

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

The Berlin Planning and Zoning Commission will hold its Regular Meeting on **Thursday, August 20, 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 telephone conference call.

To join via WEBEX Meeting Link:

<https://townofberlin.my.webex.com/townofberlin.my/j.php?MTID=m1fb656e162b2db7611d59c598f76c419>

Meeting Number: 132 356 8645

Meeting password: PZC700 (792700 from phones and video systems)

To call in via Telephone:

Dial-In Number: 1-408-418-9388

Access Code: 132 356 8645

**\*\*\*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 19, 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
- e. Special Permit/Site Plan Applications of Merhan Cecunjanin for a Barber Academy and barbershop at 1427 Berlin Turnpike  
*(Due to delays caused by weather related issues, this public hearing will not be opened at this meeting - continued to September 3, 2020)*
- f. Special Permit/Site Plan Applications of Thomas O'Rourke, Military Experience Museum Inc. for a Military Experience Museum at 76 Chamberlain Highway (Map 30-2, Block 74, Lot 37 and 0 Chamberlain Highway) and 0 Chamberlain Highway (Map 30-2, Block 74, Lot 39) *(Due to delays caused by weather related issues, this public hearing will not be opened at this meeting - continued to September 3, 2020)*

*Continued...*

**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)
- 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
- e. Special Permit/Site Plan Applications of Merhan Cecunjanin for a Barber Academy and barbershop at 1427 Berlin Turnpike  
*(Continued to September 3, 2020)*
- f. Special Permit/Site Plan Applications of Thomas O'Rourke, Military Experience Museum Inc. for a Military Experience Museum at 76 Chamberlain Highway (Map 30-2, Block 74, Lot 37 and 0 Chamberlain Highway) and 0 Chamberlain Highway (Map 30-2, Block 74, Lot 39) *(Continued to September 3, 2020)*

**IV Review of Minutes**

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

**V Requests for Bond Releases**

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

**VI Adjournment**

August 6, 2020

**TO:** BERLIN PLANNING AND ZONING COMMISSION

**REPORT ON ZONING REFERRAL Z-2020-51: Proposed zoning amendment pertaining to the requirements of the Workforce Housing Development (WHD) zone including open space per dwelling units, reducing required parking ratio, reducing front yard setback for parking, and expanding the qualifying underl**

**COMMISSIONERS:** Receipt is acknowledged of the above-mentioned referral. Notice of this proposal was transmitted to the Policy and Planning Division of the Capitol Region Council of Governments under the provisions of Section 8-3b of the Connecticut General Statutes, as amended.

**COMMENT:** The staff of the Regional Planning Commission of the Capitol Region Council of Governments has reviewed this zoning referral and finds no apparent conflict with regional plans and policies or the concerns of neighboring towns. Resulting traffic impacts from proposed densities appear to be adequately reviewed based on existing approval criteria. Staff encourages access to transit and incorporation of low impact development techniques as additional considerations for higher density development. Staff commends proposed parking reduction requirements and maximizing the preservation of open space.

The public hearing date has been scheduled for 8/6/2020.

In accordance with our procedures this letter will constitute final CRCOG action on this referral. Questions concerning this referral should be directed to Caitlin Palmer.

**DISTRIBUTION:** Planner: Newington, Rocky Hill, Southington, New Britain, Cromwell, Middletown, Meriden, River COG, South Central COG

Respectfully submitted,

Jennifer Bartiss-Earley, Chairman  
Regional Planning Commission

Brendan Malone, Vice Chairman  
Regional Planning Commission



Caitlin Palmer  
Senior Community Development Planner

**fsemnosk**

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**From:** mgiusti  
**Sent:** Wednesday, August 19, 2020 2:43 PM  
**To:** fsemnosk  
**Subject:** FW: Metro Realty - revision to text amendment application  
**Attachments:** Metro Realty - WHD proposed text amendment.pdf; WHD - Proposed Text Amendment - Presentation 8.20.2020.pdf; MFamDesignConstnSustainabilityStnds.pdf

**From:** Ben Tripp <BTripp@metro-realty.com>  
**Sent:** Wednesday, August 12, 2020 4:34 PM  
**To:** mgiusti <mgiusti@town.berlin.ct.us>  
**Subject:** Metro Realty - revision to text amendment application

Maureen,

Metro Realty would like to make a revision to the proposed text amendment to the Workforce Housing Development (WHD) zone. The revision is to amend the maximum living area of each dwelling unit from 1,200 sf to 1,350 sf. The reason for the increase in maximum unit size is to ensure the dwelling units within the WHD zone can adhere to the current design standards imposed by Connecticut Housing Finance Authority (CHFA) and Connecticut Department of Housing (DOH) with respect to affordable housing.

