

Berlin Planning and Zoning Commission**AGENDA****May 20, 2021 7:00 p.m.**

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

Remote access to this meeting is available by Zoom video conference at the following link:

Join Zoom Meeting*

<https://town-berlin-ct-us.zoom.us/j/8140556035?pwd=YU0xb1J2Yyt4RDVLUkRlYmFTFTFRuQT09>

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 Commission 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. Members of the public are encouraged to submit materials relevant to the applications to the Planning and Zoning Department no later than 12:00 p.m. on Wednesday, May 19, 2021 for posting prior to, during, and after the meeting.

I. Call to Order**II. Approval of Minutes**

- a. May 6, 2021

III. Schedule of Public Hearing

- a. Special Permit Application of Timothy Sullivan, Esq. for Full Circle Golf Academy at Deming Business Park, 170 Deming Road, in the GI-2 Zone. Proposed Public Hearing – June 17, 2021

IV. New Business

- a. Special Event Application of John Mangiafico, Italian Political Independent Club, for a Italian Club Craft Fair with Food Trucks at 16 Harding Street in the General Industrial (GI) Zone on August 8, 2021.
- b. Special Event Application of Gwen McCann, Kensington Congregational Church, for the annual Festival on the Hill – Lobster Roll and Strawberry Shortcake Festival at 312 Percival Avenue 185 Sheldon Street in the R-11 and R-15 Zones on June 12, 2021.

- c. Site Plan Application of Gary Jacobs, Berlin Auction Group, for installation of a 12 ft. x 20 ft. accessory structure storage shed at 1660 Berlin Turnpike, property of 1660 Berlin Turnpike LLC in the BT-1 Zone.
- d. Site Plan application of Sabrina Griffo-Brandao, Kev Kai Properties, LLC for construction of a 10,000 sq. ft. multi-tenant office/warehouse building and related site improvements at 239 Christian Lane, property of Occhi Children's Trust, in the General Industrial-2 (GI-2) Zone. *(Continued from May 3, 2021, must decide 6/19/21)*

V. Public Hearings

- a. Special Permit Use/Site Plan Application of Paul Prior, Priority LLC for construction of a 14,000 s.f. building and a 11,400 s.f. building and related site improvements at Map 21-4, Block 115, Lot 20A, 0 Orchard Road in the Planned Industrial-2 (PI-2) Zone for Contractor Shops per BZR §VII.E.3.m., §XII, and §XIII.
- b. Proposed Text Amendment to the Berlin Zoning Regulations of Timothy Sullivan, Esq. to add to Section VI.C.2 Commercial Zones. Special Design District. Special permit uses.
 - i. (Previously "Reserved") Section. VI.C.2.b Stores or shops for the conduct of personal service business; and,
 - ii. (New) Section VI.C.2.h. Schools operated for profit; studios of dance, photography. Graphic design, painting or similar artistic endeavors.
- c. Special Permit with Site Plan applications of James P. Cassidy, Hallisey, Pearson & Cassidy, representing Tasca Ford CT for construction of a 32,495 s.f. building to be used as a truck repair facility with parking, automobile display and related site improvements at 250 Webster Square Road and 0 Worthington Ridge, Map 10-4 Block 83C Lot 6A in the PS-A Zone and 73 Woodlawn Road in the BT-1 Zone per BZR §VI.A.3.(c) and (d)., §XII, and §XIII.

VI. Old Business

- 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)
- b. Special Permit Use/Site Plan Application of Paul Prior, Priority LLC for construction of a 14,000 s.f. building and a 11,400 s.f. building and related site improvements at Map 21-4, Block 115, Lot 20A, 0 Berlin Turnpike in the Planned Industrial-2 (PI-2) Zone for Contractor Shops per BZR §VII.E.3.m.
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VII. Commission Business

- a. Correspondence and Matters of Interest
 - i. Director of Economic Development, matters of interest
- b. Discussion of POCD 2023
 - i. Update on POCD consultant selection
 - ii. POCD committee meeting schedule discussion

VIII. Adjournment

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>

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

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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 Griffo-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.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 Coccomo/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

Site Plan/Special Event

Application: Site Plan Special Event
Project Name: Italian Political Independent Club
Address: 16 Harding Street
Zone: GI
Applicant: John Mangiafico
Owner: Italian Independent
Proposal: Craft Fair – August 8, 2021

PROPOSAL

The Italian Political Independent Club is seeking approval to have setup vendor tents for a craft fair to be held as shown in the club parking lot on August 8, 2018. The applicant is proposing two layouts: one for 15 tents and the other for 20 tents outside in the parking lot. An additional 10-12 tables will be inside the hall. The Fair is scheduled for 11:00 am – 3:00 pm with set up starting at 9:00 am.

The area of the pavement from the building west to Harding Street will be available for parking. The applicant is pursuing permission for overflow off-street parking on the parcel to the east, adjacent to the train station.

Food will be provided through the IPIC hall kitchen. Coordination is being pursued with Coles Road Brewery where food trucks may be located.

STAFF COMMENTS

1. Coordination with Central Connecticut Health District is required for food service. Contact the CCHD directly.
2. Contact and coordinate with the Police department for any required permitting and traffic impacts
3. Verify with the Building Official and Fire Marshal if any permits or inspections will be necessary
4. On-site traffic barriers be set up to protect pedestrians from vehicles parking in the main lot. Through traffic (from Harding Street through to Coles Road Brewery parking lot) should be prohibited.
5. Applicant should explain how the site will work/flow and update the Commission on the status of availability of adjacent parking or alternatives.
6. Department Comments have not been received as of this writing. Any concerns should be addressed.

