

**Berlin Planning and Zoning Commission Regular Meeting Agenda
March 18, 2021**

The Berlin Planning and Zoning Commission will hold a Regular Meeting on Thursday, March 18, 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.

<https://townofberlin.my.webex.com/townofberlin.my/j.php?MTID=m22c8ac7da6f007f8eb96995258583997>

Meeting number: 132 188 9799

Password: PZCTh700 (79284700 from phones and video systems)

Join by phone

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Access code: 132 188 9799

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 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 17, 2021, for posting prior to, during and after the meeting.

I Call to Order

II Approval of Minutes

- a. February 25, 2021
- b. March 4, 2021

III Commission Business

- a. Discussion of 2023 Plan of Conservation and Development
- b. Information for Moratorium for Affordable Housing Development

IV Schedule Public Hearing

- a. Special Permit Use Application of William J. Watson III for an Accessory Dwelling Unit at 168 Blue Ridge Road
Suggested Date: April 15, 2021

V Old 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

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2021 MAR 16 PM 1:14
Kathy G. Watson

Continued...

VI Public Hearings

- a. Proposed Amendment to the Berlin Zoning Regulations of Timothy Sullivan, Esq. for new section VI.G.3.ee – Gasoline Filling Stations
- b.. 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)
- c. 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)

VII Old Business

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- b. 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)
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VIII Adjournment

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K. Sullivan

**Planning and Zoning Commission
February 25, 2021 Special Meeting Minutes**

I Call to Order

The Berlin Planning and Zoning Commission held a Special Meeting on February 25, 2021 by remote WebEx conference. Chairwoman Veley called the meeting to order at 7:10 p.m.

Also in attendance:

Commissioners Diane Jorsey; George Millerd; Brian Rogan; Steve Wollman, Timothy Zigmont

Alternate Commissioners: Stephen Biella, Jr (Seated for Jon-Michael O'Brien); Andrew Legnani; Peter Zarabozo

Acting Town Planner/Zoning Enforcement Officer Maureen Giusti, AICP
Acting Zoning Officer Adam Levitus, P.E.

Excused:

Commissioner Jon-Michael O'Brien

II Approval of Minutes

- a. February 4, 2021

Commissioner Jorsey noted several typographical errors. The minutes will be corrected and re-filed. Commissioner Jorsey moved to approve the minutes, as corrected.
Commissioner Rogan seconded the motion which carried unanimously.

III Schedule Public Hearing

- a. Proposed Amendment to the Berlin Zoning Regulations of Timothy Sullivan, Esq. for new section VI.G.3.ee – Gasoline Filling Stations
Suggested Date: March 18, 2021

Commissioner Jorsey moved to schedule the public hearing for March 18, 2021.
Commissioner Rogan seconded the motion which carried unanimously.

IV Commission Business

- a. Discussion of PRISM Autism Education & Consultation LLC, 166 Lincoln Street

Ms. Giusti stated Attorney Gregg Burton, representing PRISM, was present as well as PRISM personnel. She noted Town Counsel Jennifer Coppola was also on line. She stated at the commission's February 4th meeting, additional information was requested from PRISM and a letter providing further explanation of their business was provided by them in a letter dated February 12, 2021.

Attorney Gregg Burton, partner, Carmody, Torrance, Sandusky & Hennessey, LLP, stated the founders of Prism, Rebecca Giammatti and Rachel Coburr, were on line as was Dr. John Molenti, Director at PRISM, and representatives from Mooreland School, Seth Brewer and Attorney Michael Carrier.

Attorney Burton stated the PRISM Academy Educational program is currently housed in Farmington. It has grown to the point where another location is needed. They have entered into a lease with Mooreland Hill School for the use of three classrooms and one auditorium. There will be twelve students initially which may increase to eighteen. Ages “0 to 6” years old are served in their Farmington location. The Berlin location will have students 6 to 9 years old. They may purchase Mooreland Hill within a year and pursue some accreditations for the program. He stated their application for a Certificate of Zoning Compliance is only for the three classrooms and auditorium at this time. Their long-term plan is a purchase agreement and eventual expansion. At this time, they are requesting a like for like school use. In response to questions at the last meeting regarding licensing, he stated private schools in Connecticut are not required to be licensed. PRISM intends to seek accreditation with the State, but it is not something in place or required at this time. He stated their education programs are “cutting edge” in terms of children with autism who would struggle with traditional methods of education.

In response to Commissioner Jorsey’s asking for clarification with respect to the center’s being a school and certifications of their teachers, Rachel Coburr responded all teachers are certified special education teachers, noting the web site has a pending update. Rebecca Giammatti clarified the current website describes the Farmington facility.

Attorney Burton stated the PRISM Academy Program developed in Farmington will remain in Farmington.

Commissioner Wollman stated his opinion the use is like to like and will benefit Berlin.

