



Wisniowski & Sullivan, LLC

Attorneys at Law

Wanda L. Wisniowski
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

REVISED 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 which 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 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.

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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

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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.

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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.

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**Planning & Zoning Department
Berlin, Connecticut**

March 3, 2021

Updated March 4, 2021 (Board of Police Commissioners; Fire Marshal)

Updated March 8, 2021 (Health District)

**TOWN OF BERLIN
PLANNING & ZONING DEPARTMENT - STAFF COMMENTS**

APPLICATION: Proposed Amendment to Zoning Regulations
New Section XI.DD - Motels
APPLICANT: Timothy Sullivan, Esq.
AGENDA DATE: April 15, 2021

To the Applicant:

- *These are the comments received to date, additional comments may be forthcoming. Please submit any written response to Maureen Giusti, Acting Town Planner/Zoning Enforcement Officer at mgiusti@town.berlin.ct.us or revised plans directly to the Planning & Zoning Department in Room 121. We will forward your comments or distribute materials to the relevant department.*
-

Police Chief

- No comment

Building Official

- No comment

Inland Wetlands

- No comment

Berlin Water Control

- No comment

Engineering

- No comment

Board of Police Commissioners

- No comment

Fire Marshal

- No comment

Health District

- No comment

Emailed to T. Sullivan, Esq. – March 8, 2021

March 19, 2021

TO: BERLIN PLANNING AND ZONING COMMISSION

REPORT ON ZONING REFERRAL Z-2021-17: Proposed zoning amendment pertaining to a Planned Residential Infill Development Zone and the conversion of hotels and motels to permanent residential housing units.

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

COMMENT: The staff of the Regional Planning Commission of the Capitol Region Council of Governments has reviewed this zoning referral and finds no apparent conflict with regional plans and policies or the concerns of neighboring towns. The staff commends the efforts to convert hotel and motel spaces into permanent housing units, which furthers CRCOG policy to encourage and support changes to zoning regulations to permit a greater diversity of housing types and costs.

The public hearing date has been scheduled for 4/15/2021.

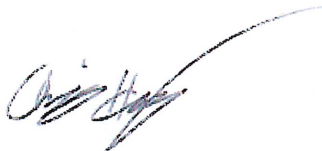
In accordance with our procedures this letter will constitute final CRCOG action on this referral. Questions concerning this referral should be directed to Caitlin Palmer.

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

Respectfully submitted.

