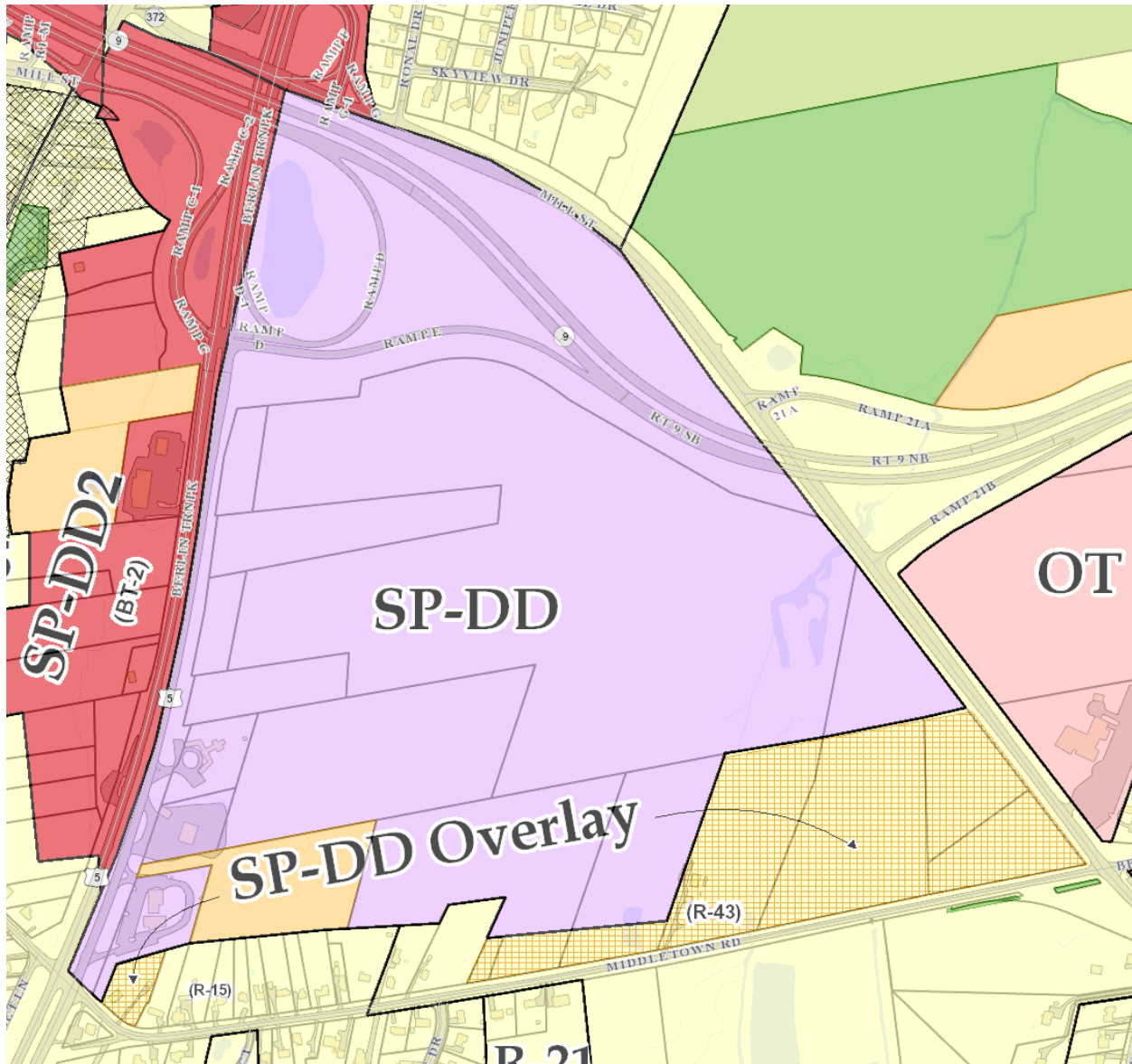
Geographic Extents: SP-DD Overlay and SP-DD2

Potential Impacts: None

Context: The SP-DD Overlay and SP-DD2 were created to provide more development flexibility on the Berlin Turnpike opposite the SP-DD zone and along Middletown Road adjacent to the SP-DD zone to complement development within the SP-DD zone and to promote high quality design. Subsequent to the creation of the SP-DD Overlay and SPDD-2 categories, the P&Z adopted the Berlin Turnpike Design Guidelines to address quality design standards for the entire corridor. Neither zone has been effective as intended. The SP-DD Overlay is located on parcels that are primarily occupied by wetlands and/or single-family residential development. The SP-DD2 overlays BT-2 and BT-1 parcels (see map on following page for reference), for which the underlying BT zoning effectively enables commercial and mixed-use development. Additionally, the SP-DD2 overlay abuts residential properties on Worthington Ridge, thus there are concerns surrounding the scale, density, and intensity of development in this area. The overlay zones are unproductive and add unnecessary complexity to the Zoning Regulations.

Recommended Zoning Amendments:

1. Eliminate the SP-DD and SP-DD2 Overlays. Specifically:
 - a. Remove reference to SP-DD Overlay and SP-DD2 from the Table of Contents.
 - b. Remove reference to SP-DD Overlay and SP-DD2 from Section III.A
 - c. Remove reference to SP-DD Overlay and SP-DD2 from Section VI list of zones.
 - d. Remove Sections VI.D and VI.E and replace the content with "Reserved for Future Use" so as to preserve subsequent section numbering.
 - e. Remove SP-DD Overlay and SP-DD2 columns from Section VI.J Area and Bulk Requirements table.
 - f. Remove SP-DD Overlay and SP-DD2 from the Official Zoning Map.



Location of SP-DD Overlay and SP-DD2 relative to the SP-DD zone. Source: Town of Berlin Zoning Map (for reference only)