

## **Berlin Planning and Zoning Commission Agenda**

The Berlin Planning and Zoning Commission will hold its Regular Meeting on **Thursday, August 6, 2020 at 7:00 PM** in person at the Board of Education Conference Room, located in the Board of Education Administrative Offices at 238 Kensington Road, Berlin, in the rear lower level of Berlin Town Hall. The public will also be able to access and participate in the meeting via Webex video conference and conference call as provided below. Therefore, the public may attend the meeting in person, via Webex video conference, or via conference call.

WEBEX Meeting Link:

<https://townofberlin.my.webex.com/townofberlin.my/j.php?MTID=m44cbaf10e37232e3efa0c35c3eb7f254>

Meeting Number: 132 605 5108

Password: CKpurpXB883 (25787792 from phones and video systems)

Dial In Number: 1-408-418-9388

Access Code: 132 605 5108

**\*\*\*PLEASE NOTE: The agenda and all meeting materials related to the agenda items which will be distributed to the Commission will be posted on the town's website at: [www.town.berlin.ct.us](http://www.town.berlin.ct.us) and will be available for viewing twenty-four (24) hours prior, during and after the meeting. Members of the public are encouraged to submit materials relevant to the applications no later than 12:00 p.m. on Wednesday, August 5, 2020, for posting prior to, during and after the meeting.**

### **I Call to Order**

The following Public Hearings will commence at 7:00 PM at which time an opportunity will be given to those who wish to be heard relative to the following applications:

### **II Public Hearings**

- a. Text Amendment of The Metro Realty Group, LTD to amend Berlin Zoning Regulations Section XI.BB Workforce Housing (WFD)
- b. Zone Change Request of 833 Deming Road, LLC and Berlin Remnant Land Parcels, LLC to change the zone of Block 122, Lots 10, 11, 11-2 from Residential 43 and Office Technology to Work Force Housing (WFD)
- c. Special Permit/Site Plan Applications of 833 Deming Road, LLC and Berlin Remnant Land Parcels, LLC to construct 11 residential apartment buildings, total 88 units, at Lots 10, 11-1, 11-2, Block 122, at 0, 823 and 833 Deming Road
- d. Proposed amendments to the Berlin Zoning Regulations regarding outdoor storage in industrial zones

### **III Old Business**

- a. Text Amendment of The Metro Realty Group, LTD to amend Berlin Zoning Regulations Section XI.BB Workforce Housing (WFD)
- b. Zone Change Request of 833 Deming Road, LLC and Berlin Remnant Land Parcels, LLC to change the zone of Block 122, Lots 10, 11, 11-2 from Residential 43 and Office Technology to Work Force Housing (WFD)

*Continued...*

**III Old Business (Continued)**

- c. Special Permit/Site Plan Applications of 833 Deming Road, LLC and Berlin Remnant Land Parcels, LLC to construct 11 residential apartment buildings, total 88 units, at Lots 10, 11-1, 11-2, Block 122, at 0, 823 and 833 Deming Road
- d. Proposed amendments to the Berlin Zoning Regulations regarding outdoor storage in industrial zones

**IV Review of Minutes**

- a. June 18, 2020
- b. July 16, 2020

**V Request for Bond Release and Bond Reduction**

- a. Request of Allan W. Hall, Building Committee Chair, for a bond release, The Kensington Congregational Church, 312 Percival Avenue
- b. Request for Bond Release, Armand DeMatteo, Silver Island Homes

**VI Commission Business**

- a. Revocation of People's United Bank Irrevocable Standby Letter of Credit, No. ISB000426; Present Amount: \$91,200.00; Account of Silver Island Homes, LLC

**VII Adjournment**

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

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- c. Special Permit/Site Plan Applications of 833 Deming Road, LLC and Berlin Remnant Land Parcels, LLC to construct 11 residential apartment buildings, total 88 units, at Lots 10, 11-1, 11-2, Block 122, at 0, 823 and 833 Deming Road
- d. Proposed amendments to the Berlin Zoning Section VII regarding outdoor storage in industrial zones

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<https://townofberlin.my.webex.com/townofberlin.my/j.php?MTID=m44cbaf10e37232e3efa0c35c3eb7f254>

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Brian Rogan, Secretary  
Berlin Planning and Zoning Commission

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Posted in the Town Clerk's Office – July 24, 2020

**Berlin Planning and Zoning Commission Regular Meeting Minutes**  
**June 18, 2020**

**I        Call to Order**

The Berlin Planning and Zoning Commission met remotely on June 18, 2020. The meeting was called to order at 7:05 p.m.

Ms. Giusti polled the commission:

Commissioner Jon Michael O'Brien:	present
Commissioner Curtis Holtman:	present
Commissioner Tim Zigmont:	present
Commissioner Brian Rogan:	present
Commissioner Steve Wollman:	present
Chairwoman Joan Veley:	present
Alternate Commissioner Steve Biella, Jr.	Joined the meeting for II Executive Session

Acting Town Planner/Zoning Enforcement Officer Maureen Giusti  
Corporation Counsel Jennifer Coppola

Excused:

Commissioner Diane Jorsey

**II        EXECUTIVE SESSION**

Commissioner Wollman recused himself from the Executive Session Items 1 and 2.

Commissioner Zigmont moved to go into Executive Session, inviting Acting Town Planner/Zoning Enforcement Officer and Corporation Counsel Jennifer Coppola. The motion was seconded by Commissioner Holtman.

Ms. Giusti conducted a poll of the commissioners:

Commissioner Jon Michael O'Brien:	aye
Commissioner Curtis Holtman:	aye
Commissioner Tim Zigmont:	aye
Commissioner Brian Rogan:	aye
Commissioner Steve Wollman:	aye
Chairwoman Joan Veley:	aye
Alternate Commissioner Steve Biella, Jr.	aye

Chairwoman Veley read the following items 1 and 2 into the record. The time was 7:11 p.m.

1. Discuss the status of the pending litigation of Rio Vista Associates, LLC v. Berlin Planning & Zoning Commission and Town of Berlin, and possible action relating to same.

2. 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.

After discussion, Commissioner Zigmont moved to come out of Executive Session.