Chairwoman Veley asked Attorney Coppola to confirm if the commission, in moving forward, will not be procedurally in conflict with zoning compliance.

Attorney Coppola stated she thought it was necessary for the commission to hear from PRISM to simply discuss the matter and she had no concerns with the process.

Commissioner Millerd questioned if the special permit had expired as the school had not been in session for six months or more and also asked if the tax issues had been resolved.

Attorney Burton stated the issues were separate and there is no connection with granting the zoning compliance approval pending a property tax appeal.

Attorney Coppola stated the special permit runs with the land, and there is no evidence of sufficient abandonment of the use based on the provided information.

Commissioner Rogan read a letter of support from Christopher Edge, Director of Economic Development, on behalf of the Economic Development Commission.

Commissioner Biella stated his support for PRISM's application for a Certificate of Zoning Compliance.

Ms. Giusti polled the commission for a consensus that the application for a Certificate of Zoning Compliance could be administered by staff with the notations as discussed.

Consensus vote for this discussion: The use will continue as a school; the special permit runs with the land; and the use is like for like.

Voting Aye: Commissioners Veley, Jorsey, Rogan, Zigmont, Wollman, Millerd, Biella, Jr. The consensus was unanimous.

b. Discussion of 2023 Plan of Conservation and Development

Chairwoman Veley stated there were no updates at this time.

V New Business

a. Site Plan Amendment of Murphy Road Recycling for a 36,900 s.f. building addition, truck scale house at Map 3-4, Block 76A, Lot 1C, and Map 3-2, Block 76A, Lot 1B, 655 Christian Lane

Ms. Giusti stated the applicant has received a variance for the building coverage from the Zoning Board of Appeals and this commission can now move forward with consideration for this application.

Mr. Mark Zessin, P.E., Barton & Loguidic Consulting Engineers, , for the applicant, stated the application is for a 36,900 s.f building which will be used to house state of the art recycling equipment. He described the traffic pattern. He stated the majority of materials which will be on site have been accepted at this site for "quite some time". The building will improve the efficiency of recycling operations.

Mr. Jonathan Murray stated the 25 million dollar investment for the project is really a requirement to meet the needs of an ever-changing recycling business.

Commissioner Zigmont stated he wants to make sure access to hydrants stay open.

Mr. Murray stated in addition to fire hydrants, there is a dry suppression system on site which is monitored 24 hours a day. If high heat is detected, it can be pinpointed and extinguished. He stated he will look into the access for the hydrants. He stated the "triangle" portion of the property will be used for trailers used at the business and noted that portion of the site is not visible from the road.

Ms. Giusti reviewed her comments:

1. Erosion Control and Site Bonding as required including specifically for relocated landscaping.
2. Install “Abtech Industries Ultra Urban Filters with Smart Sponge Technology” in ALL of site catch basins per Inland Wetlands comments.
3. The parcels be merged, as proposed in the application, to create a single 6.66-acre parcel.
4. Any change to signage requires applicable permits in conformance with the signage regulations.
5. Property dimensions and building distances to property lines be added to the site plan prior to permitting.
6. Signage and pavement markings be clearly updated on site to redirect traffic through the site
7. Any outstanding department comments be resolved to the satisfaction of the applicable department.

She stated the commission needs to determine if parking is adequate; however, it was stated the new building is for equipment, not personnel.

Commissioner Rogan stated as the addition is for mechanics and equipment, the parking is sufficient.

Commissioner Rogan moved to approve the application, subject to staff comments.
Commissioner Jorsey seconded the motion which carried unanimously.

Ms. Giusti polled the commission:

Voting aye: Commissioners Veley, Jorsey, Rogan, Zigmont, Wollman, Millerd, Biella, Jr.
The motion carried unanimously.

VI Public Hearings

Chairwoman Veley stated the Call of the Hearings had been read at the opening of the hearings and they have been combined for discussion.

Ms. Giusti stated for the record the address is stated as 404 Berlin Turnpike and consists of properties as noted.

- 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 – Continued to 2/18/21)

- 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 – Continued to 2/18/21)

Ms. Giusti stated the third party consultants' reports have been received and the applicant has provided some responses. It the commission's decision as to whom speaks first.

Commissioner Millerd stated the testimony may be redundant – one for one answers.

Dr. Donald Poland, Goman & York, Consultant for the Town of Berlin for these applications, stated there may be questions and differences of opinion to which they may like to respond after the developer's testimony.

The commission will first hear the applicant's presentation.

