

## **Berlin Planning and Zoning Commission**

### **Meeting Minutes – April 16, 2020**

#### **I Call to Order**

The Berlin Planning and Zoning Commission held a virtual Special Meeting on April 16, 2020. The meeting was called to order at 5:30 p.m.

##### In attendance:

Chairwoman Joan Veley

Commissioners Diane Jorsey; Curtis Holtman; Brian Rogan; Steve Wollman; Tim Zigmont

Alternate Commissioner Steve Biella, Jr. (seated)

##### Staff

Acting Town Planner/ZEO Maureen Giusti

Town Counsel Jennifer Coppola

Economic Development Coordinator James Mahoney

##### Excused

Commissioner Jon Michael O'Brien

#### **II Approval of Minutes**

##### **a. April 2, 2020**

Commissioner Jorsey moved to approve the minutes, as presented.

Commissioner Wollman seconded the motion which carried unanimously.

Ms. Giusti polled the commission.

Voting in favor: Commissioners Holtman, Jorsey, Zigmont, Rogan, Wollman, Biella,  
Veley

#### **III Commission Business**

##### **a. In accordance with Connecticut General Statute 8-24, review and recommendation to the Town Council regarding demolition of 861 Farmington Avenue**

Ms. Giusti reviewed the background and purpose of this review. She stated additional documents about the agenda item had been received and those communications will be read into the record this evening.

Attorney Coppola asked if there were any questions regarding the narrative that Ms. Giusti had just provided. There were no questions.

Chairwoman Veley stated as there were no questions, communications received regarding the agenda item will be read into the record, noting they were being read without regard to their order of arrival.

Ms. Giusti read communications from the following:

- 1) Linda Cimadon
- 2) Tom Melissa Ottoman
- 3) Garrison, 41 Langdon Court
- 4) Sam Pethigal
- 5) Tracy Ann Cappella
- 6) Nancy Moran
- 7) Lisa Dorfman
- 8) Patricia Rozinski
- 9) Heidi Knox
- 10) Peter Agostini
- 11) Sally Caleandri
- 12) Andra Millard
- 13) Lorraine Stub
- 14) Leardi
- 15) Marian McKeon
- 16) Loraine Stub
- 17) Dennis Kern
- 18) Maureen Sites
- 19) Sandy L
- 20) A phone message - Apollo, Kramer Drive
- 21) Mike

Attorney Coppolo read the following:

- 22) John Russo
- 23) John Gustafson
- 24) Walter Parker
- 25) Susan Gouda
- 26) Danielle Wynn
- 27) Nancy Moran – Cathy Lopolla
- 28) Bev Harris
- 29) Robert Zipadelli
- 30) Art Kavan
- 31) Diana Horvac
- 32) Michael Cavaleri
- 33) Loraine Stub
- 34) Gary Schmidt

Each of the communications stated support for the preservation of the building at 861 Farmington Avenue.

Ms. Giusti stated the documents read had been received and printed prior to the meeting's beginning time and will be posted with other meeting information.

Economic Development Coordinator James Mahoney and Mr. Mark Lovley, Newport Realty, developer of the site, were both online.

Chairwoman Veley stated her understanding at the time of the transaction of the sale of the property, it was understood that the building at 861 Farmington Avenue would be preserved due to its historic meaning and it was considered to be worth saving. She asked why it was now being proposed to be demolished and if remediation could be the issue.

Mr. Mahoney presented an overview, summarizing the following points. Mr. Mahoney stated there is a problem with contaminated ground water emitting from the site. Approvals have been appealed. Loreiro Engineering has advised that the vapors are hazardous. Alternatives for the elimination of a sump pump would be to raise the floor; relocate utilities; and install environmental control measures. A re-evaluation of costs and an historic assessment of the building resulted in Newport Realty's requesting demolition of the building. Brian Humes, consulting architect for the Town of Berlin, has provided his opinion the building is not historically significant. The State of Connecticut Historic Preservation Commission did not object to its demolition; Town Staff's opinion was to allow demolition of the building. He said the project has had three 8-24 reviews – one for its acquisition; one for the sale to Newport Realty, and this one for the request to demolish the building. He stated the building has its merits; however, there is difficult decision involved due to its vapor problem and state of repair which is above average. A new building's design with architectural features will provide leasability.

Mr. Mark Lovely, Newport Realty, stated it had been their intention to preserve the building; however, 848 Farmington Avenue is flooding the basement at 861 Farmington Avenue and its foundation is not stable. It is their intention to build a brick façade on the new building.

Commissioner Zigmont stated the building has historical value and should be re-done and dedicated to deserving Berlin residents.

Commissioner Wollman stated the plan has changed drastically since the Town and Newport Realty originally reviewed the plans. He stated the town's architectural consultant and the state's preservation commission have stated the building has no historical value. Environmental safety is a significant concern. The commission must be careful not to set a precedent.

Commissioner Jorsey asked if some of the brick façade could be preserved.

Mr. Lovely stated he was uncertain if the original brick could be saved. He stated the goal is to have the building look like the original building.