I have attached a revised proposed text amendment showing the change, as well as a revised presentation for posting on the Town website. I was use this revised presentation at the hearing next Thursday, August, 20<sup>th</sup>.

I've also attached the current multifamily CHFA/DOH design and construction standards to which I am referring. The information on the minimum dimensions of certain components of a dwelling unit are listed in Paragraph O. beginning on page 12.

Please let me know if you need any additional information. Thank you.

Ben Tripp  
Director of Development  
The Metro Realty Group, Ltd.  
6 Executive Drive, Suite 100  
Farmington, CT 06032  
T 860.674.5624 • M 860.978.4293  
Email: [btripp@metro-realty.com](mailto:btripp@metro-realty.com)

**M E T R O R E A L T Y**

*Affirmative Action / Equal Opportunity Employer*

## BB. Workforce Housing Development (WHD)

1. Definition. Workforce Housing Development. A multi-family housing development that qualifies as an “assisted housing” development as defined in Connecticut General Statutes §8-30g (a)(3).

2. Purpose and standards. The purposes of this section are to provide standards for development or redevelopment, on a cooperative basis between the Town and an identified development entity with experience in mixed-income, multifamily workforce housing, on parcels identified by the Town as appropriate for such housing; and to provide dimensional and design standards that will ensure a high-quality residential environment that is compatible with adjacent and neighboring commercial and residential uses.

3. Zoning requirements. A WHD housing site development plan shall be approved only on land ~~that has been zoned and~~ for which a site plan has been filed that complies with Section XIII of these regulations and the following conditions and design requirements:

a. Eligible location. A workforce housing development may be located only on a parcel of land at least five but not more than ~~seven-eight~~ acres; currently zoned BT-1; having access to public water and sewer; having no less than 500 feet of frontage on an existing public street other than the Berlin Turnpike.

b. Density. The number of dwelling units in the development shall not exceed fifteen (15) units per gross acre, with fractional coverage rounded down to a whole number.

c. Accessory building. A WHD site development plan may include one accessory building not to exceed 1,500 square feet, one story/20 feet in height, as a resident services building.

d. Grouping. Each development plan shall group the building in such a manner as to reflect the existing topography and preserve as much of the natural features as possible. The minimum distance between any two residential structures, excluding decks or patios, shall be ~~75~~20 feet.

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e. Architectural style. Buildings shall be designed to achieve a residential appearance. All buildings shall have pitched roofs and architectural projections per unit. Vertical and horizontal roof articulation is encouraged. Rooftop mechanical equipment, other than solar energy panels, shall be concealed, inconspicuous, and architecturally integrated into the structure. Buildings shall be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible. All accessory buildings shall have the same architectural style and character as the principal buildings. The architectural style of the development shall be approved by the Planning and Zoning Commission.

f. Building size. Each residential building shall contain no more than 16 dwelling units and shall be no more than two stories in height, with the interior dimensions of the footprint not to exceed 20,000 square feet. The exterior elevation of each residential building shall not be continuous horizontal planes and shall be broken with setbacks in all instances, to the satisfaction of the Planning and Zoning Commission.

g. Unit size. The living area of each dwelling unit, inclusive of bathrooms and exclusive of building corridors, if any, shall contain a maximum of ~~1,200~~1,350 square feet.

h. Setbacks from interior roads. All residential buildings shall be set back a minimum of 10 feet from the edge of pavement of interior roads, which shall be private. For the purposes of this section, interior roads are those to be constructed within and as part of developments within the WHD zone.

i. Landscaped buffers. A WHD site development plan shall include a plan for landscape buffering within the minimum front yard, side yard, and rear yard set forth in Section XI.BB.3.p. of these regulations, in

accordance with Section IX.C of these regulations. The applicant shall demonstrate to the satisfaction of the Commission that the proposed landscaping adequately screens mechanicals, dumpsters, parking and ground-level utilities and lighting glare.