Attorney Peter Alter, Glastonbury, CT, representing the applicant, stated Attorney Meghan Hope, Mr. Peter D'Addeo, Mr. Matt Bruton, Mr. Mark Joyce, and Mr. Scott Hesketh were also on line. He stated that they recognize and appreciate further consultant comments and they agree as to how the testimony will proceed. He stated the Zoning Board of Appeals approval for the gasoline filling station has been deferred by ZBA upon a Planning and Zoning Commission decision. The site is 35-1/2 acres consisting of three parcels. He stated his complete agreement with the manner in which Dr. Poland approaches the proposals. He stated he agrees with Dr. Poland's conclusion that it would be appropriate for the Planning and Zoning Commission to approve the zone change.

Mr. Matt Bruton, P.E., BL Companies, on behalf of the applicant, reviewed his power point presentation, stating some of the slides are as previously submitted at the first public hearing; however, there have been updates in response to the consultants' reviews. He noted the Town Engineer's two comments – one concerning an easement for a periodical use of the roadway by Berlin Water Control for any future work on the pump station and the other for the applicant's team to evaluate the odor impact from the sanitary pump station on the development. He stated the items will be addressed. He stated the report from WMC Consulting Engineers was a "very heavy technical letter" and some of the points overlapped those of Dr. Poland's report. He said they have reduced parking by fifty-six spaces; stormwater management and snow removal items reviewed; dumpster enclosures updated, additional sidewalks and cross walks to improve pedestrian flow and dedicated loading areas added. The sidewalk network between the residences and the convenience store will provide more flexibility. Gates will be installed between the residences and the convenience store. He said he would review the information line by line if the commissioners wished to do that.

Commissioner Millerd asked how the commissioners could be assured that all the changes will be reflected back into the plans.

Attorney Alter responded if the commission acts on these applications, conditions can be imposed to reflect all changes and staff and consultants would approve that all changes have been made before the final plans are filed.

Ms. Giusti stated plans will be finalized prior to permitting. The consultants review the plans to make sure the conditions have been reflected on the plans, based on their recommendations.

Mr. Robert E Barneschi, P.E., WMC Consulting Engineers, Consultant for the Town of Berlin for these applications, stated most of their comments can be easily resolved. The biggest issue is reviewing the stormwater management storage and he would like to see more detail with the main stormwater management basin, especially, as there is a lack of soil capacities and infiltration. Further detail is needed. Some of the hydraulic analyses are yet to be completed. Most comments can be addressed. Further testing and analysis on their part is needed to see that what is proposed will function as anticipated. Boring 20 feet to groundwater may not be the case. It is difficult to determine, as there are no finished elevations provided.

Commissioner Millerd asked if there are concerns for snow removal and potential issues to drainage.

Mr. Bruton responded islands will be used to store the plowed snow as well as areas along the hotel. He stated they are technically “over parked” by the regulations and the developer is confident the snow removal operation will work. In addition, there are carports and underground parking.

Commissioner Millerd stated both consultants commented on the gas station and parking and its parking spaces. He stated it all depends on the amenities in the store and parking, as proposed could be problematic.

Mr. Burton responded they want everyone to be safe on the site. He reviewed parking around the gas station, noting the drive-thru will be used extensively, as opposed to parking, for coffee.

Regarding the one bedroom units with a den, Commissioner Millerd stated he had concern the den would be turned into a bedroom.

Mr. Mark Joyce, AIA, Phase Zero Design, reviewed architectural features with a power point presentation. The residential buildings will be “podium” style, brick veneer with standard size red tone bricks with black tonality for texture. There is a transition to clapboard, panels, and shingles, and siding in grey tones. The windows will be vinyl double hung with black frames. The site will have both four-story buildings and five-story buildings. Rooftop mechanicals will be screened with 4-1/2 panels. The retail building will develop as occupants are finalized. Some pedestrian access was re-oriented to address comments. “Moving day access” for parking was re-oriented. A dog wash was added to each building as an amenity. There will be a community building and some larger amenities. The one-bedroom units, plus a den, will be changed to increase the doorway entry so the den does not appear to be a bedroom. He stated they’ve addressed all issues raised in the comments.

Mr. Scott Hesketh, F.A. Hesketh & Associates, Inc. stated three options were for traffic control were submitted to the Berlin Police Department. The Police Commission supported the proposed option. He stated they are projecting exceptional levels of service at all three driveway.

Regarding the housing affordability plan, Attorney Alter stated Dr. Poland's comments have been reviewed and addressed with Mr. D'Addeo. They have provided a schedule of designated units that will be affordable. All affordable units are consistent with the mix of units throughout all five buildings. A letter from Berlin's Housing Authority which states its "enthusiastic" willingness to oversee the administration of the affordability plan that has been submitted. The affordability plan was revised to address Dr. Poland's comments and is in good order, and it is an important aspect of this process. He stated the architect's changes speak to the high level of opportunity for both the affordable and market rate housing for the Town of Berlin. There is one issue. The applicant needs clarification of the ten acre parcel requirement. They can meet that requirement as they have 35 acres. The way the regulation is written is conflicting as it makes development more difficult. He asked for the commission's guidance for this matter.