Commissioner Jorsey stated the environmental issues should have been recognized by the town earlier in the process. She stated she supports the preservation of the building to be consistent with the Plan of Conservation and Development. She asked if the communications that had been read into the record this evening would be forwarded to the Town Council.

Ms. Giusti said the communications will be incorporated into the record and forwarded to the Town Council.

Ms. Giusti polled the commission to determine if there were any additional comments.

Commissioner Holtman:	No additional comment.
Commissioner Jorsey:	No additional comment.
Commissioner Zigmont:	In favor of keeping the building as it has historical significance.
Commissioner Rogan:	No additional comment.
Commissioner Wollman:	The commission must be careful not to set a precedent.
Commissioner Biella:	No additional comment.
Commissioner Veley:	As noted in Mr. Mahoney's testimony, the contamination comes from a different site; the commission must be careful not to set a precedent.

Commissioner Jorsey moved to forward an unfavorable recommendation to the Town Council regarding the demolition of 861 Farmington Avenue as it not consistent with the Plan of Conservation and Development.

Commissioner Zigmont seconded the motion which carried four in favor to three opposed.  
Voting in favor: Jorsey, Zigmont, Rogan, Veley  
Voting in opposition: Holtman, Wollman, Biella

**III b. Discussion request by The Military Experience Museum, Inc. for use of properties on the Chamberlain Highway at Map 30-2, Block 74, Lot 37 owned by 76 Chamberlain Highway LLC and Lot 39 owned by Meadow Haven Inc.**

Director of Economic Development Chris Edge was unable to attend this meeting.

No action taken.

**IV Public Hearing (Continued)**

THE PUBLIC HEARING WILL NOT BE GOING FORWARD AT THIS MEETING. THE CONTINUED HEARING DATE WILL BE NOTICED AND POSTED.

- a. Zone Change Application of Attorney Richard Pentore on behalf of Shuttle Meadow Country Club, Inc. to change the zone of a portion of Lot 1, Block 10 51 Randeckers Lane, and Lot 93, Block 10, Wigwam Road, from Residential-43 to Planned Residential-2

No action taken.

## **V New Business**

- a. Site Plan Amendment Application of the Italian Political Independent Club for façade and parking renovations at 16 Harding Street

Ms. Giusti reviewed staff comments. She stated the proposed improvements are primarily for parking area upgrades and to rectify unfinished improvements from a previous approval. A portion of the site bond for that previous site plan amendment has been retained.

Mr. John Mangifico, IPIC, stated the parking area will be re-paved, and landscaping added to enhance the club's property.

Mr. Ray Ravora, VP, IPIC, stated a tree will be removed and hydrangea and ground cover planted.

Ms. Giusti confirmed that the commissioners and applicant had received her comments, as well as public works comments about drainage and the comment that the trees to be removed are a hazard and be replaced. The applicant agreed with this statement. Ms. Giusti read Economic Development Director Chris Edge's letter of support into the record.

Mr. Mangifico stated his agreement to work with the town regarding any issues regarding drainage and catch basins.

Commissioner Wollman moved to approve the application, subject to adherence to staff comments.

Commissioner Jorsey seconded the motion.

Ms. Giusti polled the commission.

Voting in favor: Commissioners Holtman, Jorsey, Zigmont, Rogan, Wollman, Biella, Velej

The motion carried unanimously.

At this point in the meeting, Commissioner Zigmont moved to go into Executive Session, inviting Ms. Giusti and Attorney Coppola to join the commission.

Commissioner Biella seconded the motion which carried unanimously.

The time was 7:03 p.m.

## **EXECUTIVE SESSION**

### In attendance:

Acting Town Planner/Zoning Officer Maureen Giusti

Town Counsel Jennifer Coppola

Chairwoman Joan Veley

Commissioners Diane Jorsey; Curtis Holtman; Brian Rogan; Steve Wollman; Tim Zigmont

Alternate Commissioner Steve Biella, Jr. (seated)

## **VI Executive Session**

- a. Discuss the status of pending litigation of Rio Vista Associates, LLC v. Berlin Planning and Zoning Commission and Town of Berlin and possible action relating to same.
- b. Consider whether to convene in executive session to discuss the status of the pending litigation of Rio Vista Associates, LLC v. Berlin Planning & Zoning Commission and Town of Berlin
- c. Discuss the status of the pending litigation of Cocomo Brothers Associates LLC v. Planning and Zoning Commission of Town of Berlin and Newport Realty Group, LLC, and possible action relating to same
- d. Consider whether to convene in executive session to discuss the status of the pending litigation of Cocomo Brothers Associates LLC v. Planning and Zoning Commission of Town of Berlin and Newport Realty Group, LLC

## **VII Adjournment**

Commissioner Jorsey moved to come out of Executive Session and adjourn the meeting.

Commissioner Biella seconded the motion which carried unanimously.

The time was 8:57 p.m.

Respectively Submitted,

Frances M. Semnoski

Recording Secretary