

Berlin Planning and Zoning Commission Regular Meeting Agenda

April 15, 2021

The Berlin Planning and Zoning Commission will hold a Regular Meeting on Thursday, April 15, 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.

Meeting link:

<https://townofberlin.my.webex.com/townofberlin.my/j.php?MTID=md6f236b979df1a830e776dfd3735fa5d>

Meeting number: 132 165 0951

Password: PZCTh700 (79284700 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 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, April 14, 2021, for posting prior to, during and after the meeting.

I Call to Order

II Approval of Minutes

- a. March 18, 2021

III Schedule Public Hearings

- a. Proposed Amendment of Timothy Sullivan, Esq. to amend Section VI.C.2 (Special Design District Special Permit Uses)
Suggested Date: May 20, 2021
- b. Special Permit/Site Plan Applications of Tasca Ford CT for a 32,495 sq. ft. one story building to be used as a truck repair facility, at 250 Webster Square Road and 73 Woodlawn Road
Suggested Date: May 20, 2021

IV New Business

- a. Berlin Lions Agricultural Fair, Inc. List of Events 2021, Joseph Dornfried

V Public Hearings

- a. Special Permit Use Application of William J. Watson III for an Accessory Dwelling Unit at 168 Blue Ridge Road
- 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, 2/25/21, 3/18/21, Continued to 4/ 15/21)

Continued...

V Public Hearings (Continued)

- 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, 2/25/21, 3/18/21, Continued to 4/15/21)
- d. Proposed Amendment to the Berlin Zoning Regulations of Timothy Sullivan, Esq. for new section VI.G.3.ee – Gasoline Filling Stations
(Opened 3/18/21, Continued to 4/15/21)
- e. Proposed Amendment to the Berlin Zoning Regulations of Timothy Sullivan, Esq. for New Section XI DD – Planned Residential Infill Development

VI Old Business

- a. Special Permit Use Application of William J. Watson III for an Accessory Dwelling Unit at 168 Blue Ridge Road
- 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)
- 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)
- d. Proposed Amendment to the Berlin Zoning Regulations of Timothy Sullivan, Esq. for new section VI.G.3.ee – Gasoline Filling Stations
- e. Proposed Amendment to the Berlin Zoning Regulations of Timothy Sullivan, Esq. for New Section XI DD – Planned Residential Infill Development

VII Commission Business

- a. Discussion of 2023 Plan of Conservation and Development
- b. Other items of interest: Special Act 21-3 regarding Outdoor uses

VIII Adjournment

Berlin Planning and Zoning Commission Regular Meeting Minutes
March 18, 2021

I Call to Order

The Berlin Planning and Zoning Commission held a Regular Meeting on Thursday, March 18, 2021 at by remote WebEx conference. Chairwoman Joan Veley called the meeting to order at 7:00 p.m.

In attendance

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

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

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

Excused:

Commissioner Jon-Michael O'Brien
Alternate Commissioner Andrew Legnani

Ms. Giusti requested the following modifications to the agenda:

- Item III.b.

The agenda included an error in the listing of item III.b. which should be amended to correctly state "Multi-Family Development" to mirror language used at the last meeting.

Commissioner Jorsey moved to adjust the agenda to state "Multi-Family Development"

Commissioner Rogan seconded the motion.

Voting AYE: Commissioners Millerd, Jorsey, Zigmont, Rogan, Wollman, Zarabozo, and Veley
The motion carried unanimously.

Regarding Public Hearings IV b. and IV c. (combined)

- Ms. Giusti explained Dr. Don Poland, consultant for the BT2008 applications, has a conflict with another meeting which he must attend at 9:00 p.m. She requested the agenda be adjusted to move III Commission Business Items a. and b. to the end of the agenda before Adjournment so Dr. Poland may be able to provide testimony at the public hearing for the BT2008 applications.

Commissioner Jorsey moved to move III a. and III b. to just before Adjournment on the agenda.
The motion was seconded by Commissioner Zigmont.

Voting AYE: Commissioners Millerd, Jorsey, Zigmont, Rogan, Wollman, Zarabozo, and Veley
The motion carried unanimously

II Approval of Minutes

a. February 25, 2021

Commissioner Jorsey moved to approve the minutes, as presented.

Commissioner Zigmont seconded the motion.

No one voted in opposition.

The motion carried.

b. March 4, 2021

Commissioner Jorsey moved to approve the minutes, as presented.

Commissioner Rogan seconded the motion.

No one voted in opposition.

The motion carried.

III a. and III b. (moved to just before Adjournment)

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*

Commissioner Zigmont moved to schedule the public hearing for April 15, 2021.

Commissioner Rogan seconded the motion which carried unanimously.

No one voted in opposition.

The motion carried.

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

Ms. Giusti stated comments from Town Engineer Ahern have been received by the applicant and changes have been made to the plans with regard to those comments. Mr. Ahern has stated any other changes made with regard to engineering will be resolved during construction..

Mr. John Wagenblatt, LRC Group, LLC, stated he had reviewed Mr. Ahern's comments. He stated there have been retaining walls revisions. He noted the slopes will have a two to one slope and will be treated with a seeding and insulation procedure.

Mr. Henry Thomas, landscape architect with the LRC Group, stated their recommendation is to apply slope stabilization fabric to the slopes which will have biodegradable mesh, then will be stapled, and a native seed mix with hydro mulch applied over the fabric so that it can germinate through the fabric into the soil. The blanket is important in case of a rain or storm event. The

mix of seed is native and has wildflowers in it with some of it maturing quickly and other parts slowly.

Mr. Wagenblatt stated another of Mr. Ahern's comments has been addressed. The retaining wall was pulled off the property line to allow its installation without impacting the Town of Berlin's property. Some storage from the detention pond from the left side of the entrance at the entrance was added to the right side, a guard rail added to both sides coming into Phase 5, along with a fence. The height of the wall remains the same. A plastic liner was added to the underground storage system.

Mr. Richard Reynolds, P.E., LRC Group, stated he had no additional comments regarding the changes to the plans.

Mr. Wagenblatt stated they had received staff comments today and they were "in line" with the Town Engineer's comments. Other staff comments had been received a few weeks ago and he believed that Police comments [concerning the Mattabassett Firing Range location] were written into condominium documents.

Ms. Giusti stated her recommendation that all previously approved conditions of approval from the previously approved Special Permit and Site Plan for this development should be carried over, including those from the Police Department. She stated it is Mr. Ahern's intention to handle minor items during the construction permitting process.

Mr. Wagenblatt stated any design of the retaining walls will meet Town Engineer approval.

Commissioner Zigmont stated his concern that the slopes will be two to one slope and asked when the banks will be stabilized.

Mr. Wagenblatt stated the slopes will be constructed prior to construction. He stated units 118 and 119 need to have utility work and asked if that work can first begin.

Commissioner Wollman agreed with Commissioner Zigmont's concern for the slope of two to one.

Ms. Giusti stated the Town Engineer is comfortable moving forward with the plan and with other engineering details being worked out during construction.

Mr. Wagenblatt discussed wall heights and views from various units and stated the owner may not have selected the retention wall material at this time.

Commissioner Rogan read Town Engineer Ahern's memorandum dated March 18, 2021 into the record.

Chairwoman Veley asked if trees would be planted to buffer the slopes and who would maintain the retaining walls. She suggested estate fencing for protection from the steepness of a slope or a third rung on the fence to improve safety.

Mr. Thomas said trees had not been planned due to the degree of the slopes. He said the height of the vegetation for the slopes will vary from 18 inches to 4 or 5 feet.

Mr. Wagenblatt stated the walls are substantial and designed to serve for decades of time provided they are properly constructed. The proposed fence will be the same as another section of the development from Phase 3; however, a third rung can be added.

Commissioner Rogan moved to approve the application, subject to the following:

- b. All relevant conditions of the related approval which are not specifically modified by this application be carried over with this site plan amendment and noted on revised plans, including:
 - Unit owners be made aware of the proximity of the existing gun club/firing range (identified as Mattabassett Rifle & Pistol Club, 193 Beckley Mill Road) to the east, by notice on the Land Records, as previously required for each unit and per Police Department comments.
- c. Vigorous soil erosion controls be used to protect against disturbance of the adjacent Town open space parcel including fencing along the property line to protect from encroachment. Any encroachment would require further Town review and authorization.
- d. Other outstanding interdepartmental comments be rectified to the satisfaction of staff.
- e. Permit plans and construction documents be updated to the satisfaction of the Town Engineer in response to his comments.
- f. The fence above the steep slope will have three rungs.
- g. The slopes will be established and stabilized A.S.A.P., during this growing season, and before construction of adjacent units is allowed to begin and in coordination with the Town Engineer.

Commissioner Wollman seconded the motion.

Ms. Giusti polled the commission.

Voting AYE: Commissioners Millerd, Jorsey, Zigmont, Rogan, Wollman Zarabozo, and Veley
The motion carried unanimously.

VI Public Hearings

Commissioner Rogan read the Call of the Hearings.

- a. Proposed Amendment to the Berlin Zoning Regulations of Timothy Sullivan, Esq.

for new section VI.G.3.ee – Gasoline Filling Stations

Ms. Giusti stated the applicant has submitted some additional photographs which were brought up on the screen.

Attorney Timothy Sullivan stated a local developer, John Senese, who is the principal of the LLC that owns property on the Berlin Turnpike and would like to develop a state-of-the-art car fueling facility, convenience store and retail establishment. The proposed text amendment is necessary to move forward with the project. The two current restrictions are:

- a. 1500 ft. separation between gasoline stations
- b. A maximum of 2,000 s.f. space for retail goods

He stated his appreciation of the support he has received from Christopher Edge, Director of Economic Development and referenced Mr. Edge's November 30, 2020 letter. .