Regarding an overflow of parking if needed by the hotel during events, Attorney Alter stated there will be cross easements and parking easements. If it is determined parcels can be two acres, easements will be in place.

Commissioner Zigmont stated there has been a problem with water flow in the area of the proposal.

Attorney Alter stated they had spent over a year with the Inland Wetlands and Water Courses Commission. He stated a leading expert in the country, Leonard Jackson, did an analysis and worked with WMC Consulting Engineer and developed the plan to the satisfaction of the Berlin IWWC and both wetlands and flood permits were granted.

Commissioner Rogan stated the one bedroom unit with the den and private bathroom looks like a two bedroom unit.

Mr. Joyce stated the design can be changed to re-orient the bathroom door to not go into the den. Additionally, they can re-orient the closet so it is dedicated to the one bedroom area.

Speaker from the Public

Mr. Joseph Bajorski, 80 Butternut Lane, speaking on behalf of the Berlin Housing Authority, stated they are in support of the proposal as it adds a significant number of affordable units to the town's inventory and the added traffic to the Berlin Turnpike will create additional economic opportunities.

Chairwoman Velej stated she would like to see the windows framed out and more detail added to the balconies. Those residential units closet to the hotel will have a view of the hotel. She stated berming could be added to the front of the facility and would make the buildings look less tall. More landscaping and green space should be added as the project is very straightforward and grid like in its layout.

Mr. Barneschi stated there is no pedestrian connection from the northern portion of the site. He questioned if the crosswalk would be used to reach the 15 parking spaces at the gas station and stated using the landscaped islands for snow removal may restrict a lot of site lines. Stormwater management can be coordinated, and the groundwater may not be as deep as proposed.

Commissioner Zigmont stated snow shelves could be added for snow removal.

Commissioner Millerd stated details for walking trails have not been provided. He asked if the open space to be dedicated is wetlands.

Mr. D'Addeo responded that he has spoken with the Berlin Land Trust regarding the land that could be dedicated and they are interested in the land but not doing improvements. He stated the land is adjacent to his development's recreation area and access to the property would be possible – 30 percent or more is uplands and has wildlife and could be used recreationally for fishing and hunting.

Commissioner Rogan asked if the parking shown at the gas station for the walking trails, which would be open to the public, could become problematic.

Mr. D'Addeo stated the area for the residents to the walking trails will be gated to prevent the public from entering into the residential area. He stated there have only been a few hunters with licenses in the past who used the land.

Ms. Giusti stated the Town of Berlin is anticipating another project in this area and there may be an opportunity for linkage for open space for hiking and outdoor uses.

Dr. Poland stated based on setbacks and the challenges of the location, the pedestrian walkways may not be able to be fully resolved. He stated parking space #14 (understructure parking) would be difficult to back out of and suggested designating it for compact cars only. Regarding the housing affordability plan, he stated the applicant needs to review the calculations, as he is not convinced the number is right.

Attorney Alter stated they will review compliance with the requirements of §8-30g.

Regarding the question of the 10-acre requirement for development, Dr. Poland stated the ten-acre minimum may eliminate the worry for spot zoning. He stated there are ways to address this issue going forward. An alternative would be to entertain a text amendment, and should these applications receive approval, the applicant could come back and request a text amendment to carve out smaller lots. However, there is not a direct solution at this moment.

Chairwoman Veley stated if the hearing is kept open, the applicant may agree and consent to use extension time, although at this time with the Governor's Order due to the Covid Virus Pandemic, it is not necessary.

Attorney Alter stated he will submit a letter for the extension of time.

There was discussion of the continuance date and it was agreed by Attorney Alter that the meeting after next would allow them time to respond to the items discussed at this meeting.

Commissioner Rogan moved to continue the public hearing until the March 18, 2021 meeting. Commissioner Jorsey seconded the motion.

Ms. Giusti polled the commission.

Voting Aye

Commissioners Veley, Jorsey, Rogan, Zigmont, Millerd, Wollman, Biella, Jr.

The motion carried unanimously.

VII 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)

Continued to March 18, 2021 – There was no discussion or action taken.

- 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)

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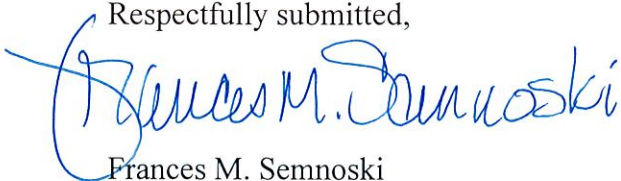
VIII Adjournment

Commissioner Zigmont moved to adjourn the meeting.

Commissioner Rogan seconded the motion which carried unanimously.

The time was 10:10 p.m.

