

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

The Berlin Planning and Zoning Commission will hold its Regular Meeting on **Thursday, September 3, 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. The following Public Hearings will commence at 7:00 P.M. at which time an opportunity will be given to those who wish to be heard relative to the following applications:

- a. Special Permit/Site Plan Applications of Merhan Cecunjanin for a Barber Academy and barbershop at 1427 Berlin Turnpike (**Rescheduled from 8/20/20**)
- b. 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) (**Rescheduled from 8/20/20**)

To join via WEBEX Meeting Link:

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

Meeting number (access code): 132 136 7951

Meeting password: PZCTH700 (79284700 from phones and video systems)

JOIN BY PHONE

+1-408-418-9388 United States Toll

*****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 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, September 2, 2020, for posting prior to, during and after the meeting.**

Brian Rogan, Secretary
Berlin Planning and Zoning Commission

Posted in the Town Clerk's Office – August 25, 2020

Berlin Planning and Zoning Commission Meeting Minutes
August 20, 2020

The Berlin Planning and Zoning Commission held a remote meeting in person and by video and telephone conference call in the Berlin Board of Education Conference Room, 238 Kensington Road, Berlin, CT. The meeting was called to order at 7:05 p.m.

I Call to Order

In attendance

Chairwoman Joan Veley

Commissioners Curtis Holtman; Diane Jorsey; Brian Rogan, Steve Wollman, Timothy Zigmont

Alternate Commissioner Steve Biella, Jr. (seated)

Acting Town Planner/Zoning Officer Maureen Giusti

Corporation Counsel Jennifer Coppola

Excused

Commissioner Jon Michael O'Brien

Chairwoman Veley announced that Public Hearing items II.e. and II.f. will be opened at the September 3, 2020 meeting.

Commissioner Rogan read the Call of the Hearings.

Commissioner Jorsey moved to combine the Public Hearings of Metro Realty, Items II.a; II.b; and II.c. A separate vote for each item will be taken. Commissioner Zigmont seconded the motion which carried unanimously.

Chairwoman Veley noted although the Special Permit application is not required, it had been advertised as a public hearing and public testimony would be taken.

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

Mr. Ben Tripp, Director of Development, The Metro Realty Group, Ltd., withdrew the Special Permit application, stating it was not required to be submitted. He stated Metro Realty is located in Farmington, CT and is a fully integrated real estate firm. He said they have developed thirty properties in central Connecticut, including seventeen "affordable" developments, and have 400 apartments in Berlin.

He stated the following were also in attendance:

Attorney Tim Hollister from Shipman and Goodwin (Metro Realty's land use attorney)

Mr. Tom Daly, civil engineer from Milone & MacBroom

Also attending via Webex:

Mr. Ken Koett, architect from Niles Bolton

Mr. Matthew Skelly, traffic engineer from Fuss & O'Neil

Mr. Tripp highlighted some of the proposed changes to the text amendment:

Correct discrepancy between minimum building distances to provide a consistent standard **(20 ft.)**

Reduce minimum parking ratio from **2.25** per unit to **1.5** per unit

Increase maximum unit size, from **1,200sf** to **1,350**

Increase maximum area of private outdoor space from **150 sf** to **175 sf**

Add "walking paths" as allowable passive recreation space

Reduce front yard, for parking only, from **20 ft.** to **15 ft.**

Modify definition of alternative eligible location

Ms. Giusti stated Section XI.BB should be further modified to correct typographic errors as follows:

1. XI.BB.3. Zoning Requirements. "A ~~WFD~~ **WHD** housing site... ". Throughout the section the acronym used is WHD, WFD appears to be a typographical error originating in the original text. And,
2. XI.BB.3.l.iv. the sentence appears awkward, staff suggests adding an "s" to "passenger" to clarify. "Parking facilities for both passengers and vehicles shall be convenient to building entrances... "

Ms. Giusti stated the proposed changes will be posted on the Town's web site tomorrow, as they had just been received by the commission on this date.

Chairwoman Veley questioned the reasoning for reducing the parking to 1.5 per unit, stating her concern about an overflow of parking.

Attorney Daley stated the number is consistent with the Institute of Transportation Engineers and is the standard.

Mr. Tripp stated Metro Realty is sensitive to the need to have adequate parking.

Mr. Chris Edge, Director of Economic Development, Town of Berlin, spoke in favor of the amendment.

Ms. Giusti reviewed her staff notes. She stated the regional agency (CROG) has reported there is no conflict with the proposed amendment. She stated the applicant has been working for months with staff “to develop language that is consistent with current trends in housing and will enhance the supply of affordable housing in compliance with CGS 8-30g requirements while maintaining consistency with the POCD”.