j. Phasing. The Planning and Zoning Commission may approve a development plan to be completed in phases. If so, minimum yard and setback requirements shall not apply to the common line between phases of development.

k. Fire hydrants. Fire hydrants shall be installed in locations acceptable to the Fire Marshal.

l. Parking and circulation requirements.

i. There shall be at least ~~2-251.5~~ parking spaces for each dwelling unit. ~~No parking shall be allowed within a minimum yard.~~

ii. Interior road standards. All interior roads shall have a minimum paved width of 24 feet.

iii. Adequate pedestrian circulation, including a sidewalk on at least one side, shall be required along the interior roads of the development.

iv. Parking facilities for both passenger and vehicles shall be convenient to building entrances, adequately graded, drained, paved, and maintained in all seasons to prevent dust, excessive water flow and congestion of driveways, and to promote the safety of residents and visitors.

v. Driveways shall be arranged in a suitable and convenient traffic pattern and adequately graded, drained, and maintained in all seasons to accommodate traffic and to afford satisfactory access to police, firefighting and snow removal equipment.

m. Private open space. Each residential unit shall be provided with a patio or deck with a maximum of ~~150-175~~ square feet that is directly

accessible to the residential unit.

n. Recreation. A minimum of 10,000 square feet of the total site shall be lawn or landscaping-, which may include walking paths, suitable for passive recreation.

o. Workforce housing requirements. With its site plan application, the developer shall file an Affordability Plan that demonstrates how the Workforce Housing Development will qualify as "assisted housing" in compliance with Connecticut General Statutes §8-30g(a)(3) and sets forth:

- i. a draft of the covenants and restrictions that will be recorded on the Berlin Land Records and will govern maximum household incomes, maximum rental, and the administration of the Workforce Housing program;
- ii. identification of the person or entity responsible for administration of the Workforce Housing program;
- iii. standard for tenant eligibility and calculations of rental amounts for the Workforce Housing Units; and,
- iv. standards for the issuance of notice of availability of rental units, including an affirmative fair housing marketing plan.

p. Area and bulk requirements: The following area and bulk requirements shall apply to a workforce housing development:

Minimum front yard, excluding patio 50 feet

Minimum side yard 20 feet

Minimum rear yard 25 feet

Minimum parking space setback from property line:

20-15 feet, in front yard

20 feet and in side yards,

15 feet in rear yard

Maximum building height 35 feet

Maximum building stories 2.0



Minimum building to building separation 20 feet

Maximum building coverage 25 percent

Maximum impervious coverage 60 percent

Minimum street frontage 500 feet

Minimum lot size 5 acres

Maximum lot size 8 acres

q. Approval criteria. In determining whether to approve a WHD site development plan, the Planning and Zoning Commission shall consider the following criteria:

i. The proposed use of the subject site is consistent with the purpose, intent, and provisions of the Town's adopted land use plan, and the proposed use is one which is permitted to be established within the zoning district in which the subject site is located.

ii. The development and its utilities shall be suitably located, adequately designed, and properly installed to serve the proposed uses, and to protect the environment from adverse air, water, or land pollution.

iii. The development of the site shall preserve, to the maximum extent possible sensitive, environmental land features such as steep slopes, wetlands, and large rock outcroppings; shall attempt to preserve public scenic views or historically significant features; and, shall be designed to ensure visual compatibility with structures within view of the site.

iv. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it, shall be such that it will be in harmony with appropriate and orderly development of the area including all adjacent zoning districts in which it is located.

- v. Loading and parking areas shall be of adequate size for the particular use, and attractively screened from adjoining residential uses, and shall be laid out so as to prevent traffic hazards provided that, at a minimum, the specific provisions of Section IX.B shall be met.
- vi. As demonstrated by a traffic study, the use shall not have a significant adverse effect on safety in the streets nor unreasonably increase traffic congestion in the area, nor interfere with the pattern of highway circulation.
- vii. The subject property is suited environmentally for its intended use.

4. Alternative eligible location and standards. In addition to the foregoing regulation, a WHD housing site development plan may be located on a parcel or contiguous parcels of land at least 11 but not more than 13 acres; currently zoned R-43 or part OT and part R-43; having access to public sewer and water; and having no less than 1000-900 feet of frontage on State Route 160/Deming Road. On such an eligible parcel, all regulations and requirements set forth in Section XI.BB.3 above shall apply, with the exception that density shall not exceed 1-5-8 units per gross acre.

