

Berlin Planning and Zoning Commission
Regular Meeting Minutes
May 6, 2021 7:00 p.m.

The Town of Berlin, CT Planning and Zoning Commission held its regular meeting in-person and by remote video conference call on Thursday, May 6, 2021 at 7:00 p.m. open Public Hearings were continued at this meeting. This meeting was held in person at Town Council Chambers, Berlin Town Hall, 240 Kensington Road, Berlin, CT and remotely by video or telephone as provided below.

Join Zoom Meeting*

<https://town-berlin-ct.us.zoom.us/j/8140556035?pwd=YU0xb1J2Yyt4RDVLUkRIbFpFTFRuQT09>

Meeting ID: 814 055 6035

Passcode: PZ100

Dial by your location* +1 929 205 6099 US (New York)

Meeting ID: 814 055 6035, Passcode: 488321 *Data and toll charges may apply.

This agenda and all meeting materials related to the agenda items which have been distributed to the Board will be posted on the Town's website at: www.town.berlin.ct.us and will be available for viewing before, during and after the meeting as provided for by the Governor's Executive Orders.

Call to Order

The Berlin Planning and Zoning Commission held its regular meeting in-person and by remote video conference on May 6, 2021 at 7:00 p.m. by Zoom. The meeting was called to order at 7:07 p.m.

In attendance

Chairwoman Joan Veley

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

Commissioner Timothy Zigmont arrived at 7:30 pm

Alternate Commissioner Stephen Biella, Jr. (seated as noted)

Alternate Commissioner Peter Zarabozo (seated as noted)

Alternate Commissioner Andrew Legnani

Acting Town Planner/ZEO Maureen Giusti, AICP

Zoning Enforcement Officer Adam Levitus, PE

Excused

Commissioner Jon-Michael O'Brien

Approval of Minutes:

April 15, 2021

Commissioner Wollman moved to approve the minutes, as presented.

Commissioner Millerd seconded.

Motion carried.

Commissioner Jorsey abstained.

Commissioner Jorsey moved to add minutes of April 30, 2021 Special Meeting

Commissioner Wollman seconded.

Motion unanimously carried.

Commissioner Jorsey moved to approve the minutes, as presented.

Commissioner Wollman seconded.

Motion carried.

Commissioner Millerd and Commissioner Rogan abstained.

Schedule of Public Hearing

a. Text Amendment to Berlin Zoning Regulations Section X. to allow an excavation permit approval period to align with statutory site plan and subdivision timeline of a related development approval.

Ms. Giusti noted that the language would be prepared and distributed to meet referral and posting requirements.

Commissioner Wollman moved to schedule the public hearing for June 17, 2021.

Commissioner Millerd seconded the motion.

Motion unanimously carried.

New Business

a. Special Event Application of Keystone Novelties Distributors LLC to erect a temporary tent for the sale of CT State Legal Sparkler Products at 502 Berlin Turnpike, property of 550-554 Berlin Turnpike Associates, LLC. in the BT-1 Zone.

The applicant confirmed conditions would remain similar to past the past annual event.

Commissioner Rogan moved to approve application with staff comments.

Commissioner Jorsey seconded the motion.

Motion unanimously carried.

b. Site Plan Amendment Application of 224 Berlin Turnpike, LLC for modification to front and rear parking areas and rear access drive aisle, at mixed use development site at 224-256 Berlin Turnpike in he BT-D (PS-B) Zone.

Jim Cassidy, Hallisey, Person and Cassidy, for the applicant, described the modifications to the approved plan. He explained the modifications to parking and drives around the north and west portions of the site would improve traffic flow and safety.

Commissioner Wollman stated the proposed modification is an improvement for safety issues.

Maureen Giusti reported engineering had submitted "no comment" after the meeting materials were distributed.

Commissioner Wollman moved to approve subject to staff comments.

Commissioner Millerd seconded the motion.

Motion unanimously carried.

c. Site Plan Application of Kev Kai Properties, LLC for a 10,000 sq. ft. office/warehouse building to be subdivided into 2-3 units for rent at 239 Christian Lane in the GI-2 Zone.

Sarani Griffio-Brandao presented the proposed space is a shell space.

There will be one stone tenant occupying the building upon approval.

Commissioner Veley would like to see the plan for landscaping as well as a natural light concept.

Commissioner Wollman stated the plan should be fully developed so that they can review site improvements including utilities and drainage.

Maureen Giusti suggested that a conditional approval, based on discussion with the Town Engineer that he could administratively review at permit or they come back with a more detailed plan for review before approval is given. She noted the applicant had requested a preliminary or conditional approval, knowing they had not supplied a detailed plan.

Commissioner Zigmont and Commissioner Jorsey agreed with Commissioner Wollman.

Commissioner Jorsey moved to approve continued discussion to the next scheduled meeting.