Respectfully submitted,



Frances M. Semnoski
Recording Secretary

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

I Call to Order

The Berlin Planning and Zoning Commission held a remote meeting via Webex on March 4, 2021.

In attendance

Chairwoman Joan Veley

Commissioners George Millerd, Diane Jorsey, Timothy Zigmont, Brian Rogan, Steve Wollman
Alternate Commissioners John Biella, Jr.; Andrew Legnani (seated for Commissioner Jon-Michael O'Brien; Peter Zarabozo

Acting Town Planner Maureen Giusti, AICP
Zoning Officer Adam Levitus, P.E.

Absent

Commissioner Jon Michael O'Brien

II Schedule Public Hearings

- 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

Commissioner Zigmont moved to schedule the public hearing for April 15, 2021.
Commissioner Jorsey seconded the motion which carried unanimously.

- b. Consideration of a multi-family housing moratorium for the Town of Berlin
Suggested Date: May 6, 2021

Chairwoman Veley stated additional information may need to be compiled. She requested scheduling the public hearing be first discussed under Commission Business.

Commissioner Jorsey moved to consider this item under Commission Business.
Commissioner Rogan seconded the motion which carried unanimously.

III Commission Business

- a. Discussion of 2023 Plan of Conservation and Development

Chairwoman Veley stated the plan is completed every ten years with representation from land use commissions and boards and public representation. Its purpose is to realign and improve the development and direction of the town Meetings are held approximately once a month.

Ms. Giusti stated the advisory board is established by the Town Council considering the suggestions from the Planning and Zoning Commission.

Mr. Jim Mahoney, Economic Development Coordinator, Town of Berlin, stated the 2013 POCD committee had seven members consisting of two Planning and Zoning Commissioners; one Town Councilor; a commissioner from the Economic Development Commission, Conservation Commission, Zoning Board of Appeals and one citizen. The commission can consider if the Inland Wetlands and Water Courses Commission should be considered. He stated the commissioners' recommendations were not needed at this meeting.

Mr. Mahoney stated a Request for Qualifications for consulting services for the POCD will need to have the commission's directive to go forward. He stated the affordable housing plan due by 2022 is incorporated into the RFQ.

Mr. Mahoney noted Kevin Fitzgerald, a former intern for the Town of Berlin, has been hired to gather data for the POCD.

There was discussion of representatives from the Planning and Zoning Commission and Commissioners Zigmont, Rogan, Jorsey, Millerd, Veley expressed their interest in serving on the advisory board for the 2023 POCD. Chairwoman Veley suggested Attorney Dennis Kern as a participant, due to his numerous years of experience serving as a planning commissioner and chair and as the Chairman of the Berlin Land Trust..

Ms. Giusti stated the commissioners could be assured that those not participating on the advisory board would be getting regular updates for input regarding the direction of the board. All meetings are public meetings and the purpose of keeping the board to a limited number is to ensure having manageable, productive conversations to achieve its goals.

Mr. Mahoney stated the advisory board meetings will send reports to the Planning and Zoning Commission to advise the progress of the meetings. The meetings for the last POCD were informal with some audience participation. Public hearings will be held.

Commissioner Zigmont moved to go forward with the RFQ concerning the 2023 Plan of Conservation and Development.

Commissioner Jorsey seconded the motion.

Ms. Giusti polled the commission.

Voting Aye: Commissioners Millerd, Jorsey, Zigmont, Rogan, Veley, Wollman, Legnani
The motion carried unanimously.

b. Consideration of a multi-family housing moratorium for the Town of Berlin
Suggested Date: May 6, 2021

Ms. Giusti stated information is not yet ready to distribute to the commission. If the commission concurs, an overview will be provided with language, the time line of the moratorium, and

specific information as to why a public hearing will be needed. She stated her department is proposing the moratorium due to the increase of multi-family rental units allowed by new regulations including the Kensington Overlay Zone of 2016, the Berlin Turnpike development zone and the Workforce Housing Zone. The majority of the units are not in the vicinity of the Berlin Train Station as was envisioned by the last Plan of Conservation and Development, nor was the concentration of those multi-family units on the Berlin Turnpike. Issues noted in the current projects include the scale and use of the mix of commercial and residential units, lot size, and the affordability aspect as to whether the wording in the zoning regulations aligns with the ability and goals to count as affordable units. Looking at the potential number of units, a zone change which could potentially permit 300 units is under appeal; however, that could make nearly 900 units – a ten percent increase of housing stock which is fast growth.

Chairwoman Veley stated the moratorium would allow the commission to look at where the town is and how they would like the town to move forward.

Commissioner Zigmont stated the moratorium would be only for development of future units.

Ms. Giusti stated consideration of how to limit the moratorium so it focuses on the project at hand, of study, but allows for pending applications will to be put into the language.