Attorney Sullivan stated the restrictions in the current regulation stifle competition. He stated current gasoline stations include convenience stores with fresh foods and made to order foods and have evolved to be "small box" stores. He stated the government is not in the business of protecting a business from competition and there is no authority in the statutes to add restrictions or barriers to deliberately provide anti-competitiveness. The proposed change will only be allowed in the Berlin Turnpike and specifically in the Berlin Turnpike -1 Zone. He noted a previous zoning regulation change for the Commercial Core District - 2 Zone which allowed Stop and Shop gas facility to be constructed. As the proposal indicates, any special permit and site plan applications are limited to a site greater than two acres – identical to the CCD-2 (with exception to the 1500 ft. prohibition). He stated numerous towns in the area have a broad based 1500 prohibition spacing for gas station which is a vestige of a "gone by era" and should be abandoned. He noted one staff comment asking if an associated retail building with a gas filling station can be another primary use, the answer is "no" – without gas pumps, the question goes away. He stated he has submitted photographs of convenience stores and articles showing support of this proposal.

Attorney Sullivan stated gasoline stations now offer touch screen services, in-store seating, open kitchen designs, outdoor dining, and electric charging stations. Convenience stores will be able to service housing developments along the Berlin Turnpike. The concept is also supported by the Plan of Conservation and Development and the Berlin Turnpike Building Guidelines. Restricting building square footage does not encourage the fulfillment of the guidelines as it encourages and results in a minimalistic approach to investing and the development of these destinations along this along this essential corridor. The Plan of Conservation and Development encourages discretion of the commission to accommodate economic growth enterprises and facilities to enhance development potential. The Town has an opportunity to capture new retail development by Deming Road intersection.

Attorney Sullivan reviewed staff comments.

Attorney Sullivan stated the existing limits on the placement and square footage of gasoline stations with convenience stores are an impairment to investors for properties located on a state highway with a right-of-way ranging from over 150 feet with average highway speeds of 60 mph. The proposed amendment provides an appropriate scale for this corridor and provides design styles with consideration of the Berlin Turnpike Guidelines adopted in 2009. The Berlin Turnpike study shows this corridor is a regional shopping destination and that Berlin is intent on attracting development that respects, reflects and enhances a positive image.

Ms. Giusti reviewed zoning designations that impact the Berlin Turnpike. She stated the Zoning Board of Appeals has received a letter of support from Christopher Edge, Director of Economic Development but that board has not yet discussed this topic. She noted that Location approvals for gasoline filling stations are approved by the ZBA.

Commissioner Millerd stated the 1500-foot separation requirement is in place for a reason perhaps to keep competition reasonable due to the investment. He stated he does not see a hardship with regard to this proposed amendment.

Attorney Sullivan stated hardship is not a consideration for this application; however, his client does have a specific site in mind, specifically the “old industrial building” on the corner of Deming Road. They are the owners of three contiguous properties about 12 acres in size, and entirely appropriate location for a gas station and convenience store which would be close to proposed housing. He stated the town should be looking into sites as mentioned in the Plan of Conservation and Development and Berlin Turnpike Guidelines to enhance the Berlin Turnpike.

Commissioner Millerd stated investors have to have some sensitivity as to what the rules are when making major investments in Berlin.

Mr. Kenneth Labbe, real estate broker for Mr. Senese, stated the site being considered has been on and off the market for twenty years. Developing the site has been difficult due to the slope of the property and is located on a median divided highway with few median breaks.

Chairwoman Veley stated when the 1500-foot separation was adopted, the commission was trying to bring in other businesses to guide the Berlin Turnpike into multi uses.

Speakers

Mr. Joseph Bajorski spoke in support of the proposal. He stated there are a variety of undeveloped sites. He stated the zoning code does not take into consideration the changes to automotive stations, including electric vehicles. He stated the regulations should be updated for the Berlin Turnpike zones to reflect what is happening in the retail/automotive sector and economic development will increase.

Mr. Christopher Edge, Director of Economic Development, stated zoning language needs to “match up” with the current economy. Gasoline stations have become multi-faceted facilities.

This amendment will allow the potential to develop three or four properties for a site which will provide more taxes and a cleaner look on properties.

Commissioner Zigmont stated the 1500-foot separation was adopted as the Commission looked south on the Berlin Turnpike where lots are not deep and they were attracting smaller gas stations. This amendment will provide the opportunity to consolidate lots and develop larger sites.

Commissioner Wollman stated he agreed with Attorney's opinion that it is not the commission's position to prevent competition by zoning. He stated his opinion the commission needs to come up to the 2021 year and his support of the text amendment.

Commissioner Zarabozo stated the commission has to look forward for the service for electric cars. He stated his support of the proposal which may bring positive economic benefits to the community.

Mr. Labbe stated gasoline stations are designed to be self-sustaining without fuel and with future technology in mind. He said oil and gasoline "will be gone" and stations will be meant to constructed for decades.

Ms. Giusti stated the commission can alter parking in the regulations, particularly when uses are in tandem, as in this proposal. She stated for the record this proposal had been circulated to staff departments, naming each one of them specifically, and all had returned "no comment". She also stated the letter of opinion from the Capitol Region Council of Governments has stated the amendment "finds no apparent conflict with regional plans and policies or the concerns of neighboring towns."

Commissioner Millerd asked if the 5,000 s.f. proposed size of the convenience store include the canopy.

Attorney Sullivan stated the 5,000 s.f. is not "carved in stone".

Mr. Labbe stated spaces for retail uses have become larger and designed to include fresh produce, newspapers/magazines, and coffee businesses with a drive-thru incorporated into stores.

Attorney Sullivan stated there would be no problem in reducing the size to 3,500 or 4,000 s.f.

Chairwoman Veley stated this application is not site specific and may impact many zones on the Berlin Turnpike.

Commissioner Zigmont moved to continue this agenda item to the next meeting.

Commissioner Jorsey seconded the motion.

Ms. Giusti conducted a roll call of the commission.

Voting AYE: Commissioners Millerd, Jorsey, Zigmont, Rogan, and Veley

Voting NAY: Commission Wollman, Zarabozo

The motion carried five in favor to two opposed to continue the agenda item to the next meeting.

Chairwoman Veley noted that the following two agenda items have been previously combined for discussion:

- 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)

Chairwoman Veley stated Third Party Consultant Dr. Poland will join the meeting as soon as he is able to finish his other meeting commitment.

Attorney Peter Alter, Glastonbury, stated Attorney Megan Hope, Engineer Matt Bruton, Traffic Engineer Scott Hesketh, Architect Mark Joyce, and Applicant Peter D'Addeo were in attendance on line. Attorney Alter stated information for agenda items b. and c. is being applied to both matters as appropriate. He stated they will be addressing issues raised by both the town's consultants and commissioners. He stated he had planned to begin with Dr. Poland's comments; however, he will wait for him to join the meeting.

Mr. Matt Bruton, PE, BL Companies, Meriden, CT, project engineer, stated the plans at this meeting are revised to address comments from both Dr. Poland and WMC Consulting Engineers, with some overlap in those comments. The changes concern:

- Pedestrian crosswalks in multiple locations
- Dedicated loading spaces
- Hotel circulation
- Reduced parking spaces. The original plan was "overparked".
- Technical items addressed

Mr. Bruton stated his opinion that some minor technical items may be added as a condition of approval. He reviewed the site plan regarding snow removal.

Mr. Scott Hesketh, Traffic Engineer, stated all of the few staff and consultant remarks had been addressed. A submission to the office of the State Traffic Administration has been acknowledged as received and its review commenced. An action from the State Traffic

Administration will not take place until the Planning and Zoning Commission's determination has been determined.

Mr. Mark Joyce, Architect, stated some changes have been made based on comments. The unit layout for the bedroom plus den has been revised to eliminate the potential for changing it to a two-bedroom unit and some changes made to the exterior façade have been done.

In response to Commissioner Rogan's question, Attorney Alter stated at this time they do not have a hotel user. As indicated, there will be about 100 rooms. When a user has been determined, they will come back to the commission and it will be known if its use will be an extended use or a transient use. In order to market the site, they need an approved hotel site.

Chairwoman Veley stated as the approval would be only for the footprint of the hotel, perhaps the commission should not be considering the hotel at this time.

Attorney Alter stated the hotel site will remain as green space and will be loamed and seeded. The applicant/developer must return for further approval of the hotel, identified as Phase 4 on the plan.

Chairwoman Veley stated the plan feels sterile and lacks a sense of community. She stated Fieldstone Crossing on Deming Road has a sense of community.

Attorney Alter stated they have been calling the center roadway their "Main Street". All five residential buildings are centered and have a gathering point, a community building, which is centrally located to all the residential buildings. That is where the mail will be delivered and it will provide an opportunity to see neighbors. The walking trails with gated access provide another opportunity for residents. The development will be a gated community and residents will have privacy and security from the rest of the development

Chairwoman Veley stated she would prefer if the paved Main Street were greenery.

Attorney Alter stated that area is the main entrance and there will be landscaped islands throughout the parking lot and a sidewalk network that connects the buildings.

Chairwoman Veley asked for a photo or architectural of the clubhouse.

Mr. Joyce stated it will be three stories – one level with a pool; the second story level with "Main Street" and a third level for the leasing office. The clubhouse will be 1800 s.f. with a fitness center. He stated there is a significant opportunity in terms of design.

Speakers

Mr. Joseph Bajorski, Chairman of the Berlin Housing Authority, stated he has been working with the developer. The project is important for housing options and is a significant affordable housing development which will help the town to meet the requirement for the affordable housing units. He stated the Berlin Housing Authority supports this development.

Mr. Chris Edge, Director of Economic Development, stated his support for the proposal which he stated is a well thought out quality project and in a good location for commerce and housing.

Ms. Giusti stated Dr. Poland joined the meeting at 10:15 p.m. and had missed only the first few minutes of the presentation.