Commissioner Biella seconded the motion.

Ms. Giusti polled the commission and the motion carried unanimously.

The time was 7:38 p.m.

Commissioner Wollman was re-seated.

### **III Commission Business**

- a. Façade Application of Michael and Rosemary Cassetta, Dairy Queen, 806 Farmington Avenue (pending revisions, no discussion anticipated)

There was no discussion.

### **IV New Business**

- a. Fill Permit Application of The Mattabassett District to fill +/- cubic yards of fill over a three-year period at Lot 2, Block 75H, The Mattabassett District

Mr. Arthur Simonian, P.E., Executive Director, The Mattabassett District, stated the permit has been renewed for a number of years. The landfill was purchased in the 1980's with the Department of Environmental Protection and Inland Wetlands and Watercourses approvals. The ash is tested quarterly by the Department of Environmental Protection. Work will begin this summer for the remaining 3600 cubic yards of the current permit. The estimated remaining life of the site is 120 years. A final grading plan will be submitted. He described the truck route which takes 30 to 45 minutes. The excavation occurs once a year and takes about 3 to 4 weeks. The request for the renewal of the permit is submitted every three years. In response to Commissioner Zigmont's asking if runoff water is tested, Mr. Simonian stated monitoring wells are in place and are tested quarterly by the DEEP. Metal levels are below limits. He offered to submit that testing information.

Ms. Giusti stated the Inland Wetlands and WaterCourses permit is in place. She stated Town Engineer Ahern has stated an as-built survey should be submitted each year to quantify the fill volume.

Mr. Simonian stated his agreement to submit the as-built survey as stated by the Town Engineer.

Commissioner Wollman moved to approve the application, subject to:

- a. Submittal of as-built survey to be each year to quantify the annual fill volume
- b. Adherence to staff comments

The motion was seconded by Commissioner Biella, Jr.

Ms. Giusti polled the commission:

Commissioner Jon Michael O'Brien:	aye
Commissioner Curtis Holtman:	aye
Commissioner Tim Zigmont:	aye
Commissioner Brian Rogan:	aye
Commissioner Steve Wollman:	aye
Chairwoman Joan Veley:	aye

Alternate Commissioner Steve Biella, Jr.     aye

The motion carried unanimously.

## **V      Public Hearing**

- a.      Proposed amendments to the Berlin Zoning Regulations regarding outdoor storage in industrial zones

Ms. Giusti stated Attorney Coppola will re-join the commissioners. She stated the language has not yet been finalized.

Commissioner Zigmont moved to table this agenda item.

Commissioner Holtman seconded the motion which carried unanimously.

Attorney Coppola stated further review is needed and a work session with the commission may be needed.

## **VI      Old Business**

- a.      Proposed amendments to the Berlin Zoning Regulations regarding outdoor storage in industrial zones

There was no discussion or action.

## **VII    Adjournment**

Commissioner Zigmont moved to adjourn the meeting.

Commissioner Biella, Jr. seconded the motion which carried unanimously.

The time was 8:06 p.m.

Respectfully submitted,

Frances M. Semnoski  
Recording Secretary

**Berlin Planning and Zoning Commission  
July 16, 2020 Meeting Minutes**

**I Call to Order**

The Berlin Planning and Zoning Commission held a virtual meeting on July 16, 2020.  
The meeting was called to order at 7:22 p.m.

In attendance

Chairwoman Joan Veley

Commissioners Curtis Holtman; Diane Jorsey; Timothy Zigmont

Acting Town Planner Maureen Giusti

Corporation Counsel Jennifer Coppola

Excused

Alternate Commissioner Steve Biella, Jr.

Commissioners Jon Michael O'Brien; Steve Rogan; Steve Wollman

**II Review of Minutes**

a. June 4, 2020

Commissioner Jorsey moved to approve the minutes, as presented.

Commissioner Zigmont seconded the motion which carried unanimously.

b. June 18, 2020

Commissioner Jorsey abstained from voting.

Commissioner Zigmont moved to table review of the minutes.

Commissioner Holtman seconded the motion which carried unanimously.

**III Schedule Public Hearings**

- a. Text Amendment of The Metro Realty Group, LTD to amend Berlin Zoning Regulations Section XI.BB Workforce Housing (WFD)  
*Suggested Date: August 6, 2020*

Commissioner Jorsey moved to schedule the public hearing on August 6, 2020.

Commissioner Zigmont seconded the motion which carried unanimously.

- b. Zone Change Request of 833 Deming Road, LLC and Berlin Remnant Land Parcels, LLC to change the zone of Block 122, Lots 10, 11, 11-2 from Residential 43 and Office Technology to Work Force Housing (WFD)  
Suggested Date: August 6, 2020

Commissioner Jorsey moved to schedule the public hearing on August 6, 2020.

Commissioner Zigmont seconded the motion which carried unanimously.

- c. Special Permit/Site Plan Applications of 833 Deming Road, LLC and Berlin Remnant Land Parcels, LLC to construct 11 residential apartment buildings, total 88 units, at Lots 10, 11-1, 11-2, Block 122, at 0, 823 and 833 Deming Road  
Suggested Date: August 6, 2020

Commissioner Jorsey moved to schedule the public hearing on August 6, 2020.

Commissioner Zigmont seconded the motion.

#### Discussion

Ms. Giusti stated the project will be presented to the Inland Wetlands and Water Courses Commission at its August 4, 2020 meeting.

The motion carried unanimously.

#### IV Commission Business

- a. In accordance with Section 8-24 of the Connecticut General Statutes, review and recommendation regarding an Easement or License for the Portion of the Boulevard to be Constructed on Property of the Connecticut Department of Transportation

Ms. Giusti stated staff has no issue and she supports a favorable recommendation. Corporation Counsel will review the final documents prior to their execution.

Commissioner Zigmont moved to forward a favorable recommendation to the Town Council.  
Commissioner Holtman seconded the motion which carried unanimously.

- b. In accordance with Section 8-24 of the Connecticut General Statutes, review and recommendation regarding the granting of an easement to supply electricity to the Boulevard project and to the Steele Center @Farmington Avenue transit-oriented development project

Ms. Giusti stated documents will be reviewed by Corporation Counsel prior to their execution.