Commissioner Jorsey moved to direct staff to proceed to prepare the language for the moratorium for multi-family development.

Commissioner Legnani seconded the motion.

Ms. Giusti polled the commission.

Voting Aye: Commissioners Millerd, Jorsey, Zigmont, Rogan, Veley, Wollman, Legnani
The motion carried unanimously.

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

Attending the meeting:

Mr. Jeff Resplar, Applicant

Mr. John Wagenblatt, PE, LRC Group

Mr. Rich Reynolds, PE, LRC Group

Mr. Mark Kehrhahn from Estates of Berlin, LLC

Mr. John Wagenblatt, PE, LRC Engineering, stated the site will be raised by about an average of seven feet. He stated a lot of the retaining wall will be eliminated. He described the retaining walls along some of the units. There will be no changes to unit counts. The raising of the site will change the amount of blasting which will be reduced from 2-1/2 acres to about one acre. The electrical meter for the meter station will need to be moved

Commissioner Millerd asked if the change will require the plan to be totally re-engineered.

Mr. Wagenblatt stated erosion control will be maintained throughout the project until it has been seeded and established. The fill will be removed and back filled to establish a good, stable slope. The drainage will flow into three locations - into the storm water management area and flow down to established detention basins which had been built about 6 or 7 years ago and through an area further to the north.

Mr. Wagenblatt stated they are trying to utilize fill from the project, including bringing fill in from Phase 4.

Commissioner Zigmont asked if the slope will be more than a two to one slope.

Mr. Reynolds, LRC, responded the two to one slope will have an erosion control blanket used during construction, as detailed on the plans for 3:1 or greater slopes and as maintenance to minimize erosion.

Mr. Wagenblatt stated the site will be raised an average of 7 feet, with some areas 3-4 or 8-10 feet. Plantings and seeding would be throughout and ground hugging vegetation could be added. A fence is proposed and its location was reviewed on the plan along the top of the slope and retaining wall.

Ms. Giusti stated not all the commissioners at this meeting had been in attendance last year during the approval for this development. She stated there had been discussion with regarding to the installation of a six foot high chain link fence for protection from the sloping. She recommended if this application is approved, that condition of approval should be carried over.

Chairwoman Veley stated she would prefer estate fencing rather than chain link fence.

Mr. Wagenblatt suggested they return with final fence material and perhaps match rail fence elsewhere on the property. The elevations and drainage of the site were further reviewed, including zero net runoff. Mr. Wagenblatt described elevations and screening around Phase 5.

Ms. Giusti stated Town Engineer comments are pending. If the commission moves forward, any approval should have the condition to address the Town Engineer comments

Responses from Mr. Wagenblatt:

- The slope starts at 20 feet and tapers off to where the retaining wall starts. He said Commissioner Jorsey was correct in her observance that the northeast area is 8 to 10 feet.
- Most of the fill is on site with some coming in from Phase 4. No fill is being brought in from off site. They may need topsoil.
- Regarding the monitoring of the establishment of the slope, the IWWC approval has a date of October 1st or the middle of September for the stabilization prior to winter.

- He stated the slope would need to be monitored over time until establish and Mr. Reynolds added they could add hydroseeding with mesh back.

Chairwoman Veley inquired about heights of slope. Mr. Reynolds responded approximately and Mr. Wagenblatt added it would taper, noting the fill would be pushed back to slope.

Mr. Wagenblatt noted the originally approved approximate 18' retaining wall has been lowered to use on site materials. It will be an engineering wall 2-3 feet in size to hold. He described the wall height moving north through Phase 5. Mr. Wagenblatt further explained that the change is to reduce the earlier proposed cuts and push out the material to slope.

Commissioner Jorsey moved to continue this agenda item to the next meeting to allow the Town Engineer comments to be submitted. Commissioner Wollman seconded the motion.

Discussion

Commissioner Zigmont stated the two to one slope needs to be verified.

Ms. Giusti called to Commission's attention the Conservation Commission comments with regard to adding greenery and trees along the slopes for stabilization and viewshed. She clarified that the town does get erosion control bonds for open projects and should be increased if necessary for modifications.

Commissioner Millerd stated the applicant needs to come back with specific information about erosion control and needs to specify plantings to be done.

Ms. Giusti polled the commission.

Voting Aye: Commissioners Miller, Jorsey, Zigmont, Rogan, Veley, Wollman, and Legnanai
The motion carried unanimously.

V Public Hearings

- *Items Va. and Vb. - Continued no discussion or action taken as announced at the last meeting:*
 - 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

- *Items VIa. and VIb. - Continued no discussion or action taken as announced at the last meeting:*
 - 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

Commissioner Rogan moved to adjourn the meeting.
Commissioner Jorsey seconded the motion.

Noting no one but the previous items' applicants had left the meeting, Ms. Giusti stated she had another discussion item she had overlooked and would like added.