Attorney Alter stated their support of many items that Dr. Poland had addressed in his February 17, 2021 report and his supplement report. He stated for the record that the proposed plan is a master plan for development which meets and exceeds the requirements of approval, as stated in Dr. Poland's earlier report. He stated Dr. Poland had spent a considerable amount of time with them and all of his suggestions are appreciated with respect to parking, building access and pedestrian access and safety and the general design elements - all improved by his and WMC comments. The plan is consistent with the Plan of Conservation and Development and the zoning plan – as stated by Dr. Poland – and the developer is in compliance with those plans.

With regard to the 40 units' being counted as "affordable" in accordance with §8-30 of the Connecticut State Statutes, the matter was discussed with Dr. Poland, land use attorneys, and Lara Watson, Connecticut Department of Housing who is responsible for determining if the units may be considered as counting towards affordable units. It is Ms. Watson's opinion that the units would qualify towards the ten percent threshold of affordable units for Berlin. The affordability plan has been revised and submitted to Dr. Poland.

Dr. Donald Poland, PhD, AICP, Senior VP and Managing Director, Urban Planning Goman York, stated the applicant had updated the affordability plan and corrected the calculation. The final comments from the Department of Housing were sent to Doug Truitt, Social Services and Maureen Giusti to show the units will qualify toward the ten percent, however; there is some ambiguity in the regulations so it is difficult for him, as an "outsider", to determine the intent of the commission or the specific culture of the community.

Regarding the ten-acre question, Dr. Poland referenced his February 22, 2021 memo (Item 1. on page 17) and stated a developer can assemble two or more parcels into an area of ten acres and qualify the Berlin Turnpike Development Zone. However, for example, if the developer has three lots of 3-1/2 acres which total 10.5 acres, upon approval, those three parcels are legally non-conforming because they don't comply with the minimum lot size. He stated there is a bit of a conflict. The applicant is looking for clarification as some uses like the hotel can be parceled with less than ten acres.

Attorney Alter agreed with Dr. Poland's statement. The applicant has ample acreage to create several ten-acre parcels if that is what the commission believes that is what should occur. He stated Dr. Poland's reference to Item 1., Page 17, is "uncharted territory". He stated it would give the developer a great deal of flexibility for financing and marketing if the commission would agree with Dr. Poland's suggested approach – that it should revert to the underlying zone of minimum lot size. He stated that would work for this development and would make this project more flexible than if the applicant would have to create ten-acre parcels.

Mr. Robert Barneschi, WMC Consultants, stated he had had successful discussion with the applicant and his engineer to resolve some of his remaining comments. Some remaining issues are technical in nature and he would support that any engineering issues can be resolved with a condition of approval.

Ms. Giusti stated the commission's interpretation for the lot size is needed as it may affect the layout and dedication of the parcel of to the Berlin Land Trust. Staff recommends the enhancement of their trails and linkages that may become available to other open space and adjacent developments. There may be some legal ties to those trail linkages and required easement documents. She stated she has a concern for phasing regarding the details of landscape and parking plans. If the hearing is closed, the plan may need to come back to the commission or perhaps staff and the consultant could address it by each phase.

Attorney Alter noted a landscape plan has been submitted. He stated if the commission's determination is that the applicant needs to maintain ten acres parcels, that land would be conserved by way of a private conservation easement and then the ownership would stay with the developer in order to have ten-acre parcels.

There was discussion of keeping the hearing open. Dr. Poland recommended the hearing be left open.

Attorney Alter stated they would provide an extension for time to keep the hearing open. He requested the commissioners state outstanding issues or areas of concern so that so that they can respond to those at the next meeting.

Chairwoman Veley stated she would like to see and enhanced boulevard, possibly including gaslights on the "Main Street", and community center area and park benches, bike racks, and asked if the walking trails will be bicycle accessible.

Commissioner Rogan asked if the applicant has a back-up plan should a hotel not be found for the approved site, as he would not want vacant land on the site, and prime commercial real estate not be utilized.

Commissioner Jorsey moved to continue the public hearing to April 15, 2021.

Commissioner Rogan seconded the motion.

Ms. Giusti polled the commission.

Voting AYE: Millerd, Jorsey, Zigmont, Rogan, Wollman, Zarabozo, Veley

The motion carried unanimously.

V Commission Business

a. Discussion of 2023 Plan of Conservation and Development

Chairwoman Veley stated meetings will be more than likely held monthly.

Mr. James Mahoney, Economic Development Coordinator, reported on the progress of the work. He stated staff has been working on demographics with the assistance of an intern. Work is progressing with mapping with New England GEO Systems, and he and Ms. Giusti have been developing an RFQ for a consultant.

Chairwoman Veley stated there is interest from the commissioners to serve on the committee. She asked who would not be interested at this time.

Commissioner Wollman stated he would like to see new members with fresh ideas to set the trend for the town in the future.

Commissioner Zigmont said the committee should have nine members, instead of seven, to allow those interested to join.

Commissioner Zarabozo stated he would be interested in serving on the committee.

The Commission discussed that the interested members would work on the POCD and bring in other relevant stakeholders for input as needed on individual topics or aspects of the Plan.

b. Information for Moratorium for Multi-Family Development

Ms. Giusti stated staff continues to gather information for the Plan of Conservation and Development. Concerns have been raised with regard to the language in the multi-family unit regulations as we have reviewed recent applications. And as staff continues to try to determine, with input from Corporation Counsel, any proposed language, scope and timing before presenting anything further. she requested that the discussion be tabled with the possibility of being added back on an agenda when appropriate. No motion is needed.

Chairwoman Veley stated there was no opposition to her request.

VII Old Business

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

No discussion or action – continued to April 15, 2021.

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)

No discussion or action – continued to April 15, 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)

No discussion or action – continued to April 15, 2021.

VIII Adjournment

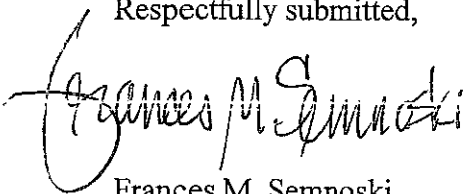
Commissioner Jorsey moved to adjourn the meeting.

Commissioner Rogan seconded the motion.

There was no opposition to the motion.

The time was 11:22 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frances M. Semnoski". The signature is written in a cursive, flowing style.

Frances M. Semnoski

Recording Secretary



Wisniewski & Sullivan, LLC
Attorneys at Law

Wanda L. Wisniewski
Also admitted in New York

Timothy Sullivan

Please respond to our Southington office

March 24, 2021

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

**RE: Proposed Text Amendment to the Berlin Zoning Regulations
Section VI C2**

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 VI C2.

Sincerely

Timothy Sullivan

ETS/AM
Enc.

**Town of Berlin
Received**

MAR 25 2021

Planning & Zoning Department
Berlin, Connecticut

\$460 paid 3/25/21

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

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

NARRATIVE SUPPORTING

PROPOSED AMENDMENT TO SECTION VI C2 OF THE BERLIN ZONING REGULATIONS

The proposed amendment to the Special Design District – Regional Center (SP-DD) is supported by the Town's Plan of Conservation and Development ("POCD") in that it expands allowable uses in the SP-DD zone which targets the properties historically identified as the "Golden Triangle" along the Berlin Turnpike. The POCD emphasizes flexibility over rigidity so as not preclude opportunity that enables and grows new business.

The expansion of allowable uses in the SP-DD zone is especially critical on the Berlin Turnpike which is experiencing a transformational era. The properties within the SP-DD zone are identified in the POCD as a Targeted Economic Development Sites ("TED"). The POCD supports embracing new opportunities which, in the discretion of the Planning & Zoning Commission, accommodates economic growth enterprises.

**Town of Berlin
Received**

MAR 25 2021

**Planning & Zoning Commission
Berlin, Connecticut**

PROPOSED AMENDMENT TO SECTION VI C2 OF THE BERLIN ZONING REGULATIONS

- b. (Previously "Reserved") Stores or shops for the conduct of personal service business.
- h. (New) Schools operated for profit; studies of dance, photography, graphic design, painting or similar artistic endeavors.

**Town of Berlin
Received**

MAR 25 2021

**Planning & Zoning Department
Berlin, Connecticut**

Continuation Page – Special Permit Application for Tasca Ford

Narrative

The applicant is proposing to construct a 32,495 sq. ft. one story building to be used as a truck repair facility, as well as parking areas, automobile display spaces and related improvements.

Special Permit Criteria – XII.D.1.

- a. **Consistency with Town Plan.** The use of the subject sites as a motor vehicle repair facility is consistent with the town's land use plan, as it is an allowed use subject to receipt of a Special Permit.
- b. **Appropriate Utilities and Improvements.** The application has already been reviewed by and a permit issued from the Town of Berlin Inland Wetlands and Watercourses Commission. The sites are already disturbed. A detailed Erosion and Sedimentation Control Plan is included. The property is already serviced by public water and sewer and has all other necessary utilities available to it (electric, cable, phone).
- c. **Preservation of Improvement Features.** There are no important features to preserve as the subject parcels are already disturbed and consist mostly of pavement.
- d. **Appropriate Location and Size.** The proposed development meets all of the bulk requirements required by the respective zones. The display area and truck repair facility are accessory uses and a part of the overall existing automotive dealership use, and therefore in harmony with the surroundings.
- e. **Appropriate Loading and Parking.** The additional parking is mainly for the display of commercial vehicles. The development will be adequately screened so as to not impact the residential uses abutting it through a 50' setback and existing vegetation.
- f. **Adequate Streets and Highways.** The roadways around this development are sufficient to accommodate this use and no significant additional traffic is anticipated as the overall use is not changing.
- g. **Suitable Location for Use.** There is already an existing automotive dealership at the site, and so adding additional display areas and an ancillary truck repair facility are in harmony with the overall use and pattern of development in the area.
- h. **Appropriate Design.** The neighborhood surrounding this area is already heavily developed. Because this is an existing use, this expansion should not impact the character of the neighborhood. Architectural elevations are included in the site plans.
- i. **Appropriate Landscaping and Screening.** The existing wooded buffer will remain between this property and the abutting residential uses.