## Zoning Map Amendment

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**Application:** Zoning Map Amendment  
**Address:** 823 Deming Road, 833 Deming Road and 0 Deming Road (MBL 5-4-122-10)  
**Applicant:** Ben Tripp, Metro Realty Group Ltd. for 833 Deming Road LLC & Berlin Remnant Land Parcels LLC  
**Owner:** 833 Deming Road LLC & Berlin Remnant Land Parcels LLC  
**Proposal:** Rezone 3 parcels - 2.12 acres of R-43 and 9.36 acres of OT to allow Workforce Housing Development (WHD) on the parcels.

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### PROPOSAL

Ben Tripp, Metro Realty Group LLC is seeking approval to rezone 3 parcels, identified as Map 5-4, Block 122 Lots 10, 11-1, and 11-2, totaling 11.48 acres on the north side of Deming Road, east of Bacon Lane to allow Workforce Housing Development (WHD).

### STAFF COMMENTS

1. Workforce Housing development of the property will require the associated proposed amendment to §XI.BB of the Berlin Zoning Regulations, this map amendment and site plan approval for the project.
2. The applicant should explain how the properties meet the criteria identified in the zoning regulation for Workforce Housing Development.
3. The Commission should consider if the zone designation is consistent with the Plan of Conservation and Development.

### Background

823 Deming Road is improved with a single-family house built in 1955, 833 Deming Road is improved with a single-family house built in 1994, the remaining parcel is vacant. The 1990-94 zoning map shows the vacant parcel and properties to the north and east were zoned PR-1. The 2003 POCD recommended that that the industrial area north of Deming Road be expanded. The approved rezoning eliminated the OL zone designation (Eversource property) and created OT zoning. The subject improved residential lots at 823 and 833 Deming Road were not approved for rezoning and remained R-43 zone.

### Property Description

The compiled property slopes to the north into the unimproved lot and has Little Brook (aka. Cold Spring Brook) and a sanitary sewer easement within the Wetlands limit along the east side of the parcels.

OT zoned properties, including the Eversource campus, is to the west of the properties. Eversource's Deming Road entrance driveway and Outdoor Training area borders the westerly side of the subject property. 979 Deming Road, a farm with single-family house, is to the east. OT-2 zoned Stonebridge, age-restricted multi-family Development is across Deming Road to the east. R-43 zoned single-family homes on Wethersfield Road and Bacon Lane are situated across Deming Road to the south. River's Edge, a WHD is to the southeast of Deming Road along Bacon Lane in the R-43 zone.

### **Rezoning**

The associated text amendment would allow the rezoned parcel to be considered for multi-family housing under the Workforce Housing Development regulations (BZR §XI.BB). The proposed amended WHD section calls for WHD alternative eligible locations to include properties zoned part OT and part R-43.

### **Related Development Plan**

The applicant has simultaneously submitted the development site plan for the proposed project.

### **Consistency with the 2013 Plan of Conservation and Development (POCD)**

Goal #4 of the 2013 Update of the Plan of Conservation and Development states: "The Town shall work to preserve the current balance of housing stock while infusing any new growth with a sense of traditional neighborhood design, compatibility with adjacent uses and ownership options that support housing choice for people of diverse ages and means." The 2013 POCD also identifies age restricted housing options probably peaked while noting "... the progress towards diversifying towards an affordable base of housing units needs to be continue with the percentage being so close to the state requirement. ..." (2013 POCD pg 4-5)

The purpose of the WHD option provides multi-family housing that "... qualifies as "assisted housing development as defined by CGS §8-30g(a)(3)" " and is designed to "... ensure a high-quality residential environment that is compatible with adjacent and neighboring commercial and residential uses".