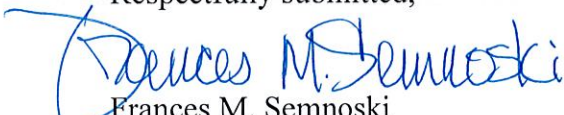
Ms. Giusti stated the Excavation regulations are inconsistent with approvals. She requested the commission direct her to review those regulations. The excavation permit section calls for two-year renewals with a total of six years. Approvals that may prompt an excavation, such as a subdivision, are approved for five years with a potential extension of five years. The numbers do not align. The regulations don't seem to make long term sense. If the commission agrees, she can propose a zoning amendment.

Commissioner Wollman added that a subdivision approval lasts longer than an associated excavation permit.

The consensus of the commission was Ms. Giusti should proceed with the amendment.

The motion to adjourn carried unanimously. The time was 8:54 p.m.

Respectfully submitted,


Frances M. Semnoski
Recording Secretary



Town of Berlin

Planning and Zoning Department

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

SPECIAL PERMIT APPLICATION

(Any Special Permit Application shall be submitted simultaneously with a Site Plan Application)

Project Name: Accessory Dwelling Unit 168 Blue Ridge Rd
Property Owner(s): William J. Watson III & Kari A. Watson
Project Address*: 168 Blue Ridge Rd, Berlin, CT 06037
Map: 13-4 Block: 13C Lot: 304 Zone(s): R-22 Lot Area: .44 ac

Applicant Information

Name: William J. Watson III Firm Name: _____
Street Address: 168 Blue Ridge Rd City: Berlin ST: CT Zip: 06037
Email: willwatson3rd@gmail.com Phone: 860-836-0917
Signature: [Signature] Date: 3-11-2021

Property Owner(s) Information (If Not the Applicant)

Name: _____ Principal: _____
Street Address: _____ City: _____ ST: _____ Zip: _____
Email: _____ Phone: _____

*Letter of Authorization Required

Special Permit required pursuant to section(s):

X I T Accessory Dwelling Unit

*Any town official and/or employee that the town deems necessary may enter the property to verify information submitted with this application.

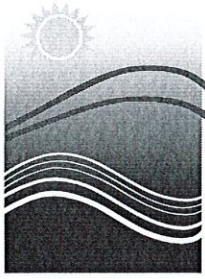
To be completed by P&Z staff only:

Fee Paid \$ 280.- (Refer to current Fee Schedule)

Received by: fms

**Town of Berlin
Received**

MAR 12 2021



Connecticut Department of

**ENERGY &
ENVIRONMENTAL
PROTECTION**

Bureau of Materials Management & Compliance Assurance

Water Permitting and Enforcement Division

Mr. Aroscha Jayawickrema, Town Manager
Town of Berlin
Berlin Town Hall
240 Kensington Road
Berlin CT 06037

March 5, 2021

Re: Notice of Tentative Determination
Stan Chem Inc.

Dear Mr. Jayawickrema,

Enclosed is a Notice of Tentative Determination pertaining to a proposed new, modification of, or a reissuance of a discharge into the waters of the State within your municipality. Copies are also being sent to the Chairmen of your Planning, Zoning and Conservation Commissions, the inland Wetlands Agency, the Regional Planning Agency and to your Director of Health.

Please advise any other appropriate municipal officials.

Sincerely,

Lilly Molina

Lilly Molina

Processing Technician

Enclosure

**NOTICE OF TENTATIVE DECISION
INTENT TO RENEW A STATE PERMIT
FOR THE FOLLOWING DISCHARGES INTO THE WATERS OF THE STATE OF
CONNECTICUT**

TENTATIVE DECISION

The Commissioner of Energy and Environmental Protection ("the Commissioner") hereby gives notice of a tentative decision to renew a permit based on an application submitted by **Stan Chem, Incorporated** ("the applicant") under section 22a-430 of the Connecticut General Statutes ("CGS") for a permit to discharge into the waters of the state.

In accordance with applicable federal and state law, the Commissioner has made a tentative decision that continuance of the existing discharge would not cause pollution of the waters of the state and continuance of the existing system to treat the discharge would protect the waters of the state from pollution.

The Commissioner proposes to renew a permit for the discharge to the sanitary sewer.

The proposed permit, if issued by the Commissioner, will require that all wastewater associated with DSN 001-1 be treated to meet the applicable effluent limitations and periodic monitoring of DSN 002-1 to demonstrate that the discharge will not cause pollution.

APPLICANT'S PROPOSAL

Stan Chem, Incorporated presently discharges a maximum of 12,000 gallons per day of specialty coatings wastewaters and a maximum of 400 gallons per day of laboratory wastewater to the Mattabassett District from organic chemicals, plastics and synthetic fibers operations at a specialty coatings manufacturing facility.