EXISTING CONDITIONS

IPIC expanded their parking area a couple of years ago. Vendor tents are proposed to be located to the north of the building and extending along the northerly fence line.



Town of Berlin

Planning and Zoning Department

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

SITE PLAN APPLICATION

☐ Site Plan

☒ Special Event

☐ Site Plan Amendment

Project Name: Italian Club Craft Fair

Property Owner(s): _____

Project Address*: 116 Harding Street Berlin, Ct

Map: _____ Block: _____ Lot: _____ Zone(s): _____ Lot Area: _____

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

☐ Inland Wetlands and Water Course Commission review needed

Applicant Information

Name: John Mangiafico

Firm Name: Italian Political Independent Club

Street Address: 116 HARDING ST

City: BERLIN ST: CT Zip: 06037

Email: IPIC.BERLINCT.ORGMAIL.COM

Phone: (860) 883-8065

Signature: John Mangiafico

Date: 3/28/21

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

Name: _____ Principal: _____

Street Address: _____ City: _____ ST: _____ Zip: _____

Email: _____ Phone: _____

*Letter of Authorization Required

Town of Berlin
Received

MAR 31 2021

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

Planning & Zoning Department
Berlin, Connecticut

Maureen Giusti

From: On the Rocks <jesusdrankwinetoo@gmail.com>
Sent: Monday, April 26, 2021 7:45 AM
To: Maureen Giusti
Subject: Fwd: IPIC Craft Fair info.
Attachments: IPIC Craft Fair layout_Page_1.jpg; IPIC Craft Fair layout_Page_2.jpg

Good morning.

I wanted to pass along some information that Fran had requested. Please let me know if you have any questions. Also, how long does the process of approval take and when should I start sending our vendor applications?

Thank you for your time.

Tracy Contino
802-236-7976

----- Forwarded message -----

From: On the Rocks <jesusdrankwinetoo@gmail.com>
Date: Mon, Apr 26, 2021 at 7:39 AM
Subject: IPIC Craft Fair info.
To: <fsemnosk@town.berlin.ct.us>
Cc: <pic.berlinct@gmail.com>, Beverly Ruggiero <bevejerlface@att.net>

Hello!

I am Tracy, the person that dropped of the initial paperwork. I wanted to follow up and include the other information you were looking for.

Event date:
August 8, 2021

Event hours:
11am - 3pm
Set up time: 9am
Tear down time: 3pm

Description of vendors:

Vendors will be a range of artists and crafters. I have reached out to a few food trucks hoping to schedule them for that day as well. There will be food available through the IPIC kitchen.

Anticipated number of Vendors:

15 - 20 outside tents and 10-12 tables in the hall.

Parking and/or traffic pattern:

The main parking would be the front lot of the IPIC. From the flowerbed in the front of the building back to the property line will be blocked off for foot traffic only. There will be additional parking/vendor parking in the back lot. (Permission is pending from Jeff, the property owner/landlord). Please see the attachments for a visual.

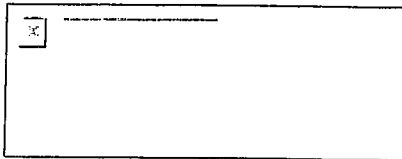
Please note:

I have spoken with Coles Road Brewery owners and they would like to open that day to be an "extension" of the fair. The vendors will be on the IPIC property. Food trucks and beer will be on the adjacent property.

Please feel free to reach out if you have any questions.

Thank you for your time!