**Town of Berlin
Received**

APR 01 2021

**Planning & Zoning Department
Berlin, Connecticut**

- j. **Emergency Preparedness.** The properties are located on established roadways and the properties are easily accessible by emergency vehicles. There are two accessways proposed off of Woodlawn Road, one of which is an existing curb cut.
- k. **Long Term Viability.** The applicant, Tasca Ford CT, is a well-known business with an established operation at the present location. They will maintain the proposed developments in the same manner as they have maintained their current one.
- l. **Purpose of Regulations.** The proposed use is in accordance with the purpose of these Regulations, as this is a permissible use in the zones, subject to a Special Permit.

Town of Berlin
Received

APR 01 2021

Planning & Zoning Department
Berlin, Connecticut



Town of Berlin

Planning and Zoning Department

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

SITE PLAN APPLICATION

☒ Site Plan

☐ Site Plan Amendment

Project Name: Proposed 32,495 sq. ft. truck repair facility

Property Owner(s): Bocada 250 Webster Square, LLC

Project Address*: 250 Webster Square Road & 73 Woodlawn Road

Map: _____ Block: _____ Lot: _____ Zone(s): BT-1 & PS-A Lot Area: 10.8225 acres total
10-4-83C-42 and 10-3-83C-32

Please select all relevant items below:

- ☒ Special Permit – Also complete special permit application form
- ☐ Property is within 500 feet of a Municipal Boundary of _____
- ☐ Amendment to Zoning Regulations – Section(s) _____
- ☐ Amendment to Zoning Map – Zone(s) affected _____
- ☒ Zoning Board of Appeals review needed Motor vehicle location approval
- ☒ Inland Wetlands and Water Course Commission review needed - IWWC has already issued a permit

Applicant Information

Name: Tasca Ford CT

Firm Name: _____

Street Address: 250 Webster Square Road

City: Berlin ST: CT Zip: 06037

Email: smclaughlin@tasca.com

Phone: 860-829-3714

Signature: _____

Date: _____

Property Owner(s) Information (If Not the Applicant) - applicant is subsidiary of owners

Bocada 250 Webster Square, LLC &

Name: 73 Woodlawn LLC

Principal: Shawn McLaughlin

Street Address: 1300 Pontiac Avenue

City: Cranston ST: RI Zip: 02920

Email: same as above

Phone: same as above

*Letter of Authorization Required

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

Town of Berlin
Received

APR 01 2021

Planning & Zoning Department
Berlin, Connecticut

This Site Plan Involves:

☐ Additions ☐ Alterations ☐ Demolition ☒ New Construction

Description of Project*: The applicant is proposing to construct a 32,495 sq. ft. one story building to be used as a truck repair facility, as well as parking areas, automobile display spaces and related improvements.

*If more space is needed, then please provide separate narrative document.

SITE PLAN ZONING STATISTICS

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED</u>
USE(S)	automotive dealership	same plus truck repair facility	
COMMERCIAL			
Gross Floor Area	36,600 sq. ft.	additional building - 32,495 sq. ft.	
Parking Spaces			
INDUSTRIAL			
Gross Floor Area	n/a		
Parking Spaces			
RESIDENTIAL			
Number of Units	n/a		
Number of Bedrooms			
Gross Floor Area			
Parking Spaces			
OTHER USES			
Gross Floor Area	n/a		
Parking Spaces			

To be completed by P&Z staff only:

Fee Paid \$ _____ (Refer to current Fee Schedule)

Received by: _____

**Town of Berlin
Received**

APR 01 2021

Event Approval – Annual Schedule

Berlin Lions Agricultural Fair, Inc.

Berlin Fairgrounds

410 Beckley Road

R-43 Zone

Total Lot Area: 104.4 ac

Berlin Fairgrounds 2021 Event Schedule

PROPOSAL

Berlin Lions Agricultural Fair, Inc. seeking approval for their 2021 events schedule at the Berlin Fairgrounds located at 410 Beckley Road in the R-43 zone pursuant to Section XI.P of the Berlin Zoning Regulations.

Due to COVID -19 Distancing guidelines 2020 events accommodated COVID-19 restrictions and resulted in cancelations. However, the Fairgrounds is scheduling for regular events to be held for 2021 at this time. Events may be modified as COVID-19 protocols and ReOpen Connecticut Sector Rules evolve.

The submitted list is notated as subject for modifications to accommodate COVID guidelines for the exact dates and details of some events. Footnotes have been added to the list describing specific uncertainties.

STAFF COMMENTS

1. The applicant has identified new events and should describe them as well as any changes to the operation of recurring events including:
 - a. August 21, 2021 (Rain Date Aug 22) Divinity Fitness Summit – fitness-oriented event by Sudor Taino Group Fitness. One day event, less than 250 attendees expected.
 - b. Approximately weekend of June 12 - Berlin Fire Department Comedy Show One-day event with less than 200 attendees expected.
 - c. June 18-20, 2021 The Connecticut Draft Horse Association would use the horse rink for an event (cattle barn if inclement weather). Weekend events with less than 250 attendees.
2. Modification to scheduling as discussed and not otherwise subject to Commission review per Section XI.P., be submitted for staff review and updating of the event file.
3. The anticipated CCHD Covid-19 vaccination clinic be coordinated with applicable Town agencies including Police and Fire Marshal and if determined to be required, be submitted for zoning authorization.

4. Health District requires vendors must apply for a Temporary Food Service Permit at least two weeks prior from the day of event or a late fee will be imposed and,
5. Must follow/implement Covid-19 safety measures
6. Police Department comments be resolved to the satisfaction of that Department including: Police officers required for:
 - a. Summer Knights Car Show – 2 officers Security
 - b. Wine tasting – 4 Officer Security
 - c. Upbeat Picnic – 2 Officer Security
 - d. Berlin Fair – Annual Event Coordinated with the Lions Club
 - e. Demolition Derby – 5 Officer Security
 - f. COVID-19 Clinic – TBD with CCHD

EXISTING CONDITIONS

The Berlin Lions Agricultural Fair, Inc. owns the 104-acre property on Beckley Road commonly known as the Berlin Fairgrounds. The property is improved with multiple buildings, parking area, event spaces and other recreational areas.

In 1995, a special permit was granted for the Fairgrounds to have unlimited duration of use of a site for the purpose of conducting events which occur on an annual basis under Sec XI.P, which was a text amendment approved by the Zoning Commission in 1994. Each year the Commission is presented with the list of previously approved, recurring events and any modifications.

ANALYSIS

This application is to authorize any new proposed events at the property. In accordance with BZR §XI.P. new events with over 250 attendees would require a public hearing. The applicant has indicated that there are no such new events, except potentially for a COVID-19 Vaccination Clinic. It is staff's understanding that such a clinic would fall under government pandemic relief and not be subject to review under the Zoning Regulations, however, would and should be coordinated with the Town, including emergency services departments. If this is found not to be the case, a public hearing for the event if over 250 attendees may be required.

The Zoning Office did not receive any complaints regarding scheduled events at the Fairgrounds for the 2019 season.

The Commission should be aware that the Town has received complaints regarding activities at the Fairgrounds which have caused disturbance to neighboring properties. Activities included use of the northly portion of the site by Eversource for their line maintenance project. The storage and related staging activities took place outside of the power line ROW along the

northern perimeter of the property. The issues were brought to the attention of the Lions, Eversource and PURA. Investigation and research confirmed by PURA that the use was outside of Town jurisdiction as a PURA regulated activity relating to public utilities. We were told the project would be finishing use of the property for February 2021.

DEPARTMENT COMMENTS:

Health District

- Food Events – Vendors must apply for a Temporary Food Service Permit at least two weeks prior from the day of event or a late fee will be imposed.
- Must follow/implement Covid-19 safety measures

Police: Board of Police Commissioners referred to Police Chief's comments, attached.

Building Official, Berlin Water Control, Engineering, Fire Marshal issued "No Comment"

BERLIN LIONS AGRICULTURAL FAIR, INC.
2021 LIST OF EVENTS
(as of 4/7/21)

I. Continuous/Multiple Months.

1. Nutmeg Kart Racing

(a) *Description:* Kart races using the track at the Fairgrounds.

(b) *Approximate Date:* Twice per month primarily on Sundays from approximately April through October of each year (with rain dates).

(c) *Expected Hours of Operation:* Daylight hours during weekend.

(d) *Estimated Attendance:* Approximately 100 - 200 people.

(e) *Traffic Control:* Not appropriate.

2. Connecticut Horse Council/4-H Horse Advisory

(a) *Description:* Horse show using horse rink, food trailer and facilities.

(b) *Approximate Date:* Twice or more per month on weekends during the summer of each year.

(c) *Expected Hours of Operation:* Daylight hours; set up on Friday.

(d) *Estimated Attendance:* Approximately 250 people.

(e) *Traffic Control:* Not appropriate.

3. Other Horse Shows

(a) *Description:* Open horse show.

(b) *Approximate Date:* Late April and/or early May and late August and/or late September (after the Berlin Fair) or October in each year.

(c) *Expected Hours of Operation:* Daylight hours during a weekend.

(d) *Estimated Attendance:* Less than 250 people.

(e) *Traffic Control:* Not appropriate.

II. May.¹

1. Wine Tasting

(a) *Description*: Charity wine tasting fundraiser; primarily using the Commercial Building and related parking and other facilities.

(b) *Approximate Date*: TBD

(c) *Expected Hours of Operation*: Set up prior day; event open to public late afternoon/evening.

