

**Berlin Planning and Zoning Commission Regular Meeting Agenda  
March 4, 2021**

The Berlin Planning and Zoning Commission will hold a Regular Meeting on Thursday, March 4, 2021 at 7:00 P.M by remote WebEx conference\*. The public will be able to access and participate in the meeting by computer or telephone as provided below.

**Join from the meeting link**

<https://townofberlin.my.webex.com/townofberlin.my/j.php?MTID=m3baed60ef148408ed39758c49cd6d63f>

**Join by meeting number**

Meeting number (access code): 132 786 1803

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

**Join by phone**

+1-408-418-9388 United States Toll

*The WebEx call to participate in this meeting is a toll call and you may incur additional charges for placing the call by your phone service provider. The Town does not reimburse participants for any toll charges. Please check with your phone service provider before making the call.*

**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, March 3, 2021, for posting prior to, during and after the meeting.

**I Call to Order**

**II Schedule Public Hearing**

- a. Proposed Amendment to the Berlin Zoning Regulations of Timothy Sullivan, Esq. for New Section XI DD – Planned Residential Infill Development  
*Suggested Date: April 15, 2021*
- b. Consideration of a multi-family housing moratorium for the Town of Berlin  
*Suggested Date: May 6, 2021*

**III Commission Business**

- a. Discussion of 2023 Plan of Conservation and Development

**IV New Business**

- a. Site Plan Amendment of Estates of Berlin LLC for modifications to the grading of Phase 5, at Lot 41, Block 133, 107 Beckley Road

RECEIVED  
MARCH 3 2021

2021 MAR -2 PM 3:52

Kathy G. G. G.  
TOWN CLERK

*Continued...*

## V Public Hearings

- a. Zone Change Request of BT 2008 LLC to change the zone at 404 Berlin Turnpike (Map Lot Block: 10-2-83-12-7333) and (Map Lot Block 10-2-83-12-7334) and (Map Lot Block: 10-2-83-13A) and (Map Lot Block: 10-2-83-13C-7509) and (Map Lot Block: 10-2-83-13C-7510) from Berlin Turnpike-1 Zone to Berlin Turnpike Development Zone (BT-1)  
*(Opened 1/21/21, 2/25/2021, Continued to 3/18/2021)*
- b. Special Permit/Site Plan Applications of BT2008, LLC for a mixed-use development at 404 Berlin Turnpike (Map Lot Block: 10-2-83-12-7333) and (Map Lot Block 10-2-83-12-7334) and (Map Lot Block: 10-2-83-13A) and (Map Lot Block: 10-2-83-13C-7509) and (Map Lot Block: 10-2-83-13C-7510)  
*(Opened 1/21/21, 2/25/2021, Continued to 3/18/2021)*

## VI Old Business

- a. Zone Change Request of BT 2008 LLC to change the zone at 404 Berlin Turnpike (Map Lot Block: 10-2-83-12-7333) and (Map Lot Block 10-2-83-12-7334) and (Map Lot Block: 10-2-83-13A) and (Map Lot Block: 10-2-83-13C-7509) and (Map Lot Block: 10-2-83-13C-7510) from Berlin Turnpike-1 Zone to Berlin Turnpike Development Zone (BT-1)
- b. Special Permit/Site Plan Applications of BT2008, LLC for a mixed-use development at 404 Berlin Turnpike (Map Lot Block: 10-2-83-12-7333) and (Map Lot Block 10-2-83-12-7334) and (Map Lot Block: 10-2-83-13A) and (Map Lot Block: 10-2-83-13C-7509) and (Map Lot Block: 10-2-83-13C-7510)

## VII Adjournment

RECEIVED CIVIL RIGHTS  
DIVISION  
2001 MAR -2 PM 3:52  
K-200710202



**Wisniewski & Sullivan, LLC**

**Attorneys at Law**

**Wanda L. Wisniewski**

Also admitted in New York

**Timothy Sullivan**

*Please respond to our Southington office*

February 17, 2021

Berlin Planning & Zoning Commission  
c/o Maureen Giusti  
240 Kensington Road  
Berlin, CT 06037

**RE: Proposed Text Amendment to the Berlin Zoning Regulations  
New Section XI DD**

Dear Mrs. Giusti:

As we discussed, enclosed please find a proposed text amendment together with a check in the amount of Four Hundred Sixty and 00/100 (\$460.00) Dollars. Also enclosed is a narrative supporting the proposed Section XI DD.

Sincerely

Timothy Sullivan

ETS/AM  
Enc.