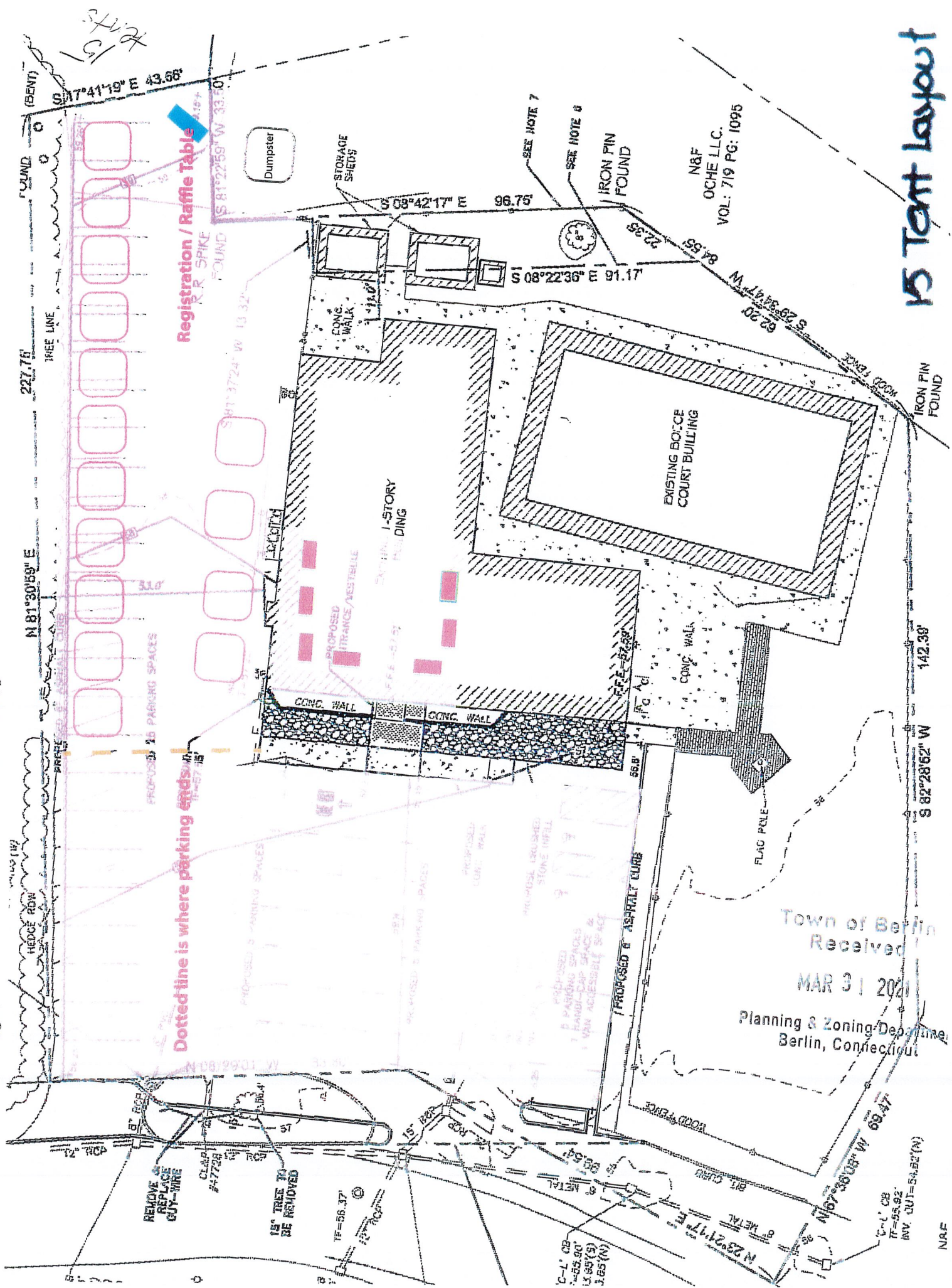
Tracy Contino
802-236-7976



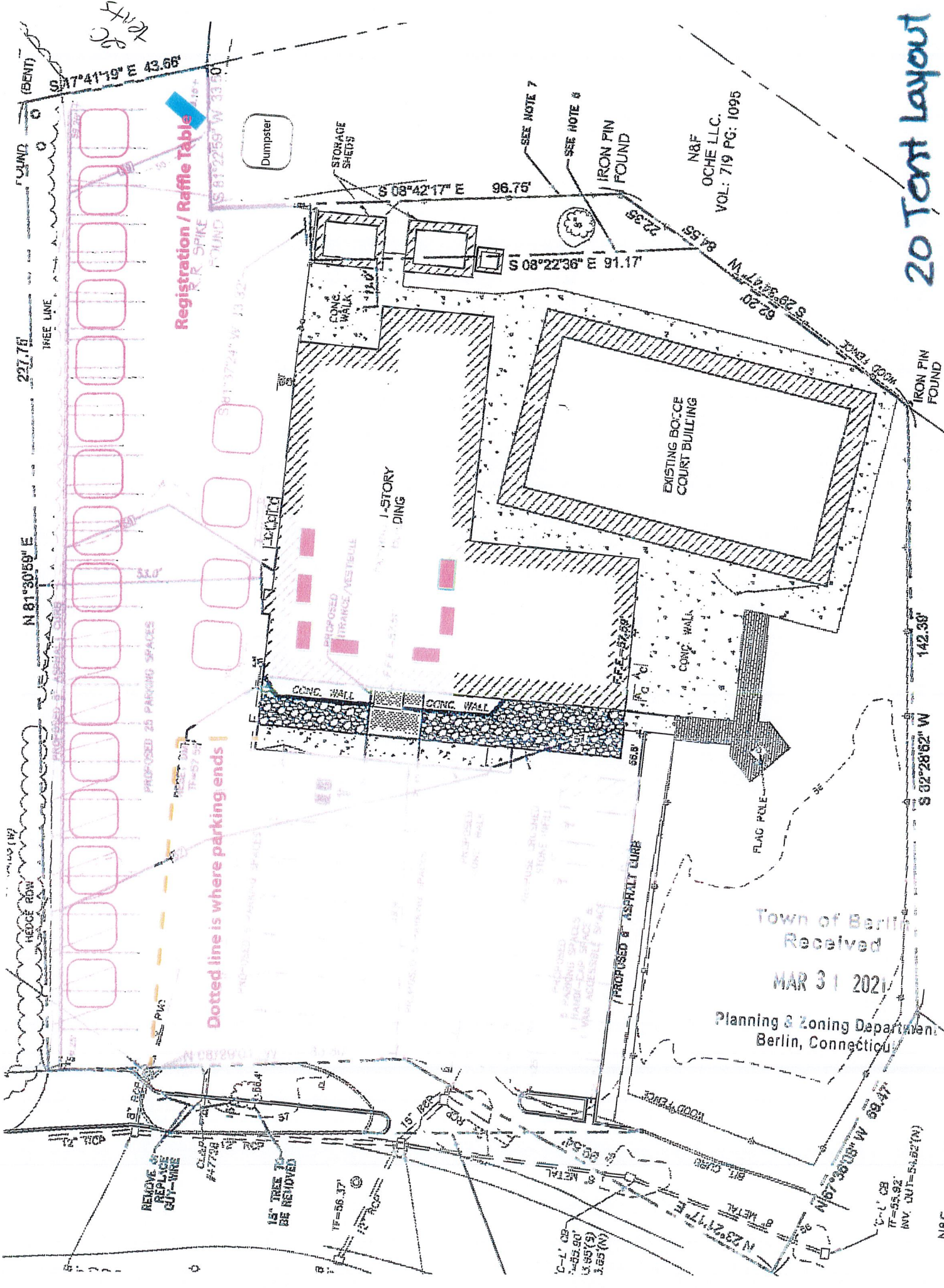
Attachment 1

used to check
inclusions

15 Tent layout



20 Tent Layout



Registration / Raffle Table

Dotted line is where parking ends

Town of Berlin
Received
MAR 31 2021
Planning & Zoning Department
Berlin, Connecticut