Commissioner Wollman seconded the motion to continue

Motion unanimously carried.

Commissioner Jorsey, unseated

Alternate Commissioner Peter Zarabozo, seated

Alternate Commissioner Andrew Legnani, seated

Public Hearings

d. Proposed Amendment to the Berlin Zoning Regulations of Timothy Sullivan, Esq. for new section VI.G.3.ii – Gasoline Filling Stations (Opened 3/18/21, 4/15/21, continued to 5/6/2021)

Timothy Sullivan, Esq. presented - See attachment Noting that the revised proposed language reflects comments made since the public hearing opened. He added that there are other corrections including ii. should have also been corrected to say Fuel "stations".

Commissioner Millerd stated the charging station would attract larger vehicles such as RV's,

Commissioner Zigmont agreed and supported the need to accommodate larger RV's but wondered if designated parking spots for larger vehicles were needed.

Mr. Wollman noted that a site plan application for a specific proposal would address site needs of specific applications.

Chris Edge, Economic Developer commented there are positive and negatives to this amendment. The positive is this would draw economic growth for the Town of Berlin and embrace new technologies, noting the Economic Development Commission did not have a formal statement

Commissioner Millerd commented that the thirty-foot limit should be increased to at least 40 feet, speaking of RV lengths to not prohibit users that are likely to use the service. He would like to see some wording changes from gasoline filling stations to fueling stations. There are many different types of fuel in a growing market. The commission discussed the lot size in the proposed language including providing for evolving technology as we move to future car designs and time it takes to charge.

Ms. Giusti suggested the language in iv be changed to: "Storage tanks for gasoline and other motor vehicle fuels shall be located underground when allowed by pertinent local and state codes and as otherwise in compliance with those regulations".

Peter Daddeo commented that his pending proposal, which has been granted location approval by ZBA, was only for 4350 square feet. He is concerned that larger buildings can offer more products than his building will allow. He would like to do additional retail.

Ms. Giusti commented that developers can apply for text changes in order to fit the need as this applicant had chosen to do. Mr. D'Addeo's project has been evaluated under Regulations in place at the time of application. Commissioner Millerd expressed concern what size allows convenience plus coffee vs. the described larger facility.

Attorney Sullivan noted the use of "notwithstanding" in the proposed wording and that a subsequent text change could be proposed by Mr. D'Addeo or another developer to address retail size.

Commissioner Zarabozo questioned whether other towns on the turnpike have these restrictions. He doesn't think fueling stations are going to pile in. He has not noted proliferation in the Towns noted as not having similar restrictions. He thinks retail space should be 4250 square feet.

Commissioner Zigmont moved to close the hearing.

Commissioner Wollman seconded the motion.

Motion unanimously carried.

e. Proposed Amendment to the Berlin Zoning Regulations of Timothy Sullivan, Esq. to add New Section XI DD – Planned Residential Infill Development (opened 4/15/2021).

Timothy Sullivan, Esq. presented - See Attachment Noting that the revised proposed language reflects comments made since the public hearing opened and subsequent meeting with staff to address those concerns. He noted using the Kensington Overlay Zone language for sizing. And that wording to allow for rehabilitation is not intended to allow motel use to continue. The intent for the affordable provision is to allow the units to be counted toward the State goal for affordable housing units. In response to a concern raised at the previous meeting, he noted mobile home park dwellings would be prohibited by other provisions of the Regulations. With discussion, Commissioner Millerd would like to establish a 500 square foot minimum for unit living space.

Chairman Veley noted this proposal is quite creative and is providing an alternative unit that is solid.

Attorney Sullivan noted that the proposal is to facilitate investment and turn eyesores and transient units into stable housing.

Commissioner Rogan proposes to eliminate the 50% dwelling so there isn't a mismatch of old and new construction in the area.

Attorney Sullivan responded that he felt this was addressed in the proposed 2.c where design and materials are included and would have to be consistent.

Mr. Wollman noted that he understood existing would have to be renovated to go with the new construction.

Commissioner Zigmont would like to see a combination of small houses and town houses.

Chris Edge supports the alternative uses to the housing in the Berlin Turnpike. He supports the amendment. He read the motion in support from the Economic Development Commission. He noted the housing options would provide a needed housing option.

Ms. Giusti and Mr. Wollman suggested to add wording to 3.e: "and the balance to be rehabilitated. No structure would be allowed to remain motel." And in the Purpose section DD.1. add to the end ", but to redevelop motel use sites into permanent dwelling units in their entirety". Also add to design section that mobile home trailers would not be allowed.

There was discussion that 500 – 1000 s.f. units seemed appropriate.

In response to earlier discussion Ms. Giusti provided an overview of allowed residential densities throughout the existing zoning provisions through town. The number of existing motel units on each site was referred to from the chart previously distributed.

Commissioner Millerd compared proposed density to an R-10 zoning that is not uncommon.