**Town of Berlin  
Received**

**FEB 17 2021**

**Planning & Zoning Department  
Berlin, Connecticut**

*Application Fee Paid  
2.17.21 - \$460.-*

35 North Main Street, Suite 2F • Southington, CT 06489 • Tel. (860) 620-9335 • Fax (860) 620-9545

55 Broad Street • Suite 210 • New Britain, CT 06053 • Tel. (860) 225-9912 • Fax (860) 225-9913

## **NARRATIVE SUPPORTING NEW-SECTION XI DD**

The Berlin Turnpike is described in the Town's Plan of Conservation and Development ("POCD" as a multi-lane divided highway that began as an icon of the automobile age people outside the community still consider synonymous with tiny motels. The POCD, while recognizing the residential developments that have been completed which are set well back from the travel lanes, also emphasizes the need to alter the perception and image of the Turnpike and create a sense of place.

The proposed Planned Residential Infill Development is a forward-looking proposal that addresses the redevelopment of small, nonconforming parcels from transient housing to stable housing. Since the motel properties which would be subject to infill development are not setback from the travel lanes of the Turnpike, it is an opportunity for the Town to stimulate investment in properties in a way that would alter the perception of the Turnpike. Any redevelopment would be driven by the Berlin Turnpike Design Guidelines including lighting, signage, and landscaping. The size constraints of these parcels supports small residential units aimed at downsizing seniors or young people seeking low maintenance housing.

The POCD recognizes that opportunity should not be precluded by rigidity but instead favors flexibility to embrace the fast-changing real estate world. The proposal is consistent with the POCD in that it encourages infill development using existing infrastructure rather than an incursion into greenfield areas.

This The Planned Residential Infill Development proposal will continue residential development of the Turnpike in a manner the POCD describes as increasing the cachet of the Turnpike and, therefore, it is requested that the Commission adopt this regulation.

**Town of Berlin  
Received**

**FEB 17 2021**

**Planning & Zoning Department  
Berlin, Connecticut**



## PROPOSED AMENDMENT TO SECTION XI OF THE BERLIN ZONING REGULATIONS

### **DD Planned Residential Infill Development**

1. **Purpose.** The intent of this section is to provide an economic incentive for the redevelopment of existing Motel properties which are considered inefficient and underperforming by contemporary land use standards. This section provides standards and procedures for the design and development of Planned Residential Infill Developments in an effort to expand the scope of land planning and development from the concept of individual lots and structures to the planning and development of small areas with groups of structures erected thereon as a coordinated entity and to provide for more efficient use of existing parcels and Town resources, but it is not intended to facilitate the conversion of non-residential uses.

2. **Qualifying Standards.** No tract of land shall be considered for a Planned Residential Infill Development unless it meets the following minimum qualifying standards.

a. The tract shall consist of a single lot under one ownership or control in existence prior to the effective date of this regulation with its current use of a Motel having a total area of not less than one-half (.5) acre nor more than three (3) acres and shall be served by public water and public sanitary sewer.

b. The tract shall have frontage on State Highway 5/15. In addition to frontage on State Highway 5/15 as described above, the tract may have access on other roads if the Planning and Zoning Commission finds traffic conditions warrant it or that is desirable to facilitate public safety. Nothing herein shall be construed to require that access be required from State Highway 5/15.

c. **Procedure.** An application for a Planned Residential Infill Development use for a tract of land that meets the standards set forth in Section DD must be approved as a Special Permit pursuant to Section XII of these Regulations.

In addition to the requirements of Section XII, the applicant shall submit a storm water management plan prepared by a professional engineer addressing any increase in surface water runoff from the proposed development. The applicant shall also submit a written traffic statement addressing prospective traffic of the proposed development.

The location, orientation, design scale, texture, materials, landscaping, general bulk, height and other features shall be consistent with the characteristics of the Town and neighborhood in which the proposed development is located and shall take into account, where appropriate, the nature of the surrounding area and the extent to which the proposed use and its features and appearances will be in harmony with the surrounding area, including the effect upon property values in the neighborhood. The application shall include the following:

(i) six (6) copies of an overall site plan prepared by a licensed professional engineer of the entire tract of a scale of Section XIII Site Plan, and

**Town of Berlin  
Received**

**FEB 17 2021**

**Planning & Zoning Department  
Berlin, Connecticut**



(ii) six (6) copies of architectural drawings containing all of the information required by Section XIII together with a range of proposed textures, materials and colors of the buildings. The hearing described in Section XII shall be for the purpose of determining whether the tract described in the application meets the standards contained in these Regulations for a Special Permit. If the Commission finds the proposed use to be in accord with the public convenience and welfare and to meet the standards of these Regulations, it shall approve the Special Permit for the entire tract subject only to conditions imposed pursuant to Sections XII.

