

Special Permit with Site Plan

Application:	Special Permit with Site Plan
Project Name:	Military Experience Museum, Inc - Field
Address:	Chamberlain Highway Map 30-2, Block 74, Lots 37 & 39
Zone:	Mountain Reserve -1 (MR-1)
Applicant:	Thomas ORourke
Owner:	Lot 39 - Meadow Haven Inc and Lot 37 -76 Chamberlain Highway LLC
Proposal:	Military Experience Museum, Inc field educational and recreational site

PROPOSAL

Thomas ORourke is seeking site plan and special permit approval to operate a field activities site of civic non-profit organization, Military Experience Museum, at Chamberlain Highway Map 30-2, Block 74, Lots 37 & 39 in the MR-1 zone pursuant to Berlin Zoning Regulations Sections VIII.B., XI.P., XII., and XIII.

STAFF COMMENTS/ RECOMMENDATIONS

1. The applicant show compliance or obtain relief of the requirement of BZR §XI.P for the site to be owned by a non-profit organization prior to approval by the Commission.
2. Verification (Soil Scientist) that all proposed activities lie beyond any regulated areas to the satisfaction of Wetlands. The Planning and Zoning Commission cannot act on the proposal until Wetland signoff is obtained.
3. As proposed by the application and the representation of a two-year trial lease for the property, the Commission should consider if an approval for a limited time (1-2 years) is appropriate. After such time, a new special permit and site plan review would be required.
4. A grading /elevation plan be submitted that includes activity areas for review and to determine if grading, drainage, and surfacing improvements are necessary.
5. Response and resolution of Water Control concerns.
6. Any use of military vehicles or equipment should be described, and parameters of their use, including discharge of any weaponry, for Commission consideration.
7. Any signage shall require building permits and review for compliance with the Zoning Regulations.
8. Any additional or future changes to the site, including modifications to the parking area, landscaping, or lighting, or activities & events will require zoning review.
9. Department comments be resolved to the satisfaction of the applicable department.
10. The Commission should determine if proposed parking fulfills the minimum parking requirement for the proposed use.

11. Use of soil erosion and sedimentation controls be installed as necessary for approved activities or weather conditions and in consultation with the ZEO.
12. Filing of annual list of activities in accordance with §XI.P.3.
13. The Commission determine if the proposed temporary "Eloo" (or equivalent) sanitary facility building is appropriate and consistent with the regulations.
14. Provide a plan for physical barriers, signage or other delineation is required to identify limits of use and/or property.

EXISTING CONDITIONS

The proposed site area is comprised of two (2) adjacent parcels, 58-acre Lot 37 owned by 76 Chamberlain Highway, LLC and 18-acre Lot 39 owned by Meadow Haven Inc. for a total of 77 acres.

The site is immediately bounded to the west by the Chamberlain Highway, a single-family parcel and privately owned farmland; to the north by a 2-family parcel and Town of Berlin Open Space; and by the City of Meriden town line wrapping around the easterly side of the property to meet Chamberlain Highway to the south.

The dirt entry drive identified, as Victoria Drive on the CT Forest and Parks Association Trail Map (attached), enters from the Chamberlain Highway south of Butler Street. The drive slopes up to a cleared area where the drive continues north through Lot 37. A dirt road extending to the south into Lot 39 meets the entry drive in the proposed central activity area. Another smaller dirt road/path runs up along the ridge along the easterly property line. There is a low-lying field area to the north of the entry drive which extends behind the properties fronting on Chamberlain Highway. This field is buffered from and considerably lower than the cleared area shown for parking on submitted plan. Steep, rocky slopes extend up along the east side of the mapped dirt drives. The Blue Trail, as shown on the Connecticut Forest and Parks Association map, enters the properties from the easterly property in Meriden along the top of the ridge and extends northward into the Town Open Space parcel. Generally, the terrain of the site, including parking and drives are rough and rocky. There are many piles of uprooted tree debris throughout the site, including up the access driveway. This debris will need to be removed and properly discarded prior to use of the property.

PROPOSED CONDITIONS

The applicant's narrative indicates there will be minimal if any site improvements, utilizing existing cleared areas for parking, check-in, and for military exhibits.

The applicant indicated overflow parking would be accommodated in the existing field. Travel ways into and out of the field and parking should be dimensioned on a plan submitted for Town review.

The applicant has proposed use of a temporary, self-contained building known as the Eloo to provide sanitary facilities for property users. Comments from the Health District have not been received.