Commissioner Zigmont moved to forward a favorable recommendation to the Town Council.  
Commissioner Jorsey seconded the motion which carried unanimously.



c. Discussion of retail/self-storage development

Mr. Chris Edge, Director of Economic Development, Town of Berlin, stated he has been speaking with a developer who is interested in developing retail/commercial use in the front of a property facing the Berlin Turnpike with storage at the rear of the site. He stated no commission action is being anticipated at this meeting, only the commission's opinion if the use should be considered.

Commissioner Jorsey asked which parcels would be likely for this type of development.

Mr. Edge stated parcels five acres and above – and although no certain sites are being considered – potential sites are on the Berlin Turnpike and include the Industrial Surplus site; the Safari Golf site; behind a bowling business site; and another site on the Berlin Turnpike. He stated access to storage would be in the rear of the property; with retail in front.

Commissioner Zigmont stated consideration of access should be considered.

Commissioner Jorsey stated she would be interested in hearing additional information regarding the proposal.

Chairwoman Veley asked if Mr. Edge could provide additional information for the concept.

Mr. Edge stated he will contact the developer for additional information and also check with other communities.

**V Public Hearing**

- a. Proposed amendments to the Berlin Zoning Regulations regarding outdoor storage in industrial zones (*Rescheduled per discussion*) Chairwoman Veley stated the commission is not in public hearing but only in discussion to provide direction.

Chairwoman Veley stated the commission is not in public hearing but only getting direction from Attorney Coppola.

Attorney Coppola reviewed current regulations, stating there is conflict in the language concerning outdoor storage with that of the Plan of Development. Trailer restrictions were discussed. She reviewed potential changes.

Commissioner Jorsey stated a Special Permit should be required.

Chairwoman Veley asked for a revision regarding “loaded trucks”.

There was discussion regarding the scheduling of the public hearing.

Ms. Giusti stated proposed regulations may be amended during the public hearing.

Commissioner Zigmont moved to schedule the public hearing for August 6, 2020.  
Commissioner Holtman seconded the motion which carried unanimously.

**VI Old Business**

- a. Proposed amendments to the Berlin Zoning Regulations regarding outdoor storage in industrial zones

No discussion or action taken.

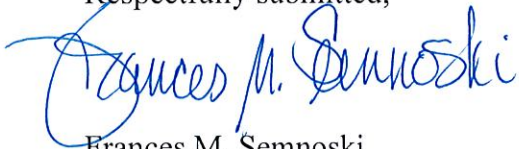
**VII Adjournment**

Having no further business to come properly before the commission, Commissioner Jorsey moved to adjourn.

Commissioner Zigmont seconded the motion which carried unanimously.

The time was 8:35 p.m.

Respectfully submitted,



Frances M. Semnoski  
Recording Secretary

## PROPOSED AMENDMENTS TO SECTION VII OF BERLIN ZONING REGULATIONS

### I. Section VII.C.3.e. - General Industrial 2 (GI-2)

3. *Special permit uses.* The following principal uses shall be permitted subject to special permit and site plan approvals in accordance with Sections XII and XIII: ....

e. Contractor shops for establishments providing courier services, industrial repair services, irrigation services, landscape services and building trades such as carpentry, electrical, HVAC, and plumbing services provided that, notwithstanding Section VII.G.3 of the regulations, all materials and equipment are stored inside approved structures or on a contractor's utility truck and ~~specifically excluding~~ the outside parking of trailers shall only be permitted pursuant to such conditions as the commission may impose.

### II. Sections VII.D.3.g. and VII.D.5.a. - Planned Industrial (PI)

3. *Special permit uses.* The following principal uses shall be permitted in the PI district, subject to special permit and site plan approvals by the commission in accordance with Sections XII and XIII:

g. Contractor shop(s) for establishments providing courier services, industrial repair services, irrigation services, landscape services and building trades such as carpentry, electrical, HVAC, and plumbing services provided that, notwithstanding Section VII.G.3. of the regulations, all materials and equipment are stored indoors and ~~specifically excluding~~ the outside parking of trailers shall only be permitted pursuant to such conditions as the commission may impose. ....

5. *Additional requirements for permitted uses.* Additional requirements for permitted uses in the PI district are as follows:

a. All permitted operations and related storage, except for the parking of motor vehicles, shall be conducted within a building, except in accordance with Section VII.D.4.f. and/or Section VII.G.3.

### III. Sections VII.E.3.m. and VII.E.5.a – Planned Industrial 2 (PI-2)

3. *Special permit uses.* The following principal uses shall be permitted subject to special permit and site plan approvals by the commission in accordance with Sections XII and XIII:

m. Contractor shop(s) for establishments providing courier services, industrial repair services, irrigation services, landscape services and building trades such as carpentry, electrical, HVAC, and plumbing services provided that, notwithstanding Section VII.G.3. of the regulations, all materials and equipment are stored indoors and ~~specifically excluding~~ the outside



parking of trailers shall only be permitted pursuant to such conditions as the commission may impose.

*5. Additional requirements for permitted uses.*

a. All permitted operations and related storage, except for the parking of motor vehicles, shall be conducted within a building, except in accordance with Section VII.E.4.e. ~~VII.C.4.F~~ and/or Section VII.G.3.

**IV. Section VII.G.3. of General Requirements for all industrial zones.**

3. Outside storage including the storage of merchandise, supplies, machinery and/or other materials directly related to the operation of the principal use may be permitted shall be allowed in the ~~town's~~ Town's general industrial and planned industrial zones (general industry, planned industry and office laboratory) subject to site plan approval by the commission in accordance with Section XIII. Outside storage areas ~~shall be located in the rear or side yards on the same premises of the principal use building and~~ shall not extend into the area required for setback from the street line or into the required side yards adjacent to any nonindustrial zone. Outside storage areas shall be enclosed by buildings, fences, walls, landscaped earthen berms, ~~or~~ evergreen shrubs or trees, and/or other acceptable structures or screening as determined by the commission, so as to provide ~~an opaque~~ a suitable screen from adjacent lots or streets. All outside storage areas shall be subject to site plan review by the commission. In no case shall stored merchandise, supplies, and/or other materials exceed the height of the screening. The commission has the discretion to require non-permeable ground barriers and storage covers where appropriate. ~~No tractor-trailer or truck loaded with merchandise, supplies, and/or other materials shall be parked in a lot for a period exceeding five (5) consecutive days in one calendar month.~~ Proper access to all buildings shall be maintained at all times and outside storage shall not interfere with access or required parking.