(d) *Estimated Attendance*: 300 to 600

(e) *Traffic Control*: Not appropriate

2. Summer Knights' Car Show

(a) *Description*: Charity antique and custom car show using the upper portion of the Fairgrounds and parking lots.

(b) *Approximate Date*: TBD

(c) *Expected Hours of Operation*: Set up prior day; show runs daylight hours during a weekend day.

(d) *Estimated Attendance*: Approximately 2,000.

(e) *Traffic Control*: Traffic controlled on-site through use of gates; Hunter Ambulance for medical (put on notice).

3. Berlin Police Department Family Picnic

(a) *Description*: Family picnic for Berlin Police Department.

(b) *Approximate Date*: Weekend day in May.

(c) *Expected Hours of Operation*: Daylight hours.

(d) *Estimated Attendance*: Less than 250 people.

(e) *Traffic Control*: Not appropriate.

¹ Given uncertainties regarding COVID-19 restrictions, the dates for May events are subject to public health restrictions. Exact dates will be provided to the zoning enforcement officer and the police department when/if the events are confirmed as being held in 2021.

4. Berlin UpBeat Town Event

- (a) *Description*: Event hosted by Berlin UpBeat.
- (b) *Approximate Date*: May 27, 2021 (rain date following weekend)
- (c) *Expected Hours of Operation*: Set up prior day; event and clean up complete by 10:00 pm.
- (d) *Estimated Attendance*: Consistent with event held in past.
- (e) *Traffic Control*: Consistent with event held in past.

5. COVID-19 Drive-Through Vaccine Clinic

- (a) *Description*: Drive-through COVID-19 vaccine clinic organized by the Central Connecticut Health District. Preliminary plan uses the rabbit and Kaminski buildings for the main activities. Public would enter gate 2 and exit through gate 3. Hunter's ambulance would be staged at gate 4.
- (b) *Approximate Date*: Thursday, Friday and Saturday beginning in mid-May
- (c) *Expected Hours of Operation*: To be determined including with input from the Town.
- (d) *Estimated Attendance*: To be determined based on availability of vaccine.
- (e) *Traffic Control*: To be determined including with input from the Town.

III. June.²

1. Berlin Upbeat Picnic

- (a) *Description*: Sleep-over picnic for students and chaperons sponsored by Berlin Upbeat. Depending on weather, involves approximately 1/2 of the buildings on the Berlin Fairgrounds.
- (b) *Approximate Date*: weekday in June.
- (c) *Expected Hours of Operation*: Friday evening through Saturday morning.
- (d) *Estimated Attendance*: Less than 250 people.
- (e) *Traffic Control*: Not appropriate.

² All June events (other than Troop 24's use of the pavilion) are subject to compliance with gathering and other public health restriction in compliance with COVID-19 restrictions.

2. Berlin Fire Department Comedy Show

(a) *Description*: Charity comedy show (proceeds to benefit Berlin Veterans Commission) at pavilion in Fairgrounds.

(b) *Approximate Date*: weekend day in June (targeting June 12 or 13, 2021)

(c) *Expected Hours of Operation*: 7 pm to 10 pm (gates open at 6 pm)

(d) *Estimated Attendance*: Approximately 200 people.

(e) *Traffic Control*: Not appropriate.

3. Troop 24 Event

(a) *Description*: Use by Troop 24 (boy scouts) of the pavilion for a scouting event.

(b) *Approximate Date*: June 10, 2021

(c) *Expected Hours of Operation*: afternoon through early evening.

(d) *Estimated Attendance*: Less than 250 people.

(e) *Traffic Control*: Not appropriate.

4. Connecticut Draft Horse Association

(a) *Description*: Draft horse competition at the horse rink (with use of the cattle barn in case of rain).

(b) *Approximate Date*: June 18, 19 and 20, 2021

(c) *Expected Hours of Operation*: Daylight hours.

(d) *Estimated Attendance*: Less than 250 people.

(e) *Traffic Control*: Not appropriate.

IV. July.

1. Lions Graduation Party

(a) *Description*: Graduation party for the child of a Lions Club member to be held at the pavilion.

- (b) *Approximate Date*: July 10
- (c) *Expected Hours of Operation*: afternoon through the evening (ending around 10:00 pm)
- (d) *Estimated Attendance*: approximately 100
- (e) *Traffic Control*: Not appropriate

2. Lions Summer Shootout

- (a) *Description*: Picnic with Kiwanis Club.
- (b) *Approximate Date*: July in each year.
- (c) *Expected Hours of Operation*: Daylight hours.
- (d) *Estimated Attendance*: Less than 250 people.
- (e) *Traffic Control*: Not appropriate.

3. Demolition Derby³

(a) *Description*: Demolition derby similar to that conducted during the past several Berlin Fairs, but now conducted as a stand-alone event. The event would primarily be conducted in the motorsport pit (derby) and pavilion area (food and beverage) of the Fairgrounds, with required ancillary services (e.g., restrooms).

- (b) *Approximate Date*: TBD
- (c) *Expected Hours of Operation*: Primarily daylight hours.
- (d) *Estimated Attendance*: 750 to 1,000
- (e) *Traffic Control*: Traffic controlled on-site through use of gates; Hunter Ambulance for medical (put on notice).

V. August.

1. Eversource Retiree's Picnic

- (a) *Description*: Picnic for retirees of Eversource Energy.
- (b) *Approximate Date*: August of each year.

³ Given COVID-19 restrictions, it is likely that the demolition derby, if held, will be part of the 2021 Berlin Fair.

(c) *Expected Hours of Operation:* Daylight hours during a week day.

(d) *Estimated Attendance:* Less than 250 people.

(e) *Traffic Control:* Not appropriate.

2. Cardiac Rehab Picnic

(a) *Description:* Picnic sponsored by, and for members of, the Hospital of Special Care's Good Life Center Picnic (use limited to food booth, one building (if necessary) and bathrooms).

(b) *Approximate Date:* August of each year.

(c) *Expected Hours of Operation:* Daylight hours.

(d) *Estimated Attendance:* Less than 250 people.

(e) *Traffic Control:* Not appropriate.

3. Divinity Fitness Summit

(a) *Description:* Annual fitness-oriented event of Sudor Taino Group Fitness.

(b) *Approximate Date:* August 21, 2021 (rain date August 22, 2021).

(c) *Expected Hours of Operation:* 10:00 am to 3:00 pm (set up 8-10 am; tear down 3-4 pm).

(d) *Estimated Attendance:* Less than 250 people.

(e) *Traffic Control:* Not appropriate.

VI. September.

1. Berlin Fair

(a) *Description:* Agricultural, horticultural and commercial fair held since 1948. Involves the use of all buildings on the Berlin Fairgrounds.

(b) *Approximate Date:* September 17 - 19.

(c) *Expected Hours of Operation:* Set-up occurs during late September. Exhibitors submit their entries on the Thursday immediately preceding the Fair. The Fair is open to the public on Thursday during entries, Friday (11 am – 10 pm), Saturday (9 am – 10 pm) and Sunday (9 am – 7 pm). Cleanup and removal continue for a few weeks following the Fair.

(d) *Estimated Attendance:* Approximately 50,000 (paid attendance).

(e) *Traffic Control:* Traffic matters are coordinated with the Town of Berlin, including the Police and Fire Departments, and the contracted ambulance service.

VI. October.

1. Plainville Stadium Reunion

(a) *Description:* Reunion based on former Plainville Stadium Race Track.

(b) *Approximate Date:* October 2, 2021 (with a later Saturday in October as a rain date)

(c) *Expected Hours of Operation:* Daylight hours.

(d) *Estimated Attendance:* less than 250.

(e) *Traffic Control:* Not appropriate.

March 30, 2021
Updated March 31, 2021 (Fire Marshal)
Updated April 7, 2021 (Engineering)

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

SUBJECT: List of Events - 2021
APPLICANT: Joseph Dornfried on behalf of
Berlin Lions Agricultural Fair, Inc.
LOCATION: Berlin Fairgrounds
AGENDA: 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.*
-

Building Official
No comment

Health District

- Food Events – Vendors must apply for a Temporary Food Service Permit at least two weeks prior from the day of event or a late fee will be imposed.
- Must follow/implement Covid-19 safety measures

Berlin Water Control
No comment

Board of Police Commissioners
See Police Chief's comments

Police Chief
Comments Attached

Fire Marshal
No comment

Engineering
No comment

Emailed to J. Dornfried – April 7, 2021



Berlin Police Department

240 KENSINGTON ROAD
BERLIN, CONN. 06037-2647
Phone (860) 828-7080
Fax (860) 828-7590
policechief@berlinpd.org



Chief John M. Klett

To: Zoning Enforcement Officer

From: Chief John M. Klett

Date: March 22, 2021

Subject: Berlin Lions 2021 Events

The following events will require Police Officers for either security or traffic control:

1. Summer Knights Car Show – 2 Officer Security
2. Wine Tasting – 4 Officer Security
3. Upbeat Picnic – 2 Officer Security
4. Berlin Fair – Annual Event Coordinated with the Lions Club
5. Demolition Derby – 5 Officer Security
6. COVID-19 Clinic – TBD with CCHD

JMK/mcw



POCD Information

4-15-2021 PZC Discussion

In this packet we are distributing some preliminary POCD information That we plan to discuss further at the PZC meeting. (typically we would hand out and discuss the materials in real time at an in-person meeting however, given remote meeting requirements they are being distributed in advance)