**3. Design Standards.** The following standards shall apply to the design and development of Planned Residential Infill Developments:

a. The maximum number of dwelling units shall be determined as follows:  
$$\text{Total gross land area} \div 4,000 \text{ sq. ft.} = \text{maximum number of dwelling units allowed.}$$
Any fraction that results shall be rounded down to the nearest whole lot.

b. No building shall contain more than six (6) dwelling units.

c. No building unit shall extend within less than forty (40) feet of any Street Line or fifteen (15) feet of any other property line regardless whether a property line abuts a residential, commercial or other non-residential zoning district; provided however, at the request of the applicant made in writing at the time of the filing of the application, the Planning and Zoning Commission may waive the setback requirements where there is an existing structure on the tract of land which the Commission determines merits saving. The lot shall only be required to have one (1) Street Line which shall be State Highway 5/15. All utilities shall be underground. Maximum Lot Coverage shall be fifty (50) percent.

d. Notwithstanding any other provision of these Regulations, detached accessory structures shall be located not less than five (5) feet from a side property line, provided: 1) the side lot abuts a commercial or other non-residential district; 2) the height of the accessory structure shall not exceed 15 feet; and 3) the applicant demonstrates to the satisfaction of the Commission that the accessory structure is designed and located to be architecturally compatible with the principal structure(s) and neighborhood character.

e. The requirements of Section IX C shall not apply to this Section XI DD but the Commission may impose landscaping, screening and buffer conditions it determines necessary for the public health, welfare and safety.

f. Parking shall be provided at a rate of two (2) spaces per dwelling unit, including garage and driveway spaces.

g. All land not utilized for dwellings and private usable outdoor space shall be considered common land. Such land shall be in such condition, size and shape as to be readily usable for circulation, parking, and other uses of the occupants of the dwelling units.

**Town of Berlin  
Received**

**FEB 17 2021**

**Planning & Zoning Department  
Berlin, Connecticut**

**h.** Additional Requirements a) Where dwelling units are to be individually owned, a community association must be established and maintained prior to the issuance of the first Certificate of Occupancy. Membership shall be mandatory for all owners of dwelling units within the development and shall be so stipulated in the declaration establishing the common ownership interest community and the deeds to the dwelling units.

**i.** Certificate of Occupancy. No certificate of occupancy shall be issued until the following items have been Submitted to the Planning Department: 1. Verification that the Community Association, if necessary, has been established. 2. Copies of all bonding documents for all uncompleted common area improvements.

**Town of Berlin  
Received**

**FEB 17 2021**

**Planning & Zoning Department  
Berlin, Connecticut**



**CONNECTICUT FEDERATION OF PLANNING & ZONING AGENCIES**

790 Farmington Avenue, Building 2B

Farmington, CT 06032

(860) 677-7355

cfpza@live.com

**ANNUAL CONFERENCE TO BE CANCELLED/  
AWARD NOMINATION FORMS ENCLOSED**

In light of the continuing COVID 19 restrictions on large gatherings, a decision has been made to cancel the 73<sup>rd</sup> Annual Conference of the Connecticut Federation of Planning and Zoning Agencies. This decision was made after conferring with the Aqua Turf staff and reviewing current CDC and CT Public Health protocols regarding social distancing. This is very disappointing but public health is of the utmost importance at this critical point.

We are sincerely grateful to the entire membership of The Connecticut Federation of Planning and Zoning Agencies for your continued support during these difficult times. Despite this extended period of restrictions, towns across Connecticut have continued to address zoning concerns and the CFPZA has continued to disseminate the most up-to-date information about current trends and changes to zoning laws which affect the decisions of land use commissions.

While the Conference has been cancelled, a Webinar will be scheduled for April at which time the Connecticut Federation of Planning and Zoning Agencies would like to honor those Commission members who have attained service milestones with Length of Service and Lifetime Achievement Awards.

Those persons who have served 12 or more years as a member of a planning commission, zoning commission, planning and zoning commission or zoning board of appeals are eligible to receive a Length of Service Award. The twelve years of service may be a combination of time spent as a member of all four agencies. The twelve years, however, must be continuous from year to year.

Individuals who have served at least twenty-five (25) years in the area of land use, either as a member of a zoning agency or as staff or advisor to a zoning agency are eligible to receive a Lifetime Achievement award.

Please complete the enclosed nomination form for each commission member who meets the eligibility criteria and return by mail or e-mail to the above addresses on or before March 19, 2021. Award certificates for each recipient will be mailed to the nominating commission in April.

THANK YOU!