N&F

Craft fair back entrance

This area blocked off for foot traffic only

Vendor Tents

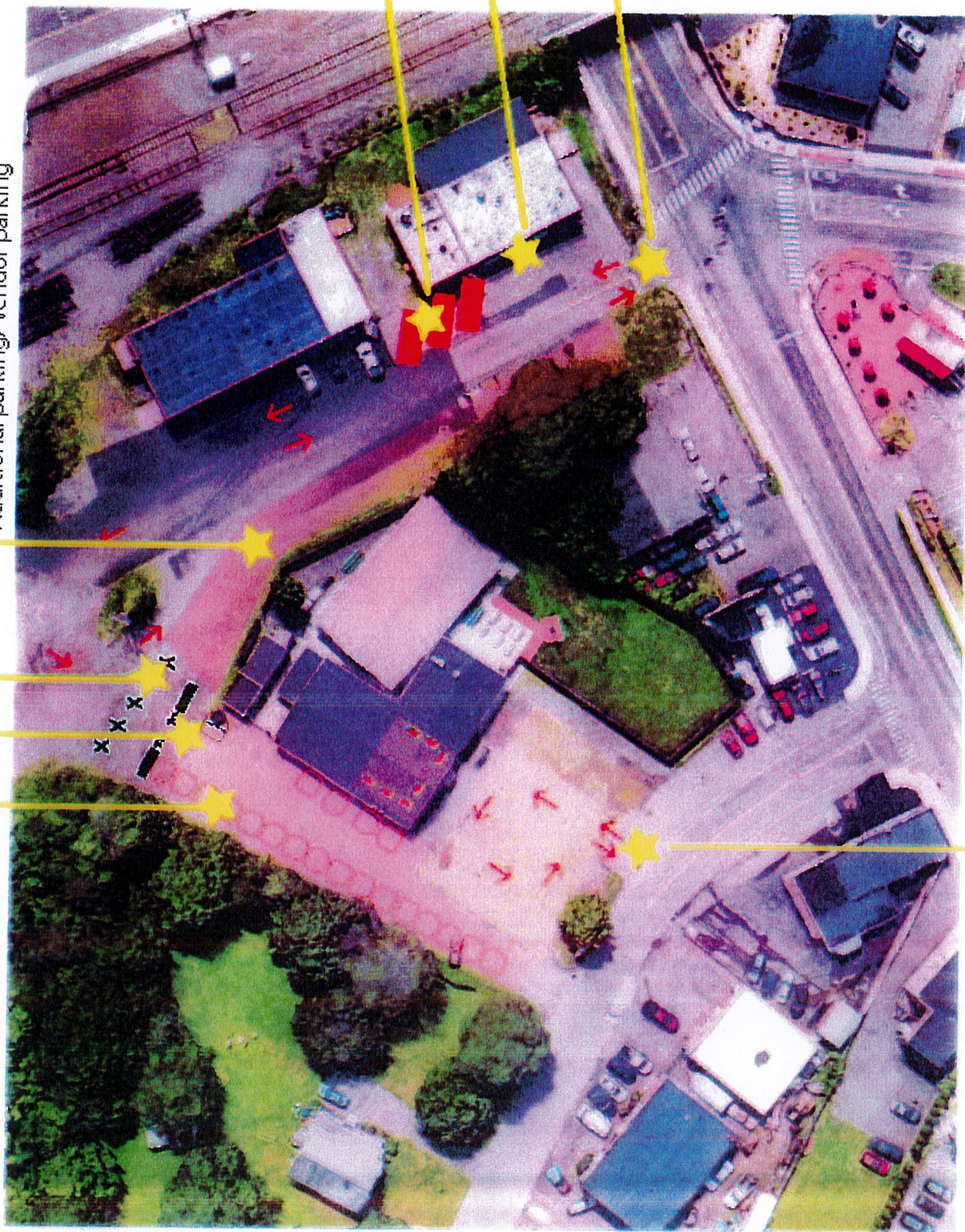
Additional parking/Vendor parking

Prospective Food Trucks

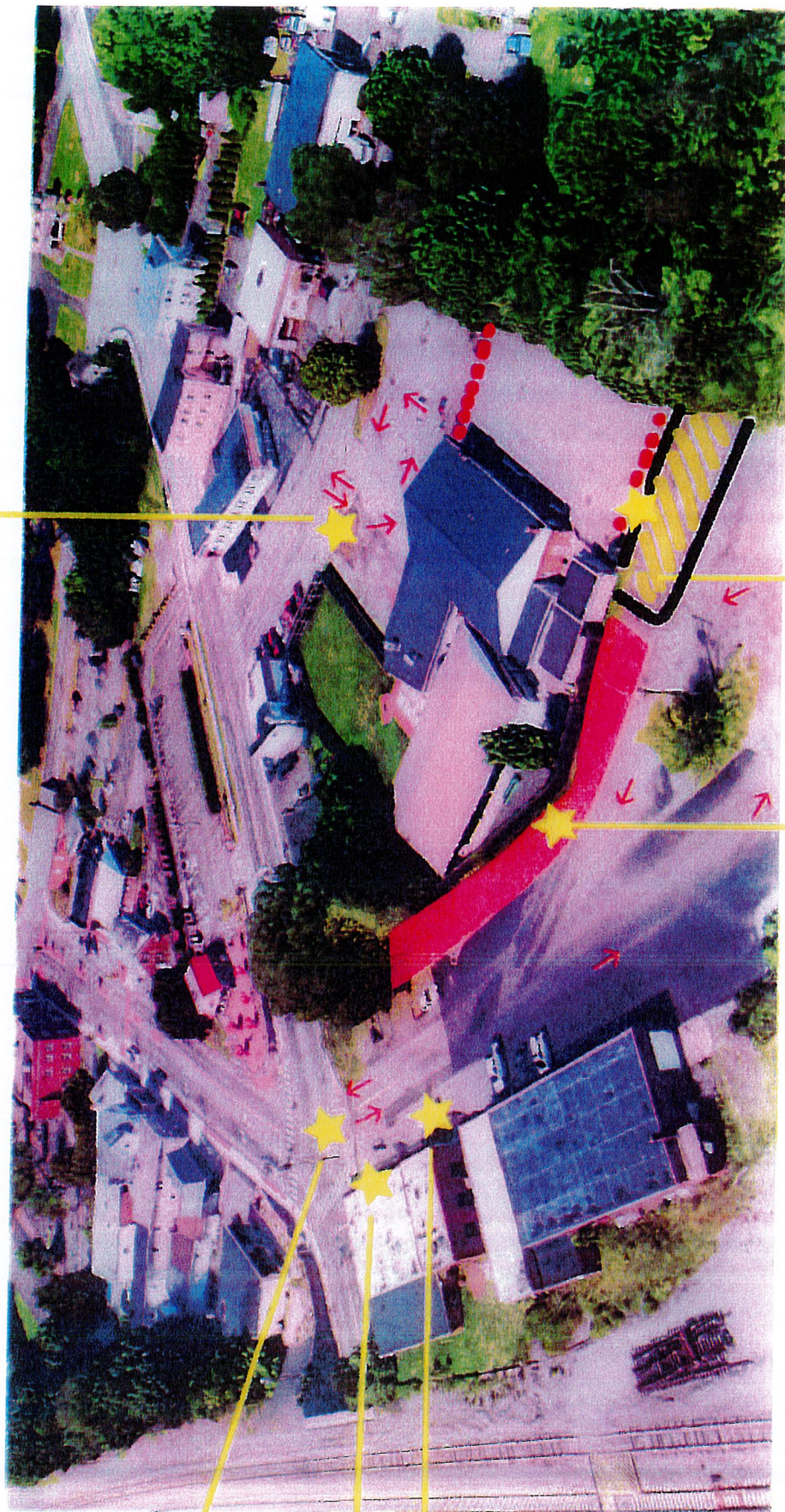
Entrance to Brewery

Entrance to back lot and Brewery

Entrance to IPIG / vendors



Enter/Exit IPIIC



Entrance to
back lot
and Brewery

Entrance to
Brewery
Prospective
Food Trucks

Craft fair back entrance
This area is blocked off
for foot traffic only

Additional parking
/ Vendor parking

Date:

**PLANNING & ZONING DEPARTMENT
PROJECT REVIEW SHEET**

APPLICATION: Special Event
APPLICANT: Italian Political Independent Club
LOCATION: 16 Harding Street
AGENDA: May 20, 2021

Note: If possible, please return the plans with your comments – thank you.

Department/District:

<input type="checkbox"/> Town Planner	<input type="checkbox"/> Building Official
<input type="checkbox"/> Assistant Town Planner/ZEO	<input type="checkbox"/> Berlin Water Control
<input type="checkbox"/> Engineering	<input type="checkbox"/> Health District
<input type="checkbox"/> Kensington Fire District	<input type="checkbox"/> Fire Marshal
<input type="checkbox"/> Worthington Fire District	<input type="checkbox"/> Board of Police Commissioners
<input type="checkbox"/> Board of Education	<input type="checkbox"/> Inland Wetlands
<input type="checkbox"/> Conservation Commission	<input type="checkbox"/> Police Chief

☐ No Comment

☐ Comments:

Signature/Date

Special Event

Kensington Congregational Church

312 Percival Avenue &

185 Sheldon Street

R-15 & R-11 Zones

Festival on the Hill- Lobster Roll & Strawberry Shortcake Event - June 12, 2021



PROPOSAL

Kensington Congregational Church is seeking approval of the 2021 Festival on the Hill- Special Event at the Kensington Congregational Church located at 312 Percival Avenue and 185 Sheldon Street in the R-15 zone.