July 31, 2020

Staff Comments

Proposed Amendments to Outside Storage in Industrial Zones

Section VII – Zoning Regulations

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Fire Marshal

No comment

Engineering

No comment

Inland Wetlands

No comment

July 30, 2020

**PLANNING & ZONING DEPARTMENT  
PROJECT REVIEW SHEET**

**APPLICATION:** Amendment to Section VII – Zoning Regulations  
Outside Storage – Industrial Zones

**AGENDA DATE:** Public Hearing will open on August 6<sup>th</sup> and be continued

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Department/District:

☐ Town Planner  
☐ Assistant Town Planner/ZEO  
☐ Engineering  
☐ Kensington Fire District  
☐ Worthington Fire District  
☐ Board of Education  
☐ Conservation Commission

☐ Building Official  
☒ Berlin Water Control  
☐ Health District  
☐ Fire Marshal  
☐ Board of Police Commissioners  
☐ Inland Wetlands  
☐ Police Chief

☒ No Comment

☐ Comments:

 8/3/2020  
Signature/Date

July 30, 2020

**PLANNING & ZONING DEPARTMENT  
PROJECT REVIEW SHEET**

**APPLICATION:** Amendment to Section VII – Zoning Regulations  
Outside Storage – Industrial Zones

**AGENDA DATE:** Public Hearing will open on August 6<sup>th</sup> and be continued

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Department/District:

☐ Town Planner  
☐ Assistant Town Planner/ZEO  
☐ Engineering  
☐ Kensington Fire District  
☐ Worthington Fire District  
☐ Board of Education  
☐ Conservation Commission

☐ Building Official  
☐ Berlin Water Control  
☐ Health District  
☐ Fire Marshal  
☐ Board of Police Commissioners  
☐ Inland Wetlands  
☒ Police Chief

☒ No Comment

☐ Comments:

A handwritten signature in blue ink is written over a horizontal line. To the right of the signature, the date "8/3/2020" is handwritten in blue ink.

Signature/Date



## Regular Meeting

### II Commission Business

#### a. Discussion of outdoor storage in industrial zones

After discussion, Attorney Coppola stated there is a recognition by the commissioners that outdoor storage should be considered case by case. Staff will make an effort to propose amendments to the conflicting regulations regarding outdoor storage.

#### b. Discussion regarding crematory uses

Ms. Giusti stated the crematory business on Christian Lane is interested in changing its State license to a funeral license. At this time, they cannot deal directly with family members, nor conduct direct transportation of deceased individuals. She read portions of the letter submitted by the owner's attorney describing funeral licensing.

After discussion, Chairwoman Veley stated if a site plan change were involved, it would be a Planning and Zoning Commission issue. She stated the licensing is a State matter.

Corporation Counsel is going to look further into the licensing. Additional information may be requested to respond to the inquiry.

### III Approval of Minutes

#### a. Special Meeting – December 12, 2019

Commissioner Zigmont moved to approve the minutes, as presented.

Commissioner Rogan seconded the motion which carried unanimously, with one abstention (Commissioner Jorsey)

### IV Schedule Public Hearings

#### 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

*Suggested Date: January 23, 2020*

Commissioner Zigmont moved to schedule the public hearing for January 23, 2020. Commissioner Jorsey seconded the motion which carried unanimously.

#### b. Special Permit and Site Plan Amendment Applications of CT Grows for the re-establishment of a garden center at 398 Chamberlain Highway

*Suggested Date: January 23, 2020*

Commissioner Zigmont moved to schedule the public hearing for January 23, 2020. Commissioner Holtman seconded the motion which carried unanimously.



#### IV Commission Business

- a. Discussion of outdoor storage in industrial zones and possibly schedule public hearing for amendments to Berlin Zoning Regulations

Town Counsel Jennifer Coppola stated, as discussed at the January Planning and Zoning Commission meeting, there is a conflict in the Berlin Zoning Regulations' General Industrial and Planned Industrial zones with regard to outside storage. She discussed three options for the commission to consider:

- Allow for the outside storage, including supplies, machinery, and other materials. Site Plan Approval is needed. She stated this option is "very general".
- This option incorporates the language stated in the General Industrial Zones.
- This option would eliminate machinery. Only supplies and or other materials which are "directly related to principal use" would be permitted, subject to site plan approval.

Attorney Coppola stated after the commission had to review her proposed options, she would return to answer any additional questions.

Ms. Giusti stated once the language is finalized, it would be sent to the regional agency for its review and a public hearing would be held.

Attorney Coppola left the meeting at 7:17 p.m.

#### V New Business

- a. Site Plan Amendment Application of Arti Bomova for building renovations and additions, including 2,073 s.f. first floor kitchen and vestibule; 202 s.f. second floor addition for stairs and corridor, and associated site improvements, at Lots 10 and 11, Block 80, 958 ad 964 Farmington Avenue

Mr. Todd Clark, Clark Land Surveying, LLC, representing the applicant, stated the application is a unified site plan, including the restaurant and the next building which contains two apartments. The buildings have had a series of additions over the years, and the plan will bring the buildings up to code. Inland Wetlands and Water Courses approval has been received.

Mr. John MacFarland, JWM Architects, LLC, stated the building with the restaurant has two apartments on the second floor and is connected to a building with two apartments. He submitted photographs to show the poor condition of the buildings. He noted they had been constructed on piers and are sagging. There will be a net increase of 1300 s.f., the kitchen will be enlarged, a vestibule will be constructed, and access to restrooms and the upper level will be improved. The new addition will be one story; the second area will provide access to apartments, and the other area will have a 77 foot ramp with metal handrails which will provide accessibility. The materials will match existing materials and architectural features will be match to tie the two buildings together. The enclosed vestibule to the rear of the site will be well illuminated and have three points of access. A parapet will be constructed to screen mechanicals

Berlin Planning and Zoning Commission  
Regular Meeting Minutes – March 5, 2020

**I Call to Order**

The Berlin Planning and Zoning Commission held a Regular Meeting on March 5, 2020 in the Town Council Chambers, Berlin Town Hall, 240 Kensington Road, Berlin, CT. The meeting was called to order at 7:00 p.m.