The applicant should describe the extent of use of vehicles including any military vehicles, tanks or off-road vehicles. Proposed activities are detailed in the submitted presentation. The Commission should determine if activities are consistent with the proposed special permit use, Nonprofit civic organizations. The applicant has provided IRS 501(c)(3) letter indicating their nonprofit status as a public charity. The Mission Statements describes the organization as a not for profit educational institution.

The applicant has indicated there will be a two-year lease for the property at which time continued operation and permanent improvements would be considered. The applicant would need to return to the commission for changes to the special permit use or site plan.

Background

The applicant brought the concept to the Economic Development Director and appeared before the Commission on May 7, 2020 (minutes attached) to obtain feedback if interpretation of the permitted special permit uses in the zone would allow the proposed use. In summary, the Commission indicated interest in the concept of the outdoor education, history and recreation facility for the non-profit entity. The consensus was that the concept had elements of several listed uses in the zone and the applicant would have to submit a detailed application and proposal which supports the identified use category the organization and proposed activities would fit within. The discussion of May 2020 resulted in the applicant preparing these submitted applications and materials.

Parking & Driveways (XIII.A.6.d)

A parking area is indicated for 32 vehicles. Dimensioned plans should be provided for at least staff review. The applicant should provide anticipated visitor capacity and parking needs and address if participation will be capped for any activities or events. The area for overflow parking should be identified and described. Pedestrian and vehicular traffic flow should be detailed for review.

Driveway should be dimensioned to be evaluated for adequate and safe traffic flow within the site. The Police Department has indicated there are adequate site-lines.

Signs and Lighting (XIII.A.6.e) and Utilities (XIII.A.6.f)

None known to be proposed. Any improvements would be subject to applicable regulations, permitting and related reviews.

The site has no on-site utilities. There is no public sewer or water service available.

A temporary structure is proposed for sanitary facilities.

The applicant should describe how any power needs will be met, including if power will be extended into the site; if generators will be utilized, etc., or if no lighting/power will be available even for any overnight programs.

Stormwater Management (XIII.A.6.g) and Grading

No changes are proposed to the exiting site conditions. Staff has concerns that increased use of the dirt roads and paths may cause increased runoff and unstable areas as a result of increased traffic and storm events. Any modifications would be subject to Town review.

Environmental Impacts

While the proposal does not meet the threshold to require an Environmental impact statement; the applicant be aware and consider that there may be areas of concern on the properties and wish to obtain professional guidance prior to disturbance.

Zoning

BZR §VIII.B. MR-1 Purpose: The purpose of the mountain reserve districts is to permit low intensity development which is appropriate for the environmentally sensitive hilly areas of Berlin to preserve their environmental and aesthetic qualities.

Per VIII.B.3. and V.A.3.f. Nonprofit civic organizations are listed as special permit uses, subject to the requirements of XI.P.

BZR §XI.P Nonprofit civic organizations. states *"The Commission may authorize a special permit in accordance with Section XII, of unlimited duration for the use of a site containing not less than 25 acres in total area by or under the authorization of a nonprofit or civic organization owning such site (a "qualified organization"), for the purpose of conducting events which occur on an annual basis, subject to the satisfaction of the conditions set forth in this section."* 76 Chamberlain Hwy, LLC and Meadow Haven Inc. respectively own the properties. While the applicant has provided evidence of the Military Experience Museum's status as a nonprofit entity; the applicant should provide evidence that the owners of the properties are qualified organizations or pursue other options, which may include application under another applicable section of the regulations, relief of the requirement through application for a variance or application for a text amendment.

Interdepartmental Comments

Building Department: Any Structures, whether existing or new, would require Building Permit review.

Water Control: Water Control Commission needs to be involved in any potential water supply that may be needed for this project. Applicant has not addressed the need and use of water and sewer. This may be a public water system by CT Department of Health Definitions. Please address. Thanks.

Inland Wetlands: 1. Wetland evaluation/testing required; 2. Grading plan/topo map required to properly evaluate potential impacts.

Police Chief: see attached memo dated 7/31/2020

Building Official: Complete sets of plans and/or drawings for all permits required for all work prior to commencing.