STAFF COMMENTS

1. The one-day event is scheduled on June 12, 2021 from 11:00 am – 3:00pm. Set-up will begin at 9:00, cleanup is expected to 5:00 pm.
2. No zoning concerns were reported of the annual event in previous years.
3. The applicant should report the status of the Block Party Request Form submitted to Berlin Police Department. The applicant should coordinate with the Police Department to address the specific needs and conditions outlined in the Block Party Request Form, once approved.
4. The applicant has requested a fee waiver which is pending scheduling and approval from the Town Council.
5. Any applicable Covid-19 restrictions for festival activities/gatherings be followed. The applicant should coordinate with the Fire Marshal and CCHD regarding protocols.

EXISTING CONDITIONS

The Kensington Congregational Church owns several parcels in the area. The existing church site is improved with a church hall building, a church sanctuary building, lawn areas, landscaping, walkways, driveways and parking. The daycare and parking area is located at 185 Sheldon Street. Parking is proposed for the existing lots.

ANALYSIS

The layout will be similar to previous years, utilizing Kensington Congregational Church Parcels with activities and parking as indicated on he submitted plan. A stage with seating will be located at the church site.

DEPARTMENT COMMENTS:

Comments are pending



Town of Berlin

Planning and Zoning Department

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

SITE PLAN APPLICATION

☐ Site Plan



SPECIAL EVENT

☐ Site Plan Amendment

Project Name: Festival on the Hill - Lobster Roll and Strawberry Shortcake Festival
Property Owner(s): Kensington Congregational Church (KCC)
Project Address*: 312 Percival Ave.
Map: _____ Block: _____ Lot: _____ Zone(s): _____ Lot Area: _____

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
- ☐ Inland Wetlands and Water Course Commission review needed

Applicant Information

Name: Gwen McCann Firm Name: KCC
Street Address: 90 Crater Lane City: Kensington ST: CT Zip: 06037
Email: kcceducation@kensingtoncong.org Phone: 860.707.0070
Signature: Gwen McCann Date: 4-12-21

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

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

*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.

This Site Plan Involves:

☐ Additions ☐ Alterations ☐ Demolition ☐ New Construction

Description of Project*: Special Event: Food and Music Festival

*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)			
COMMERCIAL			
Gross Floor Area			
Parking Spaces			
INDUSTRIAL			
Gross Floor Area			
Parking Spaces			
RESIDENTIAL			
Number of Units			
Number of Bedrooms			
Gross Floor Area			
Parking Spaces			
OTHER USES			
Gross Floor Area			
Parking Spaces			

To be completed by P&Z staff only:

Fee Paid \$ 60.00 ^{State Fee} (Refer to current Fee Schedule)

Received by: fms & Fee Waiver Requested - \$150.00

Kensington Congregational Church

United Church of Christ

312 Percival Avenue (Route 71)
Kensington, Connecticut 06037-2098

Telephone/Fax: (860) 828-4511



Kensington Congregational Church Community Event Festival on the Hill

In an effort to bring the Berlin community together in a planned summer kick-off event, Kensington Congregational Church is organizing Festival on the Hill, a Lobster Roll & Strawberry Shortcake event to be held on Saturday, June 12, 2021 from 11:00AM – 3PM, rain or shine. The festival will also feature a variety of the area's best local musical talents.