**TOWN OF BERLIN**  
Inland Wetlands  
and  
Water Courses Commission  
240 Kensington Road • Berlin, CT 06037  
Office (860) 828-7022 • Fax (860) 828-7180

**Certified Mail: 7012 1010 0002 6991 6058**

August 17, 2020

Mr. Robert Idleman, CFO & EVP  
833 Deming Road, LLC and Berlin Remnant Land Parcels, LLC  
c/o The Metro Realty Group, Ltd.  
6 Executive Drive, Suite 100  
Farmington, CT 06032

**Re: Application 20-06W**

Dear Mr. Idleman:

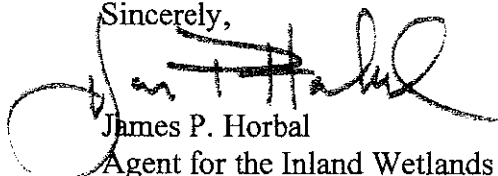
Please be advised that during its Special Meeting of August 12, 2020, the Town of Berlin Inland Wetland and Water Courses Commission voted unanimously to approve the above referenced application. This approval was granted contingent upon the following;

1. That all erosion and sedimentation control devices (as designated on plans) be installed to the satisfaction of the Wetlands Agent prior to the commencement of construction.
2. That all other construction related activities be installed in accordance with the submitted plans entitled: "Proposed Multi-Family Development, 823, 833 and 0 Deming Road (Route 160), Berlin, CT, Prepared by Milone & MacBroom, Cheshire, CT, for Metro Realty, Farmington, CT, Dated June 22, 2020, Pages 1 - 9. "

Please be advised that this permit will become effective on August 29, 2020 following a successful completion of the Fifteen (15) day appeal period commencing on August 15, 2020.

Attached is a copy of the legal notice, which appeared in The Herald, classified section, on August 14, 2020. If you should have any further questions regarding this matter, please do not hesitate to call me at (860) 828-7069.

Sincerely,



James P. Horbal  
Agent for the Inland Wetlands Commissions

Attachment

cc: Peter Nieman, IWWC Chairman  
✓Maureen Giusti, AICP - Interim Town Planner

 **COPY**



**TOWN OF BERLIN**  
**Inland Wetlands**  
**and**  
**Watercourses Commission**  
240 Kensington Road • Berlin, CT 06037  
Office (860) 828-7069 • Fax (860) 828-7180

## **LEGAL NOTICE**

### **NOTICE OF ACTION**

During its meeting of August 12, 2020, the Town of Berlin Inland Wetland and Water Courses Commission took the following actions:

**Application 20-06W**- Proposal by 833 Deming Road, LLC and Berlin Remnant Land Parcels, LLC to construct a Multi-Family Development and associated appurtenances within an upland review area on Lot 11-1, 11-2 and 10, Block 122, Deming Road. Approved.

**Application 20-05WF**- Proposal by CRP, LLC, to construct structural improvements within both an upland review area and floodplain on Lot #3-B, Block 76A, #15 Christian Lane. Approved.

Effective date will be August 29, 2020

Peter Nieman, Chairman  
Inland Wetlands and Watercourses Commission

Publish in: The New Britain Herald  
Friday, August 14, 2020

**fsemnosk**

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**From:** Michael Ahern  
**Sent:** Monday, August 10, 2020 7:39 PM  
**To:** fsemnosk  
**Cc:** mgiusti  
**Subject:** Re: 833 Deming Rd - response to town engineer's comment

My comment was addressed - nothing further on this from me at this time.

Thanks, Mike

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**From:** fsemnosk <fsemnosk@town.berlin.ct.us>  
**Sent:** Monday, August 10, 2020 3:20 PM  
**To:** Michael Ahern <mahern@town.berlin.ct.us>  
**Cc:** mgiusti <mgiusti@town.berlin.ct.us>  
**Subject:** FW: 833 Deming Rd - response to town engineer's comment

Response from Milone & MacBroon -

**From:** Tom Daly [mailto:TDaly@mminc.com]  
**Sent:** Monday, August 3, 2020 4:10 PM  
**To:** mgiusti <mgiusti@town.berlin.ct.us>  
**Cc:** Ben Tripp <BTripp@metro-realty.com>; fsemnosk <fsemnosk@town.berlin.ct.us>  
**Subject:** FW: 833 Deming Rd - response to town engineer's comment

Ms. Giusti:

We have been reviewing the staff comments as they come in. Here is a response to the town engineer's comment on our drainage calculations.

Tom



Thomas J. Daly, PE

Vice President

O +1 203 271 1773 x 249

E [tdaly@slrconsulting.com](mailto:tdaly@slrconsulting.com)

99 Realty Drive, Cheshire, CT 06410

[www.mminc.com](http://www.mminc.com) | [www.slrconsulting.com](http://www.slrconsulting.com)



8/6/20

To whom it may concern,

I have been leaving messages for a few weeks now but have yet to receive a call back from anyone in the Planning & Zoning Department so I am resorting to email.