In attendance

Chairwoman Joan Veley

Commissioners Curtis Holtman, Diane Jorsey, Jon Michael O'Brien, Brian Rogan, Timothy Zigmont

Acting Town Planner/Zoning Enforcement Officer Maureen Giusti

Town Counsel Jennifer Coppola

Excused

Commissioner Steve Wollman

Alternate Commissioner Steve Biella, Jr.

**II Approval of Minutes**

a. March 5, 2020

Commissioner Zigmont moved to approve the minutes.

Commissioner Jorsey seconded the motion.

Discussion

One item was questioned – Page 4 – Commissioner Jorsey questioned if the amount of cubic yards should be 500,000, not 50,000. Staff indicated the plan would be checked for the correct yardage and minutes appropriately corrected. The applicant's representative, John Wagenblatt, L.S., confirmed with staff that 50,000 c.y. is correct.

Commissioner Zigmont amended his motion to include the correction.

Commissioner Jorsey seconded the motion which carried unanimously.

**III Commission Business**

a. Discussion of outdoor storage in industrial zones

Town Counsel Jennifer Coppola distributed written notes and the commission potential regulations for outside storage.

Ms. Giusti stated regulations for outdoor storage in the Planned Industry and General Industry zones will be proposed in order to reconcile conflict regarding outdoor storage in the regulations.

Mr. Chris Edge, Director of Economic Development, stated providing for outside storage of trailers which are pulled behind vehicles and used for equipment at job sites would be



advantageous to business owners.

Chairwoman Veley stated it is important to not allow outside storage to become a blight issue.

Ms. Giusti asked if the commissioners were comfortable with staff coming back with new language or if they would prefer to have an additional work session.

The consensus of the commission was to have staff submit proposed language for outside storage in the Planned Industry and General Industry zones.

b. Discussion of current zoning Map 21-4, Block 115, Lot 20A, Berlin Turnpike north of Orchard Road, request of Pierre Bennerup, property owner

Mr. Pierre Bennerup, 1829 Orchard Road, stated he had sent a letter to the commission regarding his opinion about the zoning of his property. He stated he had been Chairman of the Berlin Water Control Commission for twenty years, owns numerous properties throughout Berlin, and his Berlin business had been a major international nursery. He said the property which he is referencing has a potential buyer and it would be necessary to split the zoning to allow a business to be located on the Berlin Turnpike and one or two homes to be located on the back of the property. He described the “rolling” topography of the back property on which he has planted wild flowers throughout the years. The residential homes would exit on the Toll Gate side of the property. He noted Berlin would have substantial tax gains if the property were to develop as he would like to see. He stated his understanding it is not the mandate of the commission to consider taxes and that “spot zoning” is not in favor, but he asked the commission to consider the uniqueness of the property.

There was brief discussion of the map regarding potential subdivision.

Chairwoman Veley stated her understanding this agenda item is only for the purpose of discussion. She noted “spot zoning” is not legal in Connecticut. She stated the commission is sympathetic to Mr. Bennerup’s request.

Mr. Bennerup thanked the commission for its consideration of his request and left the meeting.

c. Façade Application of R. Jon Veneziano, on behalf of 83 Mill Street LLC, at Joey B’s, 83 Mill Street

Mr. Chris Edge, Director of Economic Development, stated the Economic Development Commission has reviewed the application and is in favor of the application.

Mr. Veneziano stated the new tenant, Joey’s B, is very enthusiastic about locating his business at 83 Mill Street. He noted the restaurant has a very visible location. He stated outside seating is not proposed at this time.

Ms. Giusti stated outside seating would require zoning review and approval. She stated in 2016, the “Starlight Diner”, the restaurant located at the site at that time and had a different owner, had

c. Discussion of retail/self-storage development

Mr. Chris Edge, Director of Economic Development, Town of Berlin, stated he has been speaking with a developer who is interested in developing retail/commercial use in the front of a property facing the Berlin Turnpike with storage at the rear of the site. He stated no commission action is being anticipated at this meeting, only the commission's opinion if the use should be considered.

Commissioner Jorsey asked which parcels would be likely for this type of development.

Mr. Edge stated parcels five acres and above – and although no certain sites are being considered – potential sites are on the Berlin Turnpike and include the Industrial Surplus site; the Safari Golf site; behind a bowling business site; and another site on the Berlin Turnpike. He stated access to storage would be in the rear of the property; with retail in front.

Commissioner Zigmont stated consideration of access should be considered.

Commissioner Jorsey stated she would be interested in hearing additional information regarding the proposal.

Chairwoman Veley asked if Mr. Edge could provide additional information for the concept.

Mr. Edge stated he will contact the developer for additional information and also check with other communities.

**V Public Hearing**

- a. Proposed amendments to the Berlin Zoning Regulations regarding outdoor storage in industrial zones (*Rescheduled per discussion*) Chairwoman Veley stated the commission is not in public hearing but only in discussion to provide direction.

Chairwoman Veley stated the commission is not in public hearing but only getting direction from Attorney Coppola.

Attorney Coppola reviewed current regulations, stating there is conflict in the language concerning outdoor storage with that of the Plan of Development. Trailer restrictions were discussed. She reviewed potential changes.

Commissioner Jorsey stated a Special Permit should be required.

Chairwoman Veley asked for a revision regarding “loaded trucks”.

There was discussion regarding the scheduling of the public hearing.

Ms. Giusti stated proposed regulations may be amended during the public hearing.

Commissioner Zigmont moved to schedule the public hearing for August 6, 2020.

Commissioner Holtman seconded the motion which carried unanimously.

**VI Old Business**

- a. Proposed amendments to the Berlin Zoning Regulations regarding outdoor storage in industrial zones

No discussion or action taken.