Conservation Commission: August meeting canceled, pending comments for meeting scheduled on 9/6/2020. The Chairman provided the following comments: Off-road vehicles (ATV's); Activities and/or participants traversing into adjacent properties and trails including open space; therefore may require delineations; Intensity of military activities resulting in unintended or unforeseen activities, weapon discharge and related noise; Opinion that use and activities are inconsistent with the POCD, including weapons discharge, overnight camping and as otherwise noted in letter of the Berlin Land Trust.

Town Engineer, Fire Marshal, Board of Police Commissioners indicated "No Comment"
Central Connecticut Health District comments have not been received.

The applicant has provided the attached response letter dated 8/25/2020 which has been forwarded to applicable departments for re-review.

Public/Other Comment received to date

1. Email Correspondence with Clare Cain, Trails Stewardship Director, Connecticut Forest and Parks Association dated to May 7, 2020 with Trail map. (attached)
 2. Email letter dated August 28, 2020 written by Melissa Davis
 3. Berlin Land Trust letter dated September 1, 2020
 4. Email of Ted Benoit pertaining to the property history as it relates to a 2011 complaint about military training activities and related PD Case Report
- No related Zoning Enforcement file was found.

**Planning and Zoning Commission Regular Meeting Minutes
May 7, 2020**

I Call to Order

The Berlin Planning and Zoning Commission held a virtual meeting on May 7, 2020. Due to technical difficulties, the meeting was called to order at 7:50 p.m.

In attendance:

Chairwoman Joan Veley

Commissioners Diane Jorsey, Jon Michael O'Brien, Brian Rogan,
Steve Wollman, Timothy Zigmont

Alternate Commissioner Steve Biella, Jr.

Acting Town Planner/Zoning Enforcement Officer Maureen Giusti

Town Counsel Jennifer Coppola

Excused

Commissioner Curtis Holtman

II Approval of Minutes

a. April 16, 2020 Regular Meeting

b.

Commissioner Zigmont moved to approve the minutes, as presented.

Commissioner Jorsey seconded the motion.

Ms. Giusti polled the commission.

Voting Aye: Commissioners O'Brien, Zigmont, Rogan, Wollman, Biella, Veley, Jorsey

The motion carried unanimously.

III Commission Business

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

Mr. Thomas O'Rourke, presented an overview of the proposal which is to create an outdoor recreational area for a "museum experience" with the anticipation that visitors become involved in an activity which will motivate them to learn more about the history of the events. The site will be family oriented. There will be a military style obstacle course for training purposes and replicas of various military bases, including those from World War II, Vietnam, possibly Korean, Afghanistan and Iraq. It is their intention to have visitors meet veterans and have a positive experience.

Mr. Chris Edge, Director of Economic Development, stated he has been discussing the project with Mr. O'Rourke for months and believes it will be a tremendous asset for Berlin.

In response to Chairwoman Veley's questions, Mr. O'Rourke stated the site is designed as an outdoor facility and, in general, will be open year-round. There is an actual museum located in Wallingford and a museum building is not proposed for the Berlin site.

In response to Commissioner Jorsey's questions, Mr. O'Rourke stated the site will have a staging area for sign in and a trail system which would allow for medical assistance, if needed. The company's vice-president who has over twenty years Army service, as well Boy Scouts experience, will oversee the activities. In addition, staff includes a multi-certified member who is a former military and law enforcement officer. The site will have different activities which will be directed to both children and adults. He stated air soft replicas of rifles will be used by WWII actors during reenactments.

Commissioner Jorsey stated the concept is interesting and needs clarity regarding the reenactments and effects on surrounding properties.

Chairwoman Veley agreed and stated it will need to be determined how the use will fit in the zone.

Commissioner Jorsey polled the commission:

Commissioner O'Brien: No questions.

Commissioner Zigmont: No questions.

Commissioner Rogan: No questions. He stated the proposal is interesting and the exposure to the military experience is a great learning tool.

Commissioner Wollman: Asked if the business is non-profit. Mr. O'Rourke replied that is a non-profit business, categorized as an educational museum.

Commissioner Biella: Stated the proposal is interesting and he likes the concept

Chairwoman Veley: No questions.

Commissioner Jorsey: No questions.

Ms. Giusti stated she will discuss the proposal further with Mr. Edge to determine categorizing its use as a special permit and site plan will be required.

She asked the commissioners if their consensus is the zone is suitable.

Commissioners Zigmont, Veley, and Rogan stated their opinion the use is educational.

- b. Discussion of Certificate of Zoning Compliance, Vanik Asatour, 369 New Britain Road, CTALIA Pizza-Bakery; food use in multi-tenant building, CCD-Zone

c.