Jennifer Bartiss-Earley, Chairman
Regional Planning Commission

Brendan Malone, Vice Chairman
Regional Planning Commission

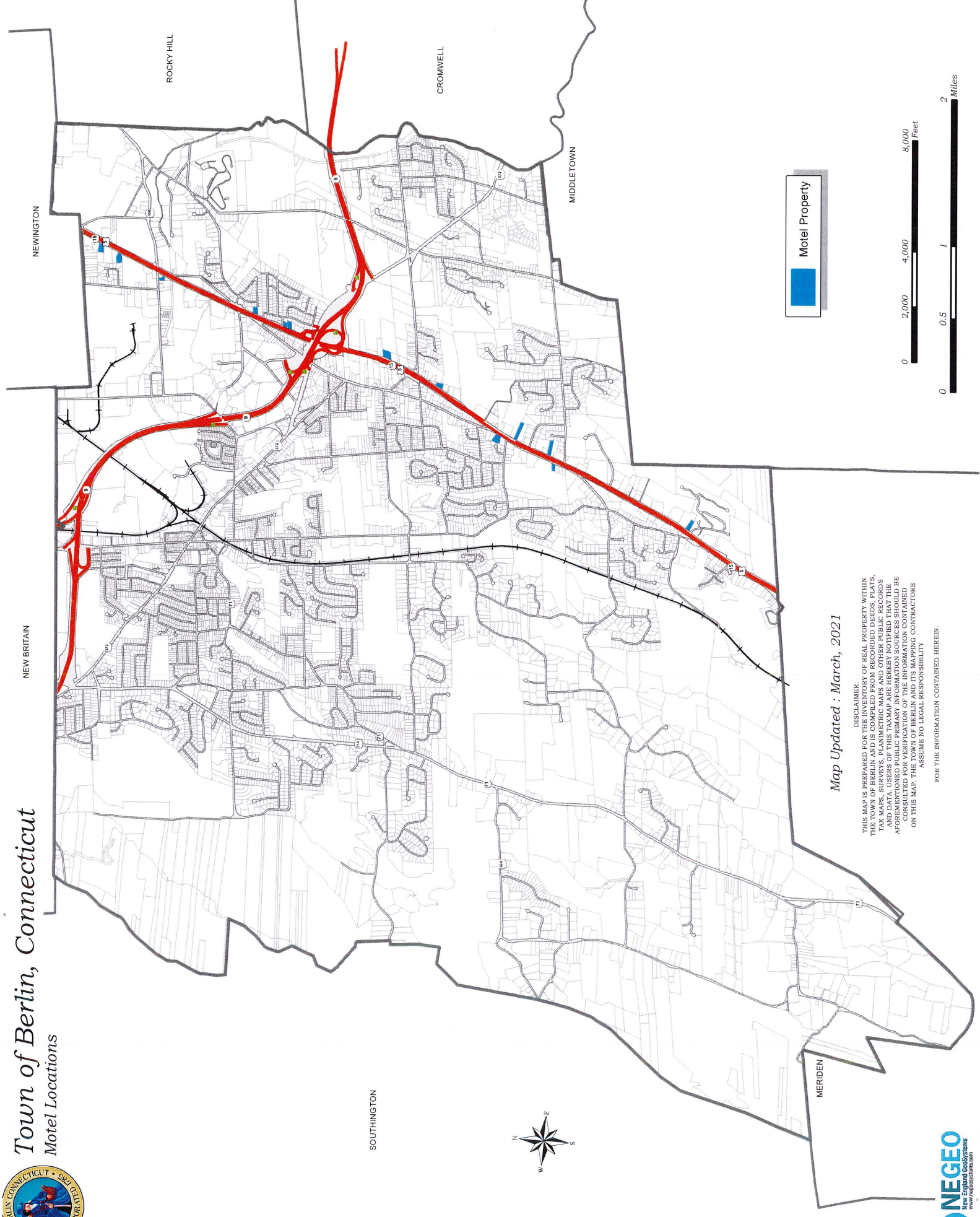


Christopher Henchey
Transportation Planner



Town of Berlin, Connecticut

Motel Locations



Map Updated : March, 2021

DISCLAIMER:
THIS MAP IS PREPARED FOR THE INVENTORY OF REAL PROPERTY WITHIN THE TOWN OF BERLIN AND IS COMPILED FROM RECORDED DEEDS, PLATS, TAX MAPS, SURVEYS, PLANIMETRIC MAPS AND OTHER PUBLIC RECORDS AND DATA. USERS OF THIS TAXMAP ARE HEREBY NOTIFIED THAT THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE. THE TOWN OF BERLIN AND ITS MAPPING CONTRACTORS ASSUME NO LEGAL RESPONSIBILITY FOR THE INFORMATION CONTAINED HEREIN.

MOTEL

Locnumber	Street	Map	Block	Lot	area	Area in SF	Max units at 1/4000 SF	# units rounded	Abuts Residential Zone or nearby streets	Notes	Unit	Yr Built	Number Units	Bld 1	Bld 2	Bld 3	Bld 4	bld 5	bld 6	bld 7	bld 8	bld 9
176	BERLIN TPKE	4-4	82	16	1.72	74923.2	18.7308	18	yes	Vivian Drive		1930	25	11090								
354	BERLIN TPKE	4-4	83	12B	0.69	30056.4	7.5141	7	no	raps around gas station at Deming Road		1951	13	4462								
102	BERLIN TPKE	5-3	82	13	1.49	64904.4	16.2261	16	close	Near Rowley and Vivian	7908	1930	16	1950	2028	1391						
811	BERLIN TPKE	10-4	158	1	0.76	33105.6	8.2764	8	yes			1950	12	4370								
829	BERLIN TPKE	10-4	158	15	1.13	49222.8	12.3057	12	yes	Woodruff Circ Woodruff Circle	7887	1920	15	1384	728	1400	1504					
697	BERLIN TPKE	10-4	132	86	1.2	52272	13.068	13	no	Hummingbird, Bluebird	7897	1959	13	3549	3288							
1191	BERLIN TPKE	16-2	138	20	1.89	82328.4	20.5821	20	yes	Front of Golden triangle		1950	12	5094								
1401	BERLIN TPKE	16-3	142	53	1.17	50965.2	12.7413	12	no	Sage Ridge		1950	11	6050								
1906	BERLIN TPKE	21-2	115	7	0.91	39639.6	9.9099	9	yes	Abuts PI, Rambis		1954	9	3048								
1867	BERLIN TPKE	22-1	140	10	1.91	83199.6	20.7999	20	yes	Maryann Court		1950	10	4420								
1737	BERLIN TPKE	22-1	141	14	1.89	82328.4	20.5821	20	yes	Bishops Curve	7282	1910	14	2227	1260	800	507	237	221	221	221	221
2447	BERLIN TPKE	27-2	153	24A	1.61	70131.6	17.5329	17	yes	Honeysuckle	7327	1954	20	7165	2657							
1676	BERLIN TPKE				1.95	84942	21.2355	21		Holly Court												
Total unit potential								193														

Hotel

2253	Berlin tpk	27-2	153	19	3.2						7502	2002	53	34394								
2387	Berlin tpk	27-2	153	24-2	4.87							1970	69	38320								