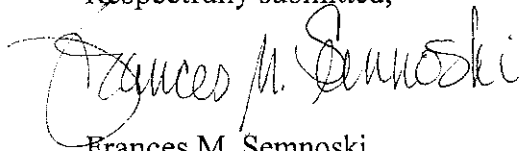
**VII Adjournment**

Having no further business to come properly before the commission, Commissioner Jorsey moved to adjourn.

Commissioner Zigmont seconded the motion which carried unanimously.

The time was 8:35 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Frances M. Semnoski".

Frances M. Semnoski  
Recording Secretary

## Bond Release

---

<b>Application:</b>	<b>Site Plan Amendment</b>
<b>Project Name:</b>	<b>Kensington Congregational Church</b>
<b>Address:</b>	<b>312 Percival Avenue</b>
<b>Zone:</b>	<b>R-15</b>
<b>Applicant:</b>	<b>Allan Hall, Building Committee Chair</b>
<b>Proposal:</b>	<b>Site Improvement Bond Release</b>

---

### PROPOSAL

Allan Hall, Building Committee Chair is requesting release of the remaining \$13,990 site bond held for site improvements at Kensington Congregational Church located at 312 Percival Avenue in the R-15 zone.

### STAFF COMMENTS

1. The Planning & Zoning Commission reduced the bond on August 1, 2019 after staff inspection determined that the site improvements have been completed and the site was stable with an established lawn.
2. At the time of the 2019 bond reduction, landscaping installation of four (4) pear trees was pending and remained bonded. The applicant has presented that the trees were installed last year. The trees have weathered the seasons and remain healthy.
3. \$10,000 was bonded for the acquisition of a piece of land from CT DOT. The 1,962 s.f. piece of land from DOT was released to the Kensington Congregational Church by a Quit Claim Deed filed in Vol 772, pages 748-749 and Compilation Plan filed as Map #4413.

### BACKGROUND

In March 2018 the Planning & Zoning Commission approved with conditions a site plan amendment to construct two additions to the existing church hall building, a parking lot expansion and associated improvements at 312 Percival Avenue in the R-15 zone.

A certificate of occupancy was issued in April 2019 and a \$33,990 site bond was retained for the remaining improvements, including the acquisition of a parcel of land from the CT DOT that was included in the site development plan.

Pending Engineering confirmation of site conditions, with improvements completed for 12 months and the required property transfer completed, remaining bonding would not be required.

Staff would note for the applicant, that in accordance with the site plan and special permit approval; a merger map of the combined site plan properties must be filed on the Land Records prior to obtaining the final Certificate of Occupancy..

# Kensington Congregational Church

United Church of Christ

312 Percival Avenue (Route 71)  
Kensington, Connecticut 06037-2098

Telephone/Fax: (860) 828-4511



July 16, 2020

Office of the Town Planner  
Town of Berlin

The Kensington Congregational Church respectfully requests the release of the bond being held on the Parish Hall expansion project on Percival Ave.

Sincerely,

Allan W. Hall  
Building Committee Chair

Town of Berlin  
Received

JUL 20 2020

Planning & Zoning Department  
Berlin, Connecticut

# Site Bond

LOCATION: Kens. Congregational Church SECTION or PHASE \_\_\_\_\_ DATE OF ORIGINAL BOND: April 15, 2019

DEVELOPER: \_\_\_\_\_ PROJECT NAME: \_\_\_\_\_

			ORIGINAL BOND		Bond Revision No 1 July 26, 2019		Bond Revision No 2		Bond Revision No 3	
Item	Unit Cost	Unit	Qty	Amount	Qty	Amount	Qty	Amount	Qty	Amount
<b>PUBLIC IMPROVEMENTS (Required By Engineering)</b>										
<b>PROJECT START UP</b>										
Sedimentation Barriers	5.00	LF				-		-		-
Anti Tracking Entrance Ramp	1500.00	LS				-		-		-
Erosion Blankets	5000.00	LS				-		-		-
<b>DRAINAGE</b>										
Manholes	3000.00	EA		-		-		-		-
Catch Basins	1800.00	LS		-		-		-		-
Yard Drain	1200.00	EA		-		-		-		-
Sedimentation Structure	20000.00	EA		-		-		-		-
6" Plastic Pipe	12.00	LF		-		-		-		-
8" Plastic Pipe	20.00	LF		-		-		-		-
15" Plastic Pipe	20.00	LF		-		-		-		-
18" Plastic Pipe	24.00	LF		-		-		-		-
15" RC Pipe	22.00	LF		-		-		-		-
18" RC Pipe	24.00	LF		-		-		-		-
Catch Basin Insert	1500.00	EA		-		-		-		-
Storm Water Basins	10000.00	LS		10,000		-		-		-
Wetlands Mitigation	20000.00	EA		-		-		-		-
<b>SEWER</b>										
Manholes	4000.00	EA		-		-		-		-
8" sewer	70.00	LF		-		-		-		-
6" sewer lateral	1500.00	EA		-		-		-		-
2" Force Main	20.00	LF		-		-		-		-
<b>WATER</b>										
8" Water Main & Valves	70.00	LF		-		-		-		-
Hydrant	4000.00	LF		-		-		-		-
1" water service	1500.00	EA		-		-		-		-
<b>PAVING</b>										
Roadway	150.00	LF		-		-		-		-
Pavement repair	24.00	LF		-		-		-		-
Bit. Driveway Apron	500.00	EA		-		-		-		-
Bit Curbing	6.00	LF	900	5,400		-		-		-
Handicapped Sidewalk Ramp	750.00	EA		-		-		-		-
4' Concrete Sidewalk	25.00	LF		-		-		-		-
<b>FINISHES</b>										
Topsoil and Seed	4.50	SY	555	2,500		-		-		-
Monumentation	150.00	EA		-		-		-		-
Lot Pinning (Per Lot)	400.00	EA		-		-		-		-
Street Lights	1500.00	EA		-		-		-		-
Landscaping Trees	150.00	EA		-	4	600		-		-
Landscaping Shrubs	50.00	EA		-		-		-		-
Landscaping Perennials	25.00	EA		-		-		-		-
<b>OTHER</b>										
Line Striping	LS	Ea	1	2,500		-		-		-
Signage	LS	EA	1	500		-		#VALUE!		#VALUE!
Land Acquisition		EA	1	10,000		10,000		-		-
				-		-		-		-
<b>Sub-Total</b>				30,900	\$	10,600				
<b>Contingency</b>				\$3,090.00	(10%)	3,090			\$	-
<b>Total Bond</b>				\$33,990.00	\$	13,690			\$	-