The name and mailing address of the permit applicant are:

**Stan Chem, Incorporated
401 Berlin Street
East Berlin, CT, 06023**

The activity takes place at:

**401 Berlin Street
East Berlin, CT 06023**

REGULATORY CONDITIONS

Type of Treatment

DSN 001-1: Chemical treatment and filtration

DSN 002-1: No treatment

Effluent Limitations

This permit contains effluent limitations consistent with a Case by Case Determination using the criteria of Best Professional Judgement and Pretreatment Standards for Existing Sources (PSES) 40 CFR 414 and will protect the waters of the state from pollution when all of the conditions of this permit have been met.

In accordance with section 22a-430-4(l) of the Regulations of Connecticut State Agencies ("RCSA"), the permit contains effluent limitations for heavy metals, cyanides, volatile organic compounds, acid organic compounds, base/neutral organic compounds, priority pollutants, and pH.

COMMISSIONER'S AUTHORITY

The Commissioner is authorized to approve or deny such permits pursuant to section 22a-430 of the CGS and the Water Discharge Permit Regulations (section 22a-430-3 and 4 of the RCSA).

INFORMATION REQUESTS

The application has been assigned the following numbers by the Department of Energy and Environmental Protection. Please use these numbers when corresponding with this office regarding this application.

APPLICATION NO. 201402458 PERMIT ID NO. SP0000073

Interested persons may obtain copies of the application from:

Jose Planas
Stan Chem, Incorporated
401 Berlin Street
East Berlin, CT 06023
(860) 977-2929

The application is available for inspection by contacting George Meados, George.Meados@ct.gov, at the Water Permitting and Enforcement Division, Bureau of Materials Management and Compliance Assurance, Department of Energy and Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127 from 8:30 - 4:30, Monday through Friday.

Any interested person may request in writing that his or her name be put on a mailing list to receive notice of intent to issue any permit to discharge to the surface waters of the state. Such request may be for the entire state or any geographic area of the state and shall clearly state in writing the name and mailing address of the interested person and the area for which notices are requested.

PUBLIC COMMENT

Prior to making a final decision to approve or deny any application, the Commissioner shall consider written comments on the application from interested persons that are received within thirty (30) days of this public notice. Written comments should be directed to George Meados, Bureau of Materials Management and Compliance Assurance, Department of Energy and Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127, George.Meados@ct.gov. The Commissioner may hold a public hearing prior to approving or denying an application if in the Commissioner's discretion the public interest will be best served thereby, and shall hold a hearing upon receipt of a petition signed by at least twenty-five (25) persons. Notice of any public hearing shall be published at least thirty (30) days prior to the hearing.

Petitions for a hearing shall be submitted within thirty (30) days from the date of publication of this public notice and should include the application number noted above and also identify a contact person to receive notifications. Petitions should also identify a person who is authorized to engage in discussions regarding the application and, if resolution is reached, withdraw the petition. In order to facilitate the filing of requests for hearing during the COVID-19 emergency and consistent with the Department's Temporary Directive, the Office of Adjudications will accept electronically-filed petitions in addition to petitions submitted by mail. Petitions with required signatures may be filed by email to deep.adjudications@ct.gov or mailed to the DEEP Office of Adjudications, 79 Elm Street, Hartford, CT 06106. Within thirty (30) days of filing the petition, original petitions that were filed electronically must be also be mailed to the Office at the above-noted address. If the original petition exists only in electronic format or signatures were produced using a computer or typewriter, the petition must be submitted with a statement bearing the wet-ink signature of the petitioner that the petition is only available in that format and has been submitted to satisfy the requirement that an original petition be filed. If a hearing is held, timely notice of such hearing will be published in a newspaper of general circulation and posted on the DEEP website at www.ct.gov/deep. Additional information at www.ct.gov/deep/adjudications.

The Connecticut Department of Energy and Environmental Protection is an Affirmative Action/Equal Opportunity Employer that is committed to complying with the requirements of the Americans with Disabilities Act. Please contact George Meados at George.Meados@ct.gov if you are seeking a communication aid or service, have limited proficiency in English, or require some other accommodation. If you wish to file an ADA or Title VI discrimination complaint, you may submit your complaint to Barbara Viadella or Cenit Mirabal, DEEP Office of Diversity and Equity at (860) 418-5910 or via email at deep.accommodations@ct.gov. In order to facilitate efforts to provide an accommodation, please request all accommodations as soon as possible following notice of any agency hearing, meeting, program or event.

A handwritten signature in black ink, appearing to read "Oswald Inglese, Jr.", is positioned above a horizontal line.

Oswald Inglese, Jr.
Director
Water Permitting and Enforcement Division
Bureau of Materials Management and Compliance Assurance

Dated: March 3, 2021