Mr. Tripp spoke about the design elements of the project, stating the site would be developed with a “condo style design.” Each unit will have separate entrances from the front. First floor units will have a patio in the rear and second floor units will have a balcony for private outdoor space. He stated the units will have granite counter tops, stainless steel appliances, and plank flooring.

Mr. Thomas Daly, Milone and MacBroom, stated the site is three parcels of 11.3 acres of land. There are two, single family homes located on the front of the property, adjacent to Deming Road. The land in the back is primarily undeveloped. Approximately 2.5 acres of the site are wetlands and there is no floodplain on the property. A Town of Berlin sanitary sewer is located through the wetlands. Their proposal has received Inland Wetlands and Water Courses Commission approval. About four acres of the site will not be developed. The main entrance will be off Deming Road. There will be 11 buildings, each with 8 units. A walking trail, approximately 1750 feet, will be constructed. There won’t be any playscapes. A detailed planting plan has been submitted. A topographic survey has been submitted.

Mr. Chris Edge, Director of Economic Development, Town of Berlin, spoke in favor of the applications. He stated the applicant had met with the Economic Development Commission in 2019. Mr. Edge read minutes from that meeting which stated the support of the commissioners, noting part of the minutes are unreadable as they were darkened by a black marker.

Commissioner Jorsey asked Mr. Edge to provide the reason for the redaction.

Mr. Edge responded that portion of the minutes was not applicable to the application before the commission this evening. He further stated in the mid 2018’s he and Marek Kozikowski, the town planner at that time, had visited Metro Realty’s similar project in South Windsor and the units looked “incredible”.

Attorney Tim Hollister, for the applicant, praised Berlin’s development of affordable housing and stated Metro Realty has been a partner in achieving that goal. He stated he has worked with Metro Realty for twenty-six years. He stated the application does comply with the requirements of CT Statute 8-30 g. and 100 percent of the units will qualify. For the record, he mentioned as the numbers are based on census figures, a reset of the 2020 census should not be a factor as the numbers will readjust.

Commissioner Wollman asked how approval of the amendment would affect other areas of the town.

Ms. Giusti stated the amendment is very specific to this regulation for the OT and R43 zones and although there may be one other area on Deming Road, it doesn't seem to have the potential to comply with the requirements.

Mr. Tripp stated in his analysis, there is no other property which would comply.

Commissioner Zigmont questioned possible spot zoning.

Chairwoman Velej stated concern for the 20' distance between buildings and the name of "Workforce Housing".

Commissioner Zigmont noted numerous traffic accidents have happened in the Deming Road area.

Ms. Giusti stated the outdoor training area for Eversource is located to the west side and neighbors may see events which take place on that property. Cold Spring Farms is to the east. Ms. Giusti read a communication from Steven Bengtson, Michael Christensen, Eric Petersen, CSBF, LLC which stated for the record that Cold Spring Brook Farm, Inc is a business with an agricultural use, and they operate heavy equipment at all hours (including after sunset and before sunrise), pesticide application in close proximity to the propped development, and a crop protection license that allows hunting all of the year. Also, all aspects of crop production, including livestock production, are all potentialities for their property. They suggested an extended buffer zone between their property and the development, as well as a fence. She also read a communication from Mr. Tripp and Ms. Susan Gulak in which Ms. Gulak's concerns will be addressed by the developer. She stated both documents will be posted on the Town's web site tomorrow morning.

Ms. Giusti reviewed her staff comments. The proposal appears to be consistent with the Plan of Conservation and Development by adding to housing type choice; the Town Engineer's comment regarding drainage has been addressed; Inland Wetlands and Water Courses Commission approval has been received; Mr. Jim Mahoney's May 19, 2020 memo noted approval will bring the ten percent affordability quota close to the ten percent and had the applicant confirm that, as presented, the proposal will count in its entirety as it meets the standard of the statute; the Turtle Management Plan, as noted by the Conservation Commission, will be addressed.

Attorney Daly stated as part of the DEEP permit for erosion control, the State's Natural Diversity and Endangered Species of Special Concern and Threatened Species databases are checked. The DEEP reported an Eastern Box Turtle was found to be in the wetland area of the site. As done in the past, a silt fence will be constructed around the site and every morning a worker will walk the site and should a turtle be found outside the fence, it will be placed back on the other side of the fence. He stated it is a proven DEEP method. It is believed the classification of the turtle is of "special concern".

She stated standard staff comments will be needed for approval, including the posting of a bond prior to any site disturbance. A condition might also include the applicant will work with staff concerning the walking trail's location.

Commissioner Jorsey asked if the public hearings should remain open to all the public to see the documents presented at this meeting.

Ms. Giusti stated Mr. Edge's document with the crossed out sections came from fully readable minutes posted on the web site.

Commissioner Zigmont stated the plan has not changed.

Attorney Coppola stated it would be acceptable to close the hearings if the commission so voted.

Commissioner Zigmont moved to close all three agenda items.