Minimum Ret. 25% (During Construction)	
Maintenance Bond 10% (18 Mo. After Completion)	\$3,090.00

Note: (if quantities are reduced. This only indicates the item meets Engineering standards)

No	Date	Note
1		
2		

**Site Bond \$13,690**



## **Bond - Release / Reduction / Revocation**

---

Armand DiMatteo

Silver Island Homes, LLC

POR Zone

Age-restricted multi-family development

**Bond Release/Reduction**

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### **PROPOSAL**

Armand DiMatteo, Principal, Silver Island Homes, LLC, has requested a site bond release for the Silver Island Way age-restricted multi-family development off North Colony Road, along the Meriden town line. A site bond of the amount of \$91,200 is currently held.

### **STAFF COMMENTS**

1. The bank that issued the letter of credit for the bonded amount has notified the Town that they do not intend to renew the LOC at expiration on August 17, 2020.
2. The 2004 Settlement agreement states that a \$45,000 bond "to ensure the enforcement and completion of the management plan.... Shall remain in effect for two (2) years after the completion of the entire project and the final certificates of occupancy are issued." Therefore, a minimum of \$45, 000 of the total bond may be required to be retained through a replacement bond/LOC or called.
3. Bonding should be replaced or called in an amount equal to any remaining unfinished items.

### **BACKGROUND**

The site plan and special permit for construction of the 24 single-family dwelling unit development was approved by the Planning and Zoning Commission in 2004. There was a subsequent settlement agreement that resulted in replacement conditions of approval. The development was substantially built out, but unfinished at expiration. In 2019, Vincent Brescia was granted a new Special Permit and Site Plan approval to allow for completion of project including unbuilt units. The original bond remained in place at the minimum retention.

The initial bond was calculated at \$403,960 with an \$80,792 Contingency for a total bond of \$484,752. The bond had a reduction dated 8/23/06 to \$76,000 plus \$15,200 contingency for a total of \$91, 200. The bond is held with a Letter of Credit; the bank has sent notification that it does not intend to extend the letter of credit which will expire on 8/17/2020. Therefore, the staff recommends that the Commission vote to call any portion of the bond which is required.

The remaining bonded items were evaluated at a site visit by Planning and Zoning and Engineering staff. Engineering recommendations for any further reduction is pending at the time of writing. The items remaining on the bond sheet include:

1. Road Pav't, curb & base; substantially complete; awaiting recommendation from Engineering.
2. Sidewalks; There are currently a few areas of sidewalk in need of repair and sections left incomplete.
3. Sedimentation barriers and trees; staff would recommend that SESC bonding can be obtained as part of the permitting process for the unbuilt units if the areas are cleaned up, graded and seeded prior to this bond release. The overall, including center island grading is substantially done, with some minor work outstanding;  
Staff review of the installed landscaping is pending. The applicant should be prepared to present compliance with the approved plan.  
The applicant has been advised and these issues may be able to be resolved prior to the meeting.
4. A specifically called Trees line item of \$45,000 is bonded. This was required per the settlement agreement, dated December 21, 2004 for the management of the Conservation area which is located around the perimeter of the project and adjacent to Silver Lake. The agreement specifically states in paragraph 4, "...Said bond shall remain in effect for two (2) years after the completion of the entire project and the final certificates of occupancy are issued."



FILE COPY

2/28/20

**People's United Bank, N.A.**

850 Main Street RC 1225

Bridgeport, CT 06604

Tel: 203-338-3223

Fax: 844-835-9130

SWIFT BIC: PESB US 33 XXX

**Notice of Non-Extension**

TOWN OF BERLIN  
240 KENSINGTON ROAD  
BERLIN, CT 06037  
CHAIRPERSON, BERLIN PLANNING & ZONING COMMISSION

Re: Our Irrevocable Standby Letter of Credit No.ISB000426 for the account of SILVER ISLAND HOMES, LLC, in your favor in the amount of USD 91,200.00.

Dear Beneficiary,

This is to notify you that we elect not to extend the above Letter of Credit for an additional period of one year and that the final expiration date of this credit is 8/17/20.

Should you have any questions or concerns contact Trade Finance Operations at the number above.

THIS IS A COMPUTER GENERATED DOCUMENT. SIGNATURE IS NOT REQUIRED.

Town of Berlin  
Chairperson

Signature

Signature  
Date

# Subdivision / Site Bond

Location: **COLONY ROAD**

Date of Bond: **May 5, 2005**

Developer: **SILVER ISLAND HOMES, LLC**

Original Bond Amount

\$

**484,752.00**

Project Name: **SILVER ISLAND ESTATE**

Engineering Map No.