Mr. Vanik Asatour, stated the pizza-bakery would have orders on line and take out only. The menu would be mostly pizza, with some bakery items.

Ms. Giusti stated the site is located in a commercial plaza with condominium units. Mr. Asatour's business is a dental fabricating business on the upper level of the two story unit. He

CT FOREST + PARKS Assoc
Correspondence

mgjusti

From: Clare Cain <ccain@ctwoodlands.org>
Sent: Thursday, May 7, 2020 12:54 PM
To: mgjusti; jmahoney; Karl Lewis
Subject: RE: Military Museum site proposal near NET
Attachments: Berlin- Trail Location.pdf

to May 7, 2020
with attached
Metacomet/New England
Trail Map.

Thanks Maureen,
Sorry I didn't get this to you yesterday. I had a field project that went much longer than anticipated.
Let me know if you have any questions and I'll be interested to hear how the meeting goes.
Thanks,
Clare

Clare Cain, Trails Stewardship Director
Connecticut Forest & Park Association
16 Meriden Road
Rockfall, Connecticut 06481
860.346.TREE (ext 16)
www.ctwoodlands.org

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facebook.com/CTForestandParkAssociation, and follow us on Instagram (@ctforestandparkassociation) and Twitter
(@ctwoodlands)**

From: mgjusti [mailto:mgjusti@town.berlin.ct.us]
Sent: Wednesday, May 06, 2020 10:10 AM
To: Clare Cain; jmahoney; Karl Lewis
Subject: RE: Military Museum site proposal near NET

Thank you Clare. I look forward to including any additional information you may have including a map or diagram showing the trail location. And will include your comments to distribute for the meeting.

The main purpose of the discussion for this week's PZC meeting is to get an overview of how the property is proposed to be used so that it can be put into use category. Then we can determine if the use would be allowed in the zone and what the review process would include.

Maureen

Maureen K. Giusti, AICP
Acting Town Planner / ZEO
Town of Berlin, CT

From: Clare Cain <ccain@ctwoodlands.org>
Sent: Wednesday, May 6, 2020 9:07 AM
To: jmahoney <jmahoney@town.berlin.ct.us>; Karl Lewis <kingwhistle1967@gmail.com>
Cc: mgjusti <mgjusti@town.berlin.ct.us>
Subject: RE: Military Museum site proposal near NET

Hi Gang,

I am almost positive that the trail does go through this area. I will double-check today. One of the reasons we talked about relocating it was to move it off these parcels because they were private property and could potentially be developed... which I guess is what is being proposed.

I checked out the presentation which I found a bit intense. But with their focus on recreation and as a fellow non-profit, I wonder if we can't work together and co-exist on this property. It sounds like there might be the possibility of an overnight site for thru-hikers based on their "camp" options.

If the military history piece was fully in place, I could see that being a point of interest along the trail. Maybe a side trail takes you down into that area? Do you know if they are aware of the NET? They may view it as an asset.

Either way, I think P&Z should require them to reach out to CFPA. As the congressionally-designated manager of the trail it would make sense for them to approach us and involve/advise us of their planning.

One thing I was unclear about... and maybe I just missed it, was if there will be gunfire, or simulated gunfire, at the site.

I'll try to have a map back to you by the end of the day.

Thanks for the heads-up.

Clare

Clare Cain, Trails Stewardship Director
Connecticut Forest & Park Association
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facebook.com/CTForestandParkAssociation, and follow us on Instagram (@ctforestandparkassociation) and Twitter (@ctwoodlands)**

From: jmahoney [<mailto:jmahoney@town.berlin.ct.us>]
Sent: Wednesday, May 06, 2020 8:34 AM
To: Clare Cain; Karl Lewis
Cc: mgiusti
Subject: Fw: Military Museum site proposal near NET

Hi Clare

the Town has been approach by a group proposing a military museum/camp (link attached). I think that the Metacomet/NET used to go through the site but karl recently hiked the trail and based on my discussions with him the trail may have been relocated.

Can you send us a map of the trail location in this area, best on a property maps base if you have it. Also, let us know if you have any comments at this stage. We are just at the stage of evaluating the use.

Jim

From: mgiusti <mgiusti@town.berlin.ct.us>
Sent: Monday, May 4, 2020 4:22 PM
To: jmahoney <jmahoney@town.berlin.ct.us>
Subject: RE: Military Museum site