Commissioner Jorsey seconded the motion which carried unanimously.

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

Attorney Coppola stated she had gone through the regulation in its entirety at the commission's July 16th meeting. The inconsistencies have been highlighted and the document was on the Town's web site. She stated the proposed amendments are a result of discussion over many months.

Commissioner Jorsey asked if the regulation would prohibit tractor trailers with refrigerated units from parking outside and running overnight causing noise or would that be considered during site plan review.

Attorney Coppola noted the company which does that has a use variance. The regulation affords the commission quite a bit of discretion and there are other ways to address the problem.

Commissioner Jorsey stated State statutes concerning the matter are not being enforced by the State.

Commissioner Zigmont noted allowing tractor trailers with merchandise parked overnight has been eliminated.

Chairwoman Veley stated the commission supports business; however, it also believes in "good neighbors" and the amendments will provide more control.

Diana Bisson, 167 Redwood Lane, read a letter of her concern regarding a business in her neighborhood. Her letter also stated opposition to some sections of the proposed amendments.

Chairwoman Veley stated she believes the regulations will give the commission more control regarding the issues about the company; however, the commission must vote only on the applications before the commission this evening.

Mr. Johnson, 331 Berlin Street, East Berlin, spoke about refrigeration in tractor trailers and hypothetical development of property and procedures of the Planning and Zoning Commission.

Commissioner Wollman moved to close the public hearing.

Commissioner Holtman seconded the motion which carried unanimously.

- 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)

No discussion or action taken.

- 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)*

No discussion or action taken.

III Old Business

- a. Text Amendment of the Metro Realty Group, LTD to amend Berlin Zoning Regulations Section XI.BB Workforce Housing (WFD)

Commissioner Zigmont moved to approve the application, as noted including staff comments.
Commissioner Wollman 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)

Commissioner Zigmont moved to approve the application.

Commissioner Wollman 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

The applicant has withdrawn the Special Permit application.

Commissioner Zigmont moved to approve the application, with staff comments and conditions.
Commissioner Wollman seconded the motion which carried unanimously.

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

Chairwoman Veley stated the amendments will allow more authority.

Commissioner Rogan stated the amendments will give the commission more control.

Commissioner Zigmont moved to approve the application, as presented and noted.
Commissioner Wollman seconded the motion which carried unanimously.

- e. Special Permit/Site Plan Applications of Merhan Cecunjanin for a Barber Academy and barbershop at 1427 Berlin Turnpike

No discussion or action taken. 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)

No discussion or action taken. Continued to September 3, 2020

IV Review of Minutes

- a. June 18, 2020

Commissioner Zigmont moved to approve the minutes, as presented.
Commissioner Biella seconded the motion which carried unanimously, with one abstention (Commissioner Jorsey)

- b. July 16, 2020

Commissioner Holtman moved to approve the minutes, with a correction to Commissioner's Rogan first name.

Commissioner Zigmont seconded the motion which carried unanimously, with three abstentions (Commissioners Biella, Rogan, Wollman)

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

Ms. Giusti stated all work has been completed for longer than required retention and an inspection was conducted. The bond may be released.

Commissioner Wollman moved to release the bond.

Commissioner Rogan seconded the motion which carried unanimously.

b. Request for a Bond Release, Armand DeMatteo, Silver Island Homes

Ms. Giusti stated a few items requiring bonding remain, plus a bond is required for the trees in the amount of \$45,000. Mr. DeMatteo has advised that he is working on re-securing the bond or will submit a new bond. There was a re-approval of the development in 2019. The paving has been done for longer than retention; therefore, Engineering staff has advised the bond may be reduced by the \$14,000 line item.

Commissioner Biella moved to reduce the bond amount by \$14,000.

Commissioner Wollman seconded the motion which carried unanimously.

Commissioner Wollman moved to add the following item to the agenda:

- Discussion of Midstate Air Compressor (Calvo)

Mr. Chris Edge, Director of Economic Development, Town of Berlin, stated the Calvo's business is a successful business located in a 12,000 sq. ft. building on the Berlin Turnpike. They would like to expand the business to have long term leasing of equipment. There is an opportunity for him to lease a portion of adjacent property the Berlin Turnpike (1243 Worthington Ridge) to display the equipment which has an existing approval for outside display of product.

Commissioner Wollman moved to direct staff to pursue working with MidState to utilize the adjacent property for outdoor display which could resolve ongoing zoning issues on the property. Also, including incorporating part of the parcel into his and developing a screening plan all in anticipation of a site plan review.

Commissioner Holtman seconded the motion which carried unanimously.

VI Adjournment

Commissioner Wollman moved to adjourn.

Commissioner Biella seconded the motion which carried unanimously.

The time was 10:15 p.m.

Respectfully submitted,

Frances M. Semnoski
Recording Secretary