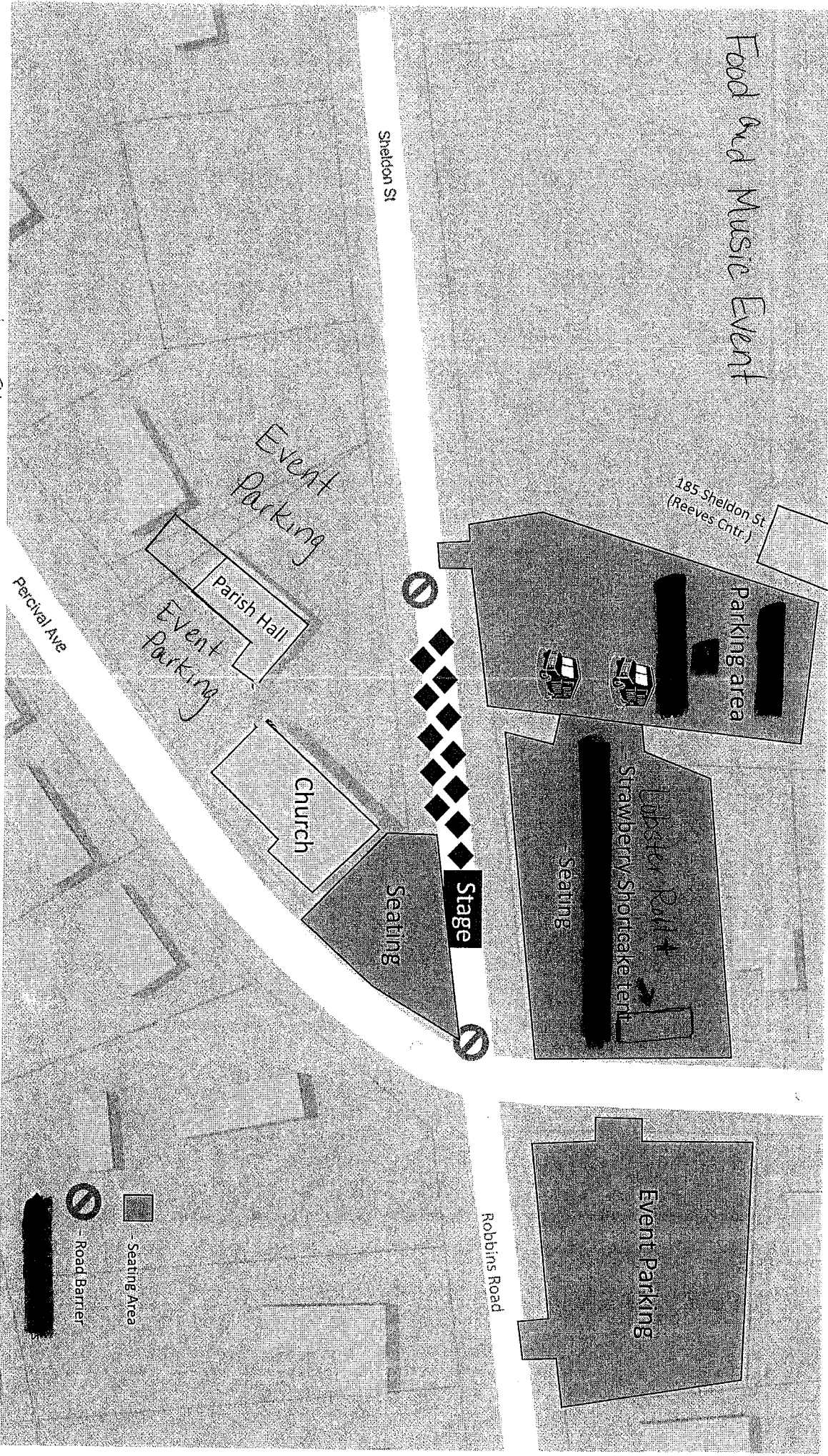
Below is an anticipated time line for planning purposes:

- Set-up – beginning at 9:00AM on Saturday June 12th
- Festival hours – 11:00AM-3:00PM
- Break down – 3:00PM to be completed by 5:00PM

We will be utilizing the church parking lot located at 185 Sheldon St. and the church property located on the corner of Percival Ave. and Sheldon St. for the festival. The church is requesting that Sheldon St. be closed during festival hours from the intersection of Percival Ave. to the entrance of 185 Sheldon Street. A Block Party Request Form has been filed with the Berlin Police Department. Event parking will be available at the church lot located at the corner of Percival Ave. & Robbins Road.

Festival on the Hill layout map
 June 12, 2021 11:00 am - 3:00 pm
 rain or shine

Set-up: 7:00 am - 11:00 am
 Break down: 3:00 pm - 5:00 pm



Parking: 185 Sheldon St.
 312 Percival Ave. (front + rear)
 corner of Percival Ave. + Robbins Rd.

Road Closed (Rink Party Request): Entrance of 185 Sheldon St. to corner of Sheldon + Percival

1

2

3

Festival on the Hill

Proposed Menu 2021

Food

Lobster Rolls

Hot Dogs with condiments

Hamburgers with condiments

Dessert

Homemade Strawberry Shortcake with Fresh Whipped Cream

Brownie Sundae

Drinks

Assorted Bottled Drinks

Kensington Congregational Church
United Church of Christ

312 Percival Avenue (Route 71)
Kensington, Connecticut 06037-2098

Telephone/Fax: (860) 828-4511



Maureen Giusti, Acting Town Planner/Zoning Enforcement Officer
Town of Berlin
240 Kensington Road
Berlin, CT 06037

April 12, 2021

Dear Maureen,

Kensington Congregational Church has an application before the Planning and Zoning Commission to hold Festival on the Hill, a Lobster Roll & Strawberry Shortcake Festival, on the church grounds, 312 Percival Ave., on Saturday, June 12, 2021 from 11:00AM to 3:00PM, rain or shine.

This will be our 7th annual community outreach event of this type. This is a free admission event that features food & music. This year's event will feature Berlin's own musical talent.

A waiver for the town's Special Event fee of \$150 is being requested. Thank you for your consideration of our request.

Sincerely,
Gwen McCann

Director of Christian Faith Formation
Kensington Congregational Church

Site Plan Amendment

Project Name: Berlin Auction Group Storage Shed
Address: 1660 Berlin Turnpike
Zone: BT-1
Applicant: Gary Jacobs
Property Owner: 1660 Berlin Turnpike LLC, Kevin Gaff
Proposal: 12'x20' Storage Shed



PROPOSAL

Gary Jacobs, Berlin Auction Group is seeking site plan amendment approval to install a 12 ft. x 20 ft. prefabricated accessory structure storage shed at 1660 Berlin Turnpike in the BT-1 Zone

STAFF COMMENTS

1. Conditions of use approval remain except as specifically modified by this approval;
2. Any alteration to approved structure and use locations require additional review, including by wetlands agent, public works, health district, and zoning;
3. Outside storage and display are to be limited per the existing use approval.
- 4.

EXISTING CONDITIONS

The property use was previously approved with conditions for the existing retail (antique) shop. There are a number of constraints on the usable area of the property including Wetlands to the rear, location of septic and easements and ROW through the property.