My name is Susan Gulick and I recently purchased 685 & 687 Wethersfield Rd. I was notified about Zoning Change for 0 Deming Rd, 823 Deming Rd, and 833 Deming Rd. I am very concerned about this new construction decreasing the value of my property. I am also very concerned about the added traffic, traffic lights and street noise impacting my privacy.

Please consider moving the entrance to this multifamily development as it will basically in my back yard. If this is not an option, I will need you to install some type of noise/light barrier on my side of the street.

Sincerely Susan Gulick

(860) 961-2094

**From:** [Susan Gulick](#)  
**To:** [Ben Tripp](#)  
**Subject:** RE: 833 Deming Road - 685 & 687 Wethersfield Road  
**Date:** Tuesday, August 18, 2020 2:01:42 PM

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Hi Ben,

It was very nice meeting you as well.

Yes, this sounds like an agreeable plan. Looking forward to working with you in the future.

*Susan Gulick  
685-687 Wethersfield Rd.  
Berlin, Ct 06037  
(860) 961-2094*

**From:** Ben Tripp <BTripp@metro-realty.com>  
**Sent:** Tuesday, August 18, 2020 1:50 PM  
**To:** Susan Gulick <SGulick@cmhacc.org>  
**Subject:** 833 Deming Road - 685 & 687 Wethersfield Road

Susan,

It was very nice meeting you today. As discussed, we received your letter dated August 6<sup>th</sup>, 2020, in which you express concerns about the proposed 88-unit multifamily development at 833 Deming Road.

After talking today, it seems your main concern is that, once the project is occupied, the headlights of cars that are exiting the development could potentially shine onto your property. With this in mind, we are willing to plant up to 10 evergreen bushes/trees on your property in the area we discussed today in an effort to provide a landscaped screening for you. Such planting will be completed prior to the completion of the construction of our development.

Please feel free to reach out to me any time with questions or concerns regarding our project at 833 Deming Road.

Sincerely,

Ben Tripp  
Director of Development  
The Metro Realty Group, Ltd.  
6 Executive Drive, Suite 100  
Farmington, CT 06032  
T 860.674.5624 • M 860.978.4293

August 14, 2020

**TO:** BERLIN PLANNING AND ZONING COMMISSION

**REPORT ON ZONING REFERRAL Z-2020-63: Proposed zoning amendment pertaining to the outside parking of trailers in the General Industrial (GI-2) and Planned Industrial (PI and PI-2) zoning districts.**

**COMMISSIONERS:** Receipt is acknowledged of the above-mentioned referral. Notice of this proposal was transmitted to the Policy and Planning Division of the Capitol Region Council of Governments under the provisions of Section 8-3b of the Connecticut General Statutes, as amended.

**COMMENT:** The staff of the Regional Planning Commission of the Capitol Region Council of Governments has reviewed this zoning referral and finds no apparent conflict with regional plans and policies or the concerns of neighboring towns.

The public hearing date has been scheduled for 8/6/2020.

In accordance with our procedures this letter will constitute final CRCOG action on this referral. Questions concerning this referral should be directed to Caitlin Palmer.

**DISTRIBUTION:** Planner: Newington, Rocky Hill, Southington, New Britain, Cromwell, Middletown, Meriden, River COG, South Central COG

Respectfully submitted,

Jennifer Bartiss-Earley, Chairman  
Regional Planning Commission

Brendan Malone, Vice Chairman  
Regional Planning Commission



Caitlin Palmer  
Senior Community Development Planner

**Town of Berlin  
Received**

**AUG 17 2020**

**Planning & Zoning Department  
Berlin, Connecticut**

July 31, 2020

Updated August 10, 2020 (Board of Police Commissioners)