Done By

**LWD**

Date Of Bond				TOTAL BOND		Refund #1					
				8/22/06		8/23/06					
No.	Item	Unit Cost	Unit	Qty	Amount	Qty	Amount	Qty	Amount	Qty	Amount
1	12" R.C. Pipe	16.00	LF								
2	15" R.C. Pipe	22.00	LF								
3	18" R.C. Pipe	24.00	LF								
4	24" R.C. Pipe	42.00	LF								
5	12" R.C. Flared End	400.00	EA								
6	15" R.C. Flared End	500.00	EA								
7	18" R.C. Flared End	550.00	EA								
8	24" R.C. Flared End	600.00	EA								
9	12" Plastic Pipe	16.00	LF								
10	15" Plastic Pipe	18.00	LF								
11	18" Plastic Pipe	24.00	LF								
12	24" Plastic Pipe	26.00	LF								
13	6" Plastic Underdrain	18.00	LF								
14	Catch Basin	1600.00	EA	14	22,400						
15	Yard Drains	1200.00	EA								
16	Sedimentation Structure	3500.00	EA								
17	Storm Manholes	2500.00	EA								
18	8" Sanitary Sewer & Manholes	40.00	LF	1000	40,000						
19	FORCEMAIN	10.00	LF	400	4,000						
20	8" Water Main & Valves	30.00	LF	1400	42,000						
21	1" Water Service	300.00	EA								
22	Hydrants	1500.00	EA	5	7,500						
23	30ft Road Pav't, Curb & Base	75.00	LF	1400	105,000		14,000				
24	Bit. Curbing for Parking Lots	4.00	LF								
25	4ft Wide Concrete Sidewalk	22.00	LF	1200	26,400		9,000				
26	Topsoil & Seeding in R.O.W.	4.00	SY	1000	4,000						
27	Pump Station	60000.00	LS	1	60,000						
28	Trees		LS		45,000		45,000				
29	Monumentation	150.00	EA								
30	Lot Pinning (Per Lot)	400.00	EA								
31	Traffic Signs	150.00	EA								
32	Street Lights	700.00	EA	6	4,200						
33	Sedimentation Barriers & Trees		LS		8,000		8,000				
34	Anti Tracking Const Entrance Ramp	1500	LS								
35	Detention Area Construction	10000	LS								
36	Ditch & Swale Construction	10.00	LF								
37	General Excavation & Clearing	25000	LS								
38	Pavement Repair	24.00	SY								
39	4X4 CONC GALLIES	50.00	LF	320	16,000						
40											
REVISIONS		Sub-Total		\$	403,960	\$	76,000	\$		\$	
1 2/24/05		Contingency		\$	80,792	\$	15,200	\$		\$	
2		Total Bond		\$	484,752	\$	91,200	\$		\$	

Minimum Ret. 25% (During Construction)

NEW BOND AMOUNT (Minimum Retainage)

\$ 91,200



# Town of Berlin

## Planning and Zoning Department

240 Kensington Road  
Berlin, Connecticut 06037  
www.town.berlin.ct.us

Planning and Zoning Commission  
Zoning Board of Appeals  
Conservation Commission  
Historic District Commission

July 29, 2020

To: People's United Bank  
Attn: Eileen O'Dea  
Trade Finance Operations, RC7-1225  
850 Main Street RC 1225  
Bridgeport, CT 06604

From: Town of Berlin  
Planning and Zoning Dept.  
240 Kensington Road  
Berlin, CT 06037

*Reference:* People's United Bank Irrevocable Standby Letter of Credit – No. ISB000426  
Present Amount: \$91,200.00  
Account of: Silver Island Homes, LLC

### NOTICE OF AGENDA ITEM

### REVOCATION OF BOND

This is to notify you that the Berlin Planning and Zoning Commission will consider the following item at its Regular Meeting of August 6, 2020, to be held at 7:00 P.M.

- a. Revocation of People's United Bank Irrevocable Standby Letter No. ISB000426 Account of Silver Island Homes, LLC in the amount of \$91,200.00.

*Copy: Nancy Lockwood, Treasurer, Town of Berlin*  
*Via Certified Mail (Return Receipt Requested): 7019 2280 0001 3341 7534*



# Town of Berlin

## Planning and Zoning Department

240 Kensington Road  
Berlin, Connecticut 06037  
www.town.berlin.ct.us

Planning and Zoning Commission  
Zoning Board of Appeals  
Conservation Commission  
Historic District Commission

July 30, 2020

To: Mr. Armand Dematteo  
Silver Island Homes, LLC  
55 Corporate Avenue  
Plainville, CT 06062

From: Town of Berlin  
Planning and Zoning Dept.  
240 Kensington Road  
Berlin, CT 06037

Reference: People's United Bank Irrevocable Standby Letter of Credit – No. ISB000426  
Present Amount: \$91,200.00  
Account of: Silver Island Homes, LLC

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Copy: Nancy Lockwood, Treasurer, Town of Berlin  
Via Certified Mail (Return Receipt Requested): 7019 1120 0001 3644 6670

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# Town of Berlin

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## Department of Economic Development

July 29, 2020

Maureen Giusti  
Chairwoman  
Planning & Zoning Commission  
Town of Berlin  
240 Kensington Road  
Berlin, CT 06037

Dear Maureen, Chairwoman Veley and Commission Members:

I am writing today and not part of your meeting as I am on my 1<sup>st</sup> vacation in over a year. I am presently working closely with Sal and Carol Calvo on the growth of a new line of business at Midstate Air Compressor. This new line is a sale/long-term rental of equipment used in manufacturing as well as contracting fields. The items vary from compressors, lighting and other items that may be needed on a job site for 30 days up to a year.

This is an avenue that Midstate is seeing some success and wishes to grow. Their interest is to lease the land on the Berlin Turnpike on the rear portion of 1243 Berlin Turnpike. This property, sometimes known as Janice's Village, was formerly the location of a sales location for sheds, playscapes and a few other things. This property is one parcel that extends from Worthington Ridge to the Berlin Turnpike and is split between the R-15 and BT-1 zones. My understanding is that the commercial section of the property was previously approved for a limited amount of items for sale in an outside display area.

Sal and Carol would like to lease and use the commercial portion of the property for a display area which would have the items they will be leasing/selling. It will have an enclosure around it and screening as needed. The commercial portion of 1243 Worthington Ridge has been quite challenging as it would need a bathroom as it is not allowed by ADA rules for someone to use the bathroom within the existing house. The cost of installing a bathroom would not make using this property, especially in a lease situation, economically viable. The Midstate use would allow them to grow as well as help the property owner with a difficult property.

I would ask that this body work with Maureen, Sal and Carol to help make this happen within the current approval at 1243 Berlin Turnpike. Due to the timeliness of this new line of business, the preference is to have this up and running in August of 2020. As this is a separate parcel, it will allow Midstate to grow this line and hopefully have it as a vital part of their business model long-term.

Midstate has grown from a small spot on Deming Road to now occupying the entire 12,400 square foot building at 1492 Berlin Turnpike. They are a local success story, and I want to make sure to assist them in any way possible for continued success.

I greatly appreciate your consideration of this request and have a great evening!

Sincerely,



Christopher Edge  
Economic Development Director

Visit our Web Site <http://www.town.berlin.ct.us>

---