The existing principal building location is nonconforming, located entirely within the required front yard.

ANALYSIS

The applicant has worked with the Zoning Officer and health district to determine a location for the proposed shed that would meet zoning requirements and septic and wetlands separation requirements.

Zoning Officer comments (Attached):

Per conversations w/applicant, shed is to be used for storage of sale items, which should help maintain an orderly site appearance. Location as proposed on plan received 4/13/2021 was coordinated with both zoning and health to avoid locating the shed: *in front/side yards; *in the drainage ROW; * on the existing septic system

Interdepartmental Comments:

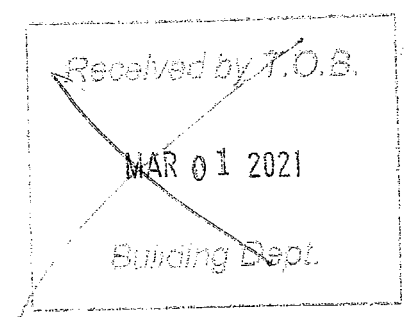
“no comment” was received from Inland Wetlands



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: Add 12' x 20' Kloter Farms Storage Shed
Property Owner(s): Kevin Graff
Project Address*: 1660 Berlin Turnpike (1660-1662)
Map: _____ Block: _____ Lot: _____ Zone(s): _____ Lot Area: _____

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
- ☐ Inland Wetlands and Water Course Commission review needed

Applicant Information

Name: GARY JACOB Firm Name: Berlin Auction Group
Street Address: 233 MAIN ST. City: East Berlin ST: CT Zip: 06023
Email: Rabbitone@Comcast.net Phone: 860-301-9054
Signature: [Signature] Date: 3/1/2021

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

Name: Kevin Graff Principal: Property Owner
Street Address: 50 RED HILL DR. City: Glastonbury ST: CT Zip: 06033
Email: _____ Phone: 860-888-7625

*Letter of Authorization Required

Received

MAR - 4 2021

Planning & Zoning Department
Berlin, Connecticut

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

This Site Plan Involves:

☐ Additions ☐ Alterations ☐ Demolition ☒ New Construction

Description of Project*: Add PORTABLE KLOTZ FARM STORAGE
Shed - North of Existing Building - Detached. Size 12' x 20'
For use as STORAGE FOR Berlin Auction Group AND
TURNPIKE Antiques & VINTAGE - To Enhance Street Appeal
+ Avoid Outside Clutter.

*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)	<u>RETAIL</u>	<u>STORAGE ONLY</u>	
		<u>Shed</u>	
COMMERCIAL			
Gross Floor Area			
Parking Spaces			
INDUSTRIAL			
Gross Floor Area			
Parking Spaces			
RESIDENTIAL			
Number of Units			
Number of Bedrooms			
Gross Floor Area			
Parking Spaces			
OTHER USES			
Gross Floor Area			
Parking Spaces			

To be completed by P&Z staff only: check #2861

Fee Paid \$ 260.- (Refer to current Fee Schedule)

Received by fms

**Town of Berlin
Received**

MAR - 4 2021

**Planning & Zoning Department
Berlin, Connecticut**

TO: Town of Berlin

Date: 3/1/2021 *3/24/21 - Revised*

RE: Erecting a Storage Shed at 1660-1662 Berlin Turnpike, Turnpike Antiques & Vintage

 **FILE COPY**

We are applying for a permit to have a 12' x 20' Storage Shed added to the property at 1660-1662 Berlin Turnpike, home of Turnpike Antiques & Vintage. The property is owned by Kevin Graff, and we at Berlin Auction Group assist in operating the Antiques business. The shed is a Klotter Farms shed, and I've attached a photo of what the shed would look like. It's pre-constructed by Klotter Farms, and dropped on a crushed stone base.

The attached Site Map shows the shed as a black box where the shed would be positioned... basically it would be 20 feet behind the existing building, extending 20 ft. from that point, positioned facing northward aligned with the side of the building (shown in black square on the map). It would be utilized for storage only. There would be no access to the interior of the shop itself, only outside access for our drive-up storage needs.

As it is now, we've been storing items off-site and that option will no longer be available to us. The proposed storage building is attractive, and would not only be an upgrade to the property, but would also provide a nice street presence. We would continue to offer items we sell outside behind the existing fence, and make every effort to provide a clean and orderly look to the street. The building itself would be for storage only, not used as a selling space.

Berlin Auction Group also runs bi-weekly estate auctions at the American Legion facility in town and would utilize the storage shed for their storage needs as well.

Berlin Auction Group, LLC

P.O. Box 213, East Berlin, CT. 06023

PH: 860-301-9054 - Gary Jacobs & Jeph Perzan - Partners, Co-Owners & Berlin Residents

**Town of Berlin
Received**

MAR 25 2021

**Planning & Zoning Department
Berlin, Connecticut**

April 8, 2021

Updated April 9, 2021 (Board of Police Commissioners)

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

APPLICATION: Site Plan Amendment - Shed

APPLICANT: Gary Jacobs – Berlin Auction Group

LOCATION: 1660-1662 Berlin Turnpike

AGENDA: May 6, 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

Fire Marshal

No comment

Berlin Water Control

No comment

Engineering

No comment

Police Chief

No comment

Board of Police Commissioners

No comment