**Updated August 12, 2020 (Building Inspector)**

**Updated August 12, 2020 (Berlin Water Control (8/3), Police Chief (8/3))**

Staff Comments

Proposed Amendments to Outside Storage in Industrial Zones

Section VII – Zoning Regulations

Fire Marshal

No comment

Engineering

No comment

Inland Wetlands

No comment

Board of Police Commissioners

No comment

Building Inspector

No comment

Police Chief

No comment

Berlin Water Control

No comment

*Emailed to M. Giusti – August 12, 2020*

mgusti

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**From:** Luis Rivera <lr.rivera@comcast.net>  
**Sent:** Monday, August 3, 2020 8:17 PM  
**To:** mgusti  
**Cc:** jj.dispatch@comcast.net; Diana J. Bisson  
**Subject:** Re: Proposed amendments verbiage questions and noise  
**Attachments:** Opinion Letter to Berlin P&Z.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello Maureen,

I will not be present this Thursday, August 6th, and would like the attached letter submitted for Thursday's public P& Z meeting. My document doesn't directly speak to the amendments but it speaks to the inappropriate actions performed by Climate Engineering and to bring awareness to any further amendment changes that may make matters worse here in our East Berlin neighborhood.

Thanks,  
Luis Rivera

On 08/03/2020 9:31 AM Diana <jpbджа@aol.com> wrote:

Hi Maureen,

With the proposed amendments, I am confused with the strikeouts for "specifically excluding" the outside parking of trailers. Does this mean trailers have to be parked inside with the new proposals? Please give more specifics on what this means.

"Outside parking of trailers shall only be permitted pursuant to such conditions as the commission may impose." Does this mean that the P&Z commission has to approve outside parking of trailers? Please give more specifics on what this means.

What do we need to submit by noon on Wednesday? If we speak on Thursday night, can those comments be added to the town and commissioners' files (before the 8/6/20 meeting) if we submit them by noon on Wednesday?

What is the required setback area measurements for a PI zone?

I am going to send some noise complaints for the record for the Climate Engineering town file. Sorry, I'm behind on sending them.

Thanks,  
Diana Bisson

The following letter is a Letter of Opinion in regard to Industrial Zoning regulations and amendments and how Climate Engineering has affected our residential neighborhood. I am submitting this letter due to my public absence for the scheduled August 6<sup>th</sup>, 2020 Planning & Zoning meeting.

Let me provide a brief history. I first contacted Jim Horbal, Deputy Director of Public Works, approximately 4.5 years ago via Email on February 11, 2016! He replied and forwarded my Email to Chris Edge, Economic Development Director, and I was visited by Chris at my residence on Monday, February 24, 2016. Our complaint was regarding sound and vibrations we were experiencing late evening and into the morning. Initially, we thought it was Edro Corporation, but after discussion with Ed Kirejczyk (Edro), he indicated they are not a 3<sup>rd</sup> shift company. Our attention then turned towards Climate Engineering as we noticed the growing number of trailers in their yard and trucks constantly going in and out of their facility. This made a lot of sense since Climate Engineering removed all their trees (buffer) on their property and adjacent to Commerce Street in late 2015. Basically, with our homes about 600 feet away Climate Engineering, the removal of the buffer (trees) is one of the major causes of the effects (noise & sound) we've experienced to this present day! Also, appearance-wise, it looks terrible... all you see is parked trailers!

Unfortunately, after 4.5 years, we've had a high number of complaints and police reports (over 20 filed) against Climate Engineering for mostly excessive noise late evening/early morning hours. They have been most troublesome and have continued to add to the noise level by letting their trucks idle late at night and have refrigeration units cycling on/off all evening, as examples. We've had a number of zoning meeting issues involving Climate Engineering, denial of variances (2016 & 2018), compliance issues, unfilled landscaping requirements, and cease & desist orders! Over the years, they have shown disregard to the Berlin community and to our neighborhood... very sad!

My concern has to do with allowing Climate Engineering to operate equipment and machinery late night and into the morning. Why should these amendments be made to help Climate Engineering? Again, a lot of these issues dates back to the landscaping buffer I've mentioned as it ~~was supposed to remain as a condition of the conditional use permit that was granted in 2015~~. What happened? The fact they were able to remove the buffer should raise a Red flag with the Planning & Zoning Commission. We seriously need to take a second look at any amendment changes that would benefit Climate Engineering and their East Berlin Operations, especially 3<sup>rd</sup> shift hours (10 PM – 6 AM). If you're going to make some amendment changes, you may want to make go back and re-visit Climate Engineering issue and have them install the proper landscaping buffer along with measurable items with dates.

Sincerely,

Luis Rivera  
172 Redwood Lane, East Berlin, CT  
Email: LR.Rivera717@gmail.com