Commissioner Wollman moved to close the hearing.

Commissioner Zigmont seconded the motion.

Motion unanimously carried.

Old Business

Commissioner Jorsey, unseated

Alternate Commissioner Peter Zarabozo, seated

Alternate Commissioner Andrew Legnani, seated

a. 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) (Public Hearings held 1/21/21, 2/25/21, 3/18/21, closed 4/15/21)

Ms. Giusti stated June 19, 2021 is the statutory deadline to make the decision. She asked the commission to hold off on the approval. Due to its complexity, she is continuing the process of writing up the motion. She asked Commission to reiterate direction for the motion with regard to the determination the Commission needs to make, including interpreting lot size. She was directed to follow Dr. Poland's suggestion. And whether the Commission had direction on ownership of any Open Space, Land Trust or Town ownership. The consensus was to offer to Town and if they did not want, then Land Trust. It was noted the Land Trust may not have ability to improve for use. And interpretation of retail display within larger building with other components, like the coffee shop. Direction was as proposed in the application.

In response to a commissioner inquiry, Ms. Giusti noted that the applicant would have to come for an amendment to his approval to modify the plan to use the pending gas station amendment should it be approved.

Commissioner Zigmont made a motion to hold off on the approval.

Commissioner Wollman seconded the motion.

Motion unanimously carried.

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

Commissioner Wollman moved to approve this application

Commissioner Zigmont commented that it's time to get with the times. Wording modified for a facility "shall be designed to serve vehicles with an overall wheelbase not greater than 40 feet". III.- fuel stations instead of fuel pumps

Commissioner Wollman made a motion approve the application including fuel station correction noted by applicant, language as discussed regarding vehicle base, and wording proposed by Ms. Giusti for fuel storage, and 40 feet wheel base.

Commissioner Zigmont seconded the motion.

Motion unanimously carried.

c. Proposed Amendment to the Berlin Zoning Regulations of Timothy Sullivan, Esq. to add New Section XI DD – Planned Residential Infill Development

Commissioner Rogan made a motion to approve application as proposed to include discussed wording with a minimum of 500 square feet, a maximum of 1000 square feet, no motel use and no trailer parks rehabilitation into permanent dwellings in there entirely with no remaining motel units allowed.

Commissioner Wollman seconded the motion.

Motion unanimously carried

Commission Business

a. Discussion of POCD 2023

Ms. Giusti presented a survey to the commission that she would like them to look over and give some feedback. Three consultant proposals came in. They have been asked for scopes and budgets. The firms are very different types of firms. A small interview panel will be set up.

b. Correspondence and Matters of Interest and Economic Development Director Correspondence

Chris Edge reported that the golden triangle is looking toward a taxable job creator. Project for industrial warehouse uses is being discussed. There is a greater need for high bay distribution which would require a change the zoning to an industrial zone. The question is if they would be interested in entertaining such a zone change proposal noting development would be a great investment because of the rock and topography of the area.

Commissioner Rogan agrees as long as Middletown Road residential is protected. The commission agreed investigating highest and best use would be in the best interest of the town.

c. Commissioner Wollman moved to add former Evan Stevens property to the agenda, seconded by Commissioner Millerd, motion unanimously carried.

Chris Edge reported that reported that the owner of Red Fox is going to be opening up Cornerstone Restaurant Stone work will be added to the lower portion of the front of the building. Potted plants will be place on the property. He is not seeking façade grant funds but the property is in the design district.

Chairman Veley would like to see windows framed out, a third color added and some improved signage. She encouraged flower pots and things to dress up front. Commissioner Zigmont would also like to see an improvement to the top portion of the building. Staff is unaware of any proposed changed to that area, but staff will encourage upgrades consistent with other exterior materials.

d. Commissioner Wollman moved to add Cocomo/Brickyard Lane to the agenda, seconded by Commissioner Jorsey, motion unanimously carried.

The owner and his attorney have requested this be added to this agenda. Photos from a morning site visit were presented side-by-side with site condition photos of later this afternoon. Ms. Giusti reported the site hasn't had much improvement as of this morning, but by the afternoon had significant clearing. The Commission discussed the conditions and indicated the property should be clean before zoning approval for CO. Ms. Giusti noted that there is no authorized use of the related building and the occupant has been told he needs to obtain zoning use approval and most of the items are belonging to the tenant. The Grady Motor Vehicle use would not transfer to a new similar use and a change of use needs zoning approval.

Adjournment

Commissioner Wollman moved to adjourn the meeting.

Commissioner Millerd seconded the motion which carried unanimously.

The time was 9:46 p.m.

Respectfully submitted,

Marlo Matassa

Recording Secretary

RECEIVED FOR RECORDS
TOWN OF MIDDLETOWN

2021 MAY 14 PM 12:12

Kathryn Wollman

COMMISSIONER