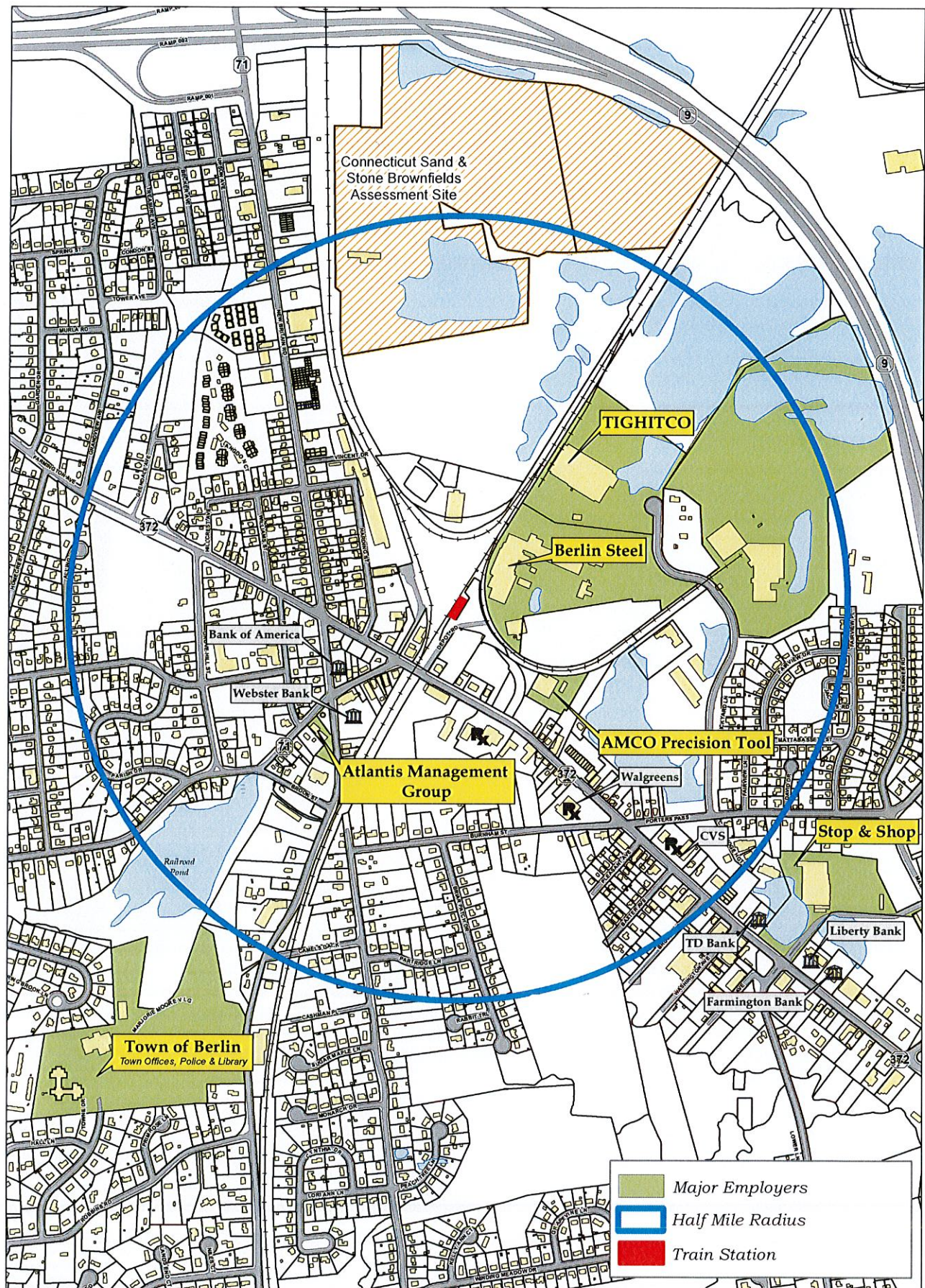
Survey: You will find a very preliminary draft survey which includes some items of interest based on the 2013 survey. Please consider topics of interest or concern that you may like to see added/deleted. We hope to have this survey available to the commission through the online survey monkey tool. At this time the survey is for commission use & input. In the future & under the guidance of the consultant a separate public engagement survey will likely be compiled.

Maps: we have had New England Geo compile some draft mapping to depict some land use items
Data: a PowerPoint presentation of initial demographic data has been compiled and illustrated to provide basic and background information at the time of data collection. If available prior to the meeting the PowerPoint will be emailed to the commission.

To consider:

Meeting availability in the coming months. An RFQ has been posted with a response date of April 15th. We hope to receive a selection of consultants with their scope of services. The RFQ includes a consultant assisting the town with the housing affordability plan which is due to the state July 2022.

DRAFT Maps/Documents for POCD discussion distributed for 4-15-2021



Town of Berlin Transit Oriented Development Zone

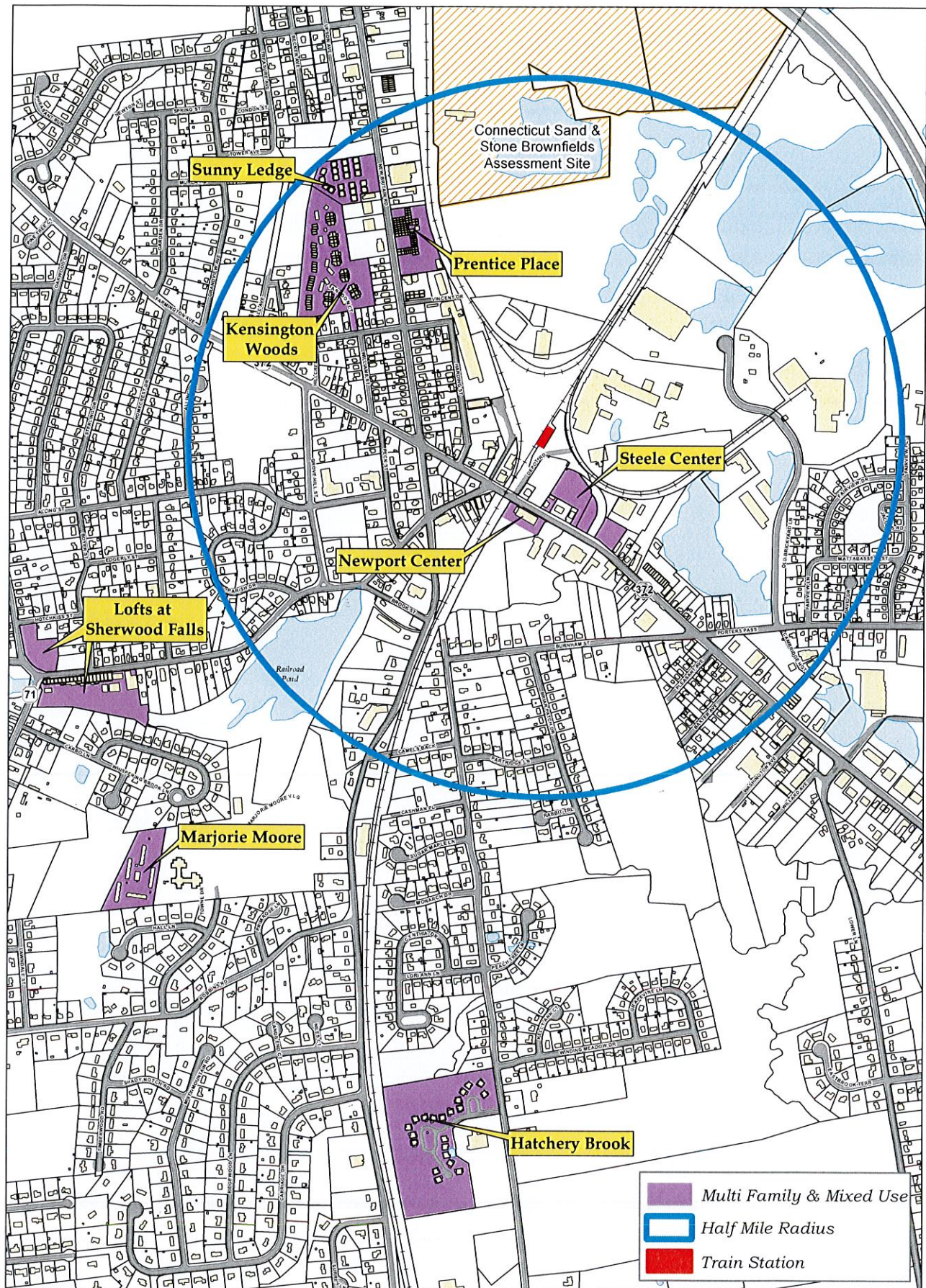
- Major Employers



Map Produced: April 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 AFOREMENTIONED PUBLIC PRIMARY INFORMATION SOURCES SHOULD BE CONSULTED FOR VERIFICATION OF THE INFORMATION CONTAINED ON THIS MAP. THE TOWN OF BERLIN AND ITS MAPPING CONTRACTORS ASSUME NO LEGAL RESPONSIBILITY FOR THE INFORMATION CONTAINED HEREIN.



Town of Berlin Transit Oriented Development Zone



Multi Family & Mixed Use Properties

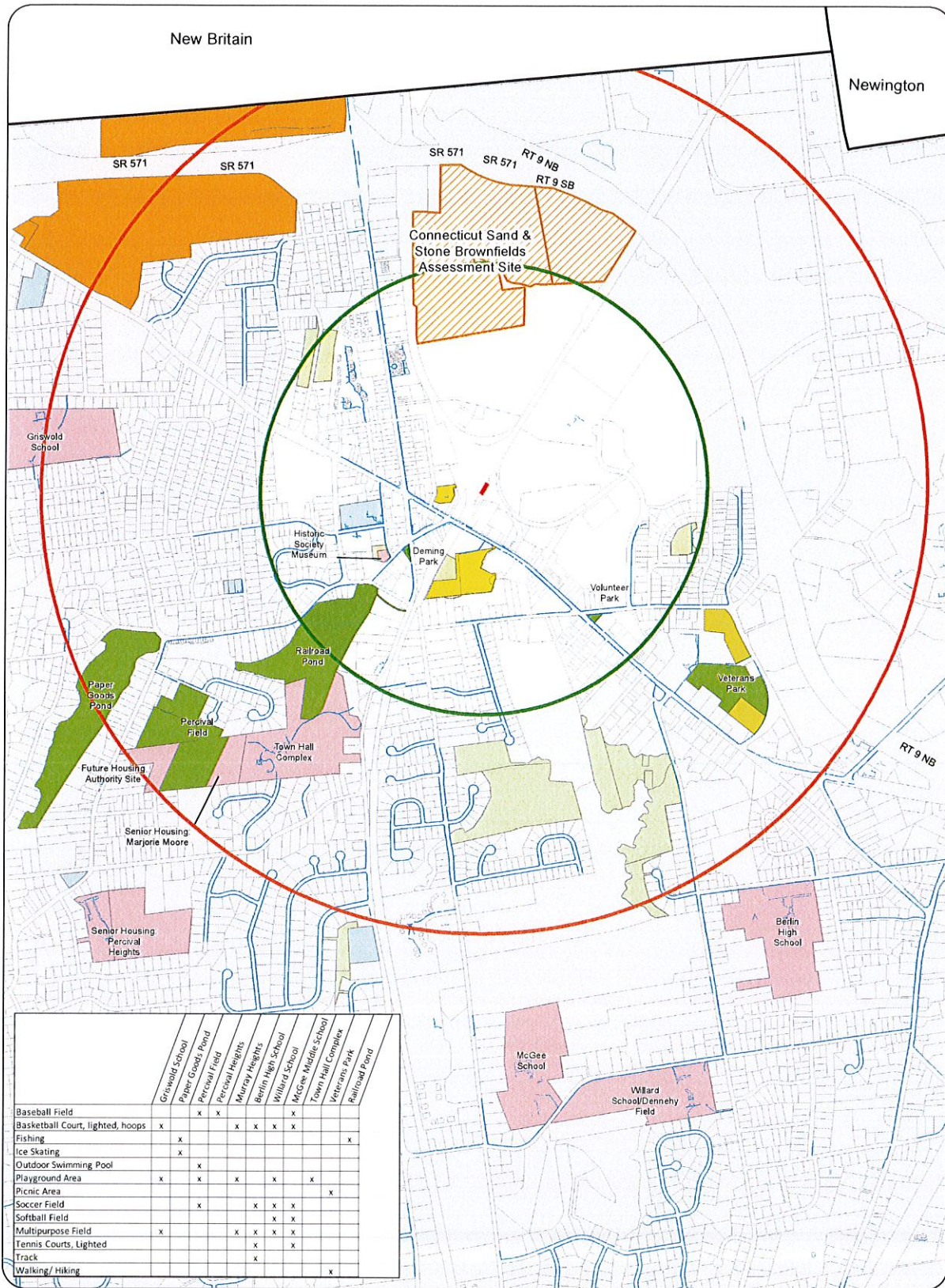
Map Produced: April 2021



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 AFOREMENTIONED PUBLIC PRIMARY INFORMATION SOURCES SHOULD BE CONSULTED FOR VERIFICATION OF THE INFORMATION CONTAINED ON THIS MAP. THE TOWN OF BERLIN AND ITS MAPPING CONTRACTORS ASSUME NO LEGAL RESPONSIBILITY FOR THE INFORMATION CONTAINED HEREIN.



Town of Berlin, CT Kensington Center Area Public Facilities



Areas of Interest

- Clubs and Organizations
- Open Space
- New Britain Parks
- Parks
- Places of Worship
- Town Facilities

Existing Sidewalk

Train Station

Train Station 1 Mile Buffer

Train Station 1/2 Mile Buffer

1 inch = 1,138 feet



Map Produced April 2021
Parcel information updated as of January 2021
This Map is provided for reference use only.
The Town of Berlin, CT and its mapping contractors
assume no legal responsibility for erroneous information.

1. Please evaluate the following issues in terms of to their importance in the Berlin POCD update process considering whether the 2013 plan for this topic may require significant updating and the importance of the underlying issue..				
	The 2013 POCD generally addresses this issue	Evaluate for a minor course correction from the 2013 Plan	The recommendations of the 2013 Plan need a major reevaluation	Importance of this issue 1-5
Conservation and open space				
Protecting the rural character and open space				
Preserving Farmland				
Preserving the wetlands and watercourses				
Park Improvements				
Acquire additional open space				
Improve parking and trails at existing open space				
Connect existing open space areas				
Housing				
Consider ways to create opportunities for additional affordable housing including possibly require that a percentage of units in each project be affordable.				
Evaluate multi-family residential zoning regulations and locations				
Reevaluate Train Station Area/Kensington Village area zoning regulations including expnading the opportunities and densities of multi-family housing				
Single family residential neighborhoods				
Commercial/Industrial				
Reevaluate the plan for the Berlin Turnpike corridor				
Reevaluate Farmington Avenue and New Britain Road area zoning regulations				

Consider revising boundaries of commercial and industrial zones				
Consider revising uses permitted in commercial and industrial zones				
Evaluate redevelopment of underutilized shopping areas				
Infrastructure				
Storm drainage system				
Road conditions and traffic congestion				
Sidewalk extensions				
Improvements to make Berlin roads more bike friendly				
Water and sewer systems				
Public buildings				
Histroic and Cultural Assets				
Provide added zoning protection for cultural and historic assets				
Recommend funding to enhance and preserve cultural and historic assets				
Better document existing historic and cultural assets				

2. What factor would you most want to improve the quality of life in Berlin, on a scale of 1 through 5, with 1 being the most important improvement?

Traffic congestion	
Too crowded, overdevelopment	
Shortage of open space and recreational areas	
Shortage of parks and recreational areas/fields	
Unsightliness along major roads	
Lack of employment opportunities	
Kensington Center Mixed Use Area	
Berlin Turnpike	
More affordable housiung choices	

More variety of housing choices	
More restaurants	
More diverse retail and shopping options	

These Maps are Draft based on preliminary Data and distributed for general informational purposes. The digital files which can be enhanced on screen for discussions will be available during the meeting and posted beforehand as practical.



Town of Berlin, Connecticut










Land Use



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
AFOREMENTIONED PUBLIC PRIMARY INFORMATION SOURCES SHOULD BE
CONSULTED FOR VERIFICATION OF THE INFORMATION CONTAINED
ON THIS MAP. THE TOWN OF BERLIN AND ITS MAPPING CONTRACTORS
ASSUME NO LEGAL RESPONSIBILITY

FOR THE INFORMATION CONTAINED HEREIN.

-  Agricultural
-  Agriculture/Planned Bus
-  Community Commercial
-  General Business
-  High Density Residential
-  Industrial
-  Low Density Residential
-  Mixed Commercial/High
-  Moderate Density Resid

0 2,000

0 0.5



Town of Berlin, Connecticut

490 Exempt Parcels

NEW BRITAIN

SOUTHINGTON



MERIDEN



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
AFOREMENTIONED PUBLIC PRIMARY INFORMATION SOURCES SHOULD BE
CONSULTED FOR VERIFICATION OF THE INFORMATION CONTAINED
ON THIS MAP. THE TOWN OF BERLIN AND ITS MAPPING CONTRACTORS
ASSUME NO LEGAL RESPONSIBILITY

FOR THE INFORMATION CONTAINED HEREIN.

0 2,000

0 0.5



Town of Berlin, Connecticut

Build Out Analysis

NEW BRITAIN

SOUTHINGTON



MERIDEN

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 AFOREMENTIONED PUBLIC PRIMARY INFORMATION SOURCES SHOULD BE CONSULTED FOR VERIFICATION OF THE INFORMATION CONTAINED ON THIS MAP. THE TOWN OF BERLIN AND ITS MAPPING CONTRACTORS ASSUME NO LEGAL RESPONSIBILITY

FOR THE INFORMATION CONTAINED HEREIN.

Build Out Analy

- Zone Bound
- Building
- Parcel
- Wetland
- Waterbody

0 2,000

0 0.5

Frances Semnoski

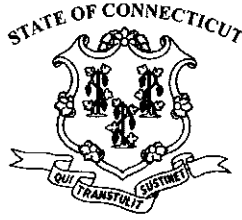
From: Maureen Giusti
Sent: Wednesday, April 7, 2021 4:35 PM
To: Frances Semnoski
Cc: Adam Levitus
Subject: PZC package
Attachments: SA 21-3 AN ACT CONCERNING THE OUTDOOR SALE OF GOODS AND PROVISION OF FOOD AND BEVERAGE SERVICE_(4-2021).pdf

Fran,
Please print attached with this email for the PZC packet. (I previously sent you the related House Bill #6610 – use this passed Special Act instead)

RE: Approved Special Act pertaining to outdoor uses being allowed into 2022.

In lieu of passage of the attached Special Act, staff has held off on proceeding with language for a Zoning text amendment to extend the outdoor uses previously allowed by COVID-19 Executive Orders.
We are working on updating the 2020 Administrative Review Form to align with the Special Act for 2021 Use.

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



Substitute House Bill No. 6610

Special Act No. 21-3

***AN ACT CONCERNING THE OUTDOOR SALE OF GOODS AND
PROVISION OF FOOD AND BEVERAGE SERVICE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (*Effective from passage*) (a) As used in this section:

(1) "Applicable laws of the state" means chapters 14, 97a, 98, 124, 126, 242 and 541 of the general statutes, section 22a-27j of the general statutes and any special act, municipal charter, ordinance, resolution or regulation;

(2) "COVID-19" means the respiratory disease designated by the World Health Organization on February 11, 2020, as coronavirus 2019, and any related mutation thereof recognized by the World Health Organization as a communicable respiratory disease;

(3) "Food establishment" means a food establishment that is licensed or permitted to operate pursuant to section 19a-36i of the general statutes;

(4) "Local enforcement official" means a zoning enforcement officer, or such officer's designee, or building official, or such official's designee;

(5) "Municipality" has the same meaning as provided in section 8-1a

Substitute House Bill No. 6610

of the general statutes; and

(6) "Outdoor activities" means outdoor food and beverage service or outdoor displays of goods for sale. "Outdoor activities" shall not include live entertainment.

(b) Notwithstanding the provisions of section 8-3b of the general statutes, for the period commencing on the effective date of this section and ending March 31, 2022, if a zoning administrator, chairperson of a zoning commission or planning and zoning commission or chief elected official of a municipality finds that a proposal to establish or change a zone or regulation to expand or permit outdoor activities is necessary to respond to or provide economic recovery from the COVID-19 pandemic, such zoning administrator, chairperson or chief elected official may place such proposal on the public hearing agenda of the zoning commission or planning and zoning commission, as applicable, and such commission shall conduct a public hearing and act on such proposal without the need to comply with the requirements of said section of the general statutes.

(c) (1) Notwithstanding any provision of the applicable laws of the state, for the period commencing on the effective date of this section and ending March 31, 2022, any person making a permit application to engage in outdoor activities shall make such application to a local enforcement official, who shall review and make a determination on each such application. If such outdoor activities will occur on a state highway right-of-way, an additional permit application shall be made by such person to the Department of Transportation pursuant to chapter 242 of the general statutes. No local enforcement official shall impose a fee for a permit application under this subsection.

(2) Notwithstanding any provision of the applicable laws of the state, for the period commencing on the effective date of this section and ending March 31, 2022, any person who makes a permit application to a

Substitute House Bill No. 6610

local enforcement official to engage in outdoor activities shall not be required to submit (A) plans stamped by a licensed engineer, landscape architect or architect, (B) a site survey, (C) a parking plan, (D) a traffic study or plan, (E) a sign plan, (F) a soil erosion and sediment control plan, (G) a photometric lighting plan, or (H) a stormwater management plan, provided such person submits, at a minimum, a (i) drawing or illustration, roughly to scale or dimensioned and depicting with reasonable accuracy the outdoor area proposed to be used and what is proposed to be placed, built or erected in the outdoor area, and (ii) written narrative describing any noise, waste management, odor, light pollution or environmental impacts expected in such outdoor area as a result of such outdoor activities and an explanation of how such impacts will be mitigated. The local enforcement official reviewing such application may require an applicant to submit additional information that such officer deems necessary to protect public health, safety or the environment, provided such officer shall consider the need for expedited review of such applications.

(3) Notwithstanding any provision of the applicable laws of the state, for the period commencing on the effective date of this section and ending March 31, 2022, each local enforcement official shall approve, approve with conditions or reject any application for outdoor activities and notify each applicant of such decision in a manner prescribed by the local enforcement official not later than (A) ten days after the receipt of such application, or (B) ten days after the receipt of any additional information requested by the local enforcement official pursuant to subdivision (1) of this subsection. The failure of any local enforcement official to provide such notice shall be deemed to be an approval of such application.

(4) Notwithstanding any provision of the applicable laws of the state, for the period commencing on the effective date of this section and ending March 31, 2022, if a local enforcement official approves with

Substitute House Bill No. 6610

conditions or rejects an application pursuant to subdivision (3) of this subsection, the applicant may appeal such decision, not later than seven days after the receipt of notice of such decision, to the zoning commission, planning and zoning commission or chief elected official of the municipality, as applicable. A public hearing shall not be required for any such appeal.

(5) Notwithstanding any provision of the applicable laws of the state, for the period commencing on the effective date of this section and ending March 31, 2022, nothing in this subsection shall affect an individual's right to submit a complaint to any relevant municipal authority or the right of any such municipal authority to enforce conditions or requirements associated with permitted outdoor activities, impose fines or issue notices of violations or cease and desist orders.

(d) Notwithstanding any provision of the applicable laws of the state, for the period commencing on the effective date of this section and ending March 31, 2022, any person permitted to engage in outdoor activities may engage in such activities (1) on public sidewalks and other pedestrian pathways abutting the area permitted for principal use and on which vehicular access is not allowed, (A) provided a pathway (i) is constructed in compliance with physical accessibility guidelines, as applicable, under the federal Americans with Disabilities Act, 42 USC 12101, et seq., as amended from time to time, and (ii) such pathway extends for the length of the lot upon which the area permitted for principal use is located, is not less than four feet in width, not including any area on a street or highway, and remains unobstructed for pedestrian use, and (B) subject to reasonable conditions imposed by the municipal official or agency that issues right-of-way or obstruction permits, (2) on off-street parking spaces or parking lots associated with the permitted use, notwithstanding any municipal ordinance establishing minimum requirements for off-street parking, (3) on any

Substitute House Bill No. 6610

lot, streetface, yard, court or open space abutting, or noncontiguous lot that is not more than one lot, streetface, yard, court or open space removed from, the area permitted for the principal use, provided (A) such lot, streetface, yard, court or open space is located in a zoning district where outdoor activities are permitted, (B) such use is in compliance with any applicable requirements for access or pathways pursuant to physical accessibility guidelines under the federal Americans with Disabilities Act, 42 USC 12101, et seq., as amended from time to time, and (C) such person obtains written authorization to engage in such outdoor activities from the owner of such lot, streetface, yard, court or open space and provides a copy of such authorization to the zoning commission, and (4) until eleven o'clock p.m. on Friday and Saturday and nine o'clock p.m. on all other days of the week, or until times established by the zoning commission, planning and zoning commission or chief elected official of the municipality, as applicable, whichever is later.

(e) (1) Notwithstanding any provision of the applicable laws of the state, for the period commencing on the effective date of this section and ending March 31, 2022, the Department of Transportation may allow any person to engage in outdoor activities on a nonvehicular portion of a state highway right-of-way, provided the department establishes any conditions on such use, as deemed necessary by the Commissioner of Transportation.

(2) For the period commencing on the effective date of this section and ending March 31, 2022, outdoor activities shall be considered a special event for the purposes of section 14-298-262 of the regulations of Connecticut state agencies.

(3) Notwithstanding any provision of the applicable laws of the state, for the period commencing on the effective date of this section and ending March 31, 2022, any municipality shall request a special event permit from the Department of Transportation before closing any part

Substitute House Bill No. 6610

of a vehicular portion of a state highway right-of-way for outdoor activities, in accordance with the provisions of section 14-298-262 of the regulations of Connecticut state agencies. The Department of Transportation shall expedite its review of any such request.

(4) Notwithstanding any provision of the applicable laws of the state, for the period commencing on the effective date of this section and ending March 31, 2022, any municipal official having jurisdiction over local roads, in consultation with the municipality's local traffic authority, may close a local road to permit outdoor activities without conducting a public hearing, except that if such local road is utilized as part of a public transportation route, such official shall consult with the Department of Transportation.

(f) Notwithstanding any provision of title 30 of the general statutes or any provision of the regulations of Connecticut state agencies, for the period commencing on the effective date of this section and ending March 31, 2022, no entity that is licensed to serve alcoholic beverages shall be required to obtain a patio or extension of use permit to engage in outdoor activities, provided such entity: (1) Complies with the provisions of this section, (2) complies with any rules for outdoor dining, including, but not limited to, safety or social distancing requirements issued by the Governor, the Department of Economic and Community Development or other agency or entity authorized by law or pursuant to an executive order, to issue such requirements in response to the COVID-19 pandemic, (3) complies with any municipal requirements related to outdoor dining or the sale of alcoholic beverages that are consistent with the provisions of this section, (4) complies with any provision of title 30 of the general statutes or regulations of Connecticut state agencies regarding the prohibition of the sale of alcohol to minors or intoxicated persons or regarding restrictions on the times such entity may serve alcoholic beverages, (5) complies with any rules in effect limiting or restricting the sale or consumption of alcoholic

Substitute House Bill No. 6610

beverages only to customers who consume food on such entity's premises, (6) does not maintain an outdoor consumer bar, as defined in section 30-62a of the general statutes, and (7) does not provide live entertainment, unless such entertainment was previously permitted in such entity's outdoor space or such entity obtains permission from the applicable municipal official to provide live entertainment, and the provision of such entertainment complies with any relevant safety or social distancing requirements issued by the Governor, the Department of Economic and Community Development or other agency or entity authorized by law or pursuant to an executive order, to issue such requirements in response to the COVID-19 pandemic.

(g) Any outdoor activity allowed pursuant to Executive Order No. 7MM of Governor Ned Lamont prior to the effective date of this section shall be deemed approved and permitted in accordance with the requirements of this section until March 31, 2022, without need for reapplication, (1) provided an additional application shall be made for any expansion of a previously approved outdoor activity, except if such expansion is solely related to alterations to reduce the width of a pathway required pursuant to subdivision (1) of subsection (d) of this section, provided such pathway is not reduced to less than four feet in width, and (2) except that any person engaging in a previously approved outdoor activity on a state highway right-of-way who seeks to continue such outdoor activity after April 19, 2021, shall make an application to the Department of Transportation pursuant to chapter 242 of the general statutes to ensure compliance with relevant federal requirements.

(h) Notwithstanding any provision of the applicable laws of the state, nothing in this section shall alter or affect a nonconforming use or structure or prohibit any person from seeking or obtaining approval for engaging in outdoor activities pursuant to existing municipal zoning regulations.

Substitute House Bill No. 6610

(i) For the period commencing on the effective date of this section and ending March 31, 2022, any minimum requirement for off-street parking or requirement prohibiting outdoor activities from taking place on parking lots shall not apply to the extent required to allow outdoor activities alone or in conjunction with any other activity authorized by law, executive order or municipal regulations, including any activity required to enable the response to the COVID-19 pandemic.

(j) The provisions of this section shall be liberally construed to promote the continuation of outdoor activities, as permitted by Executive Order No. 7MM of Governor Ned Lamont.

Approved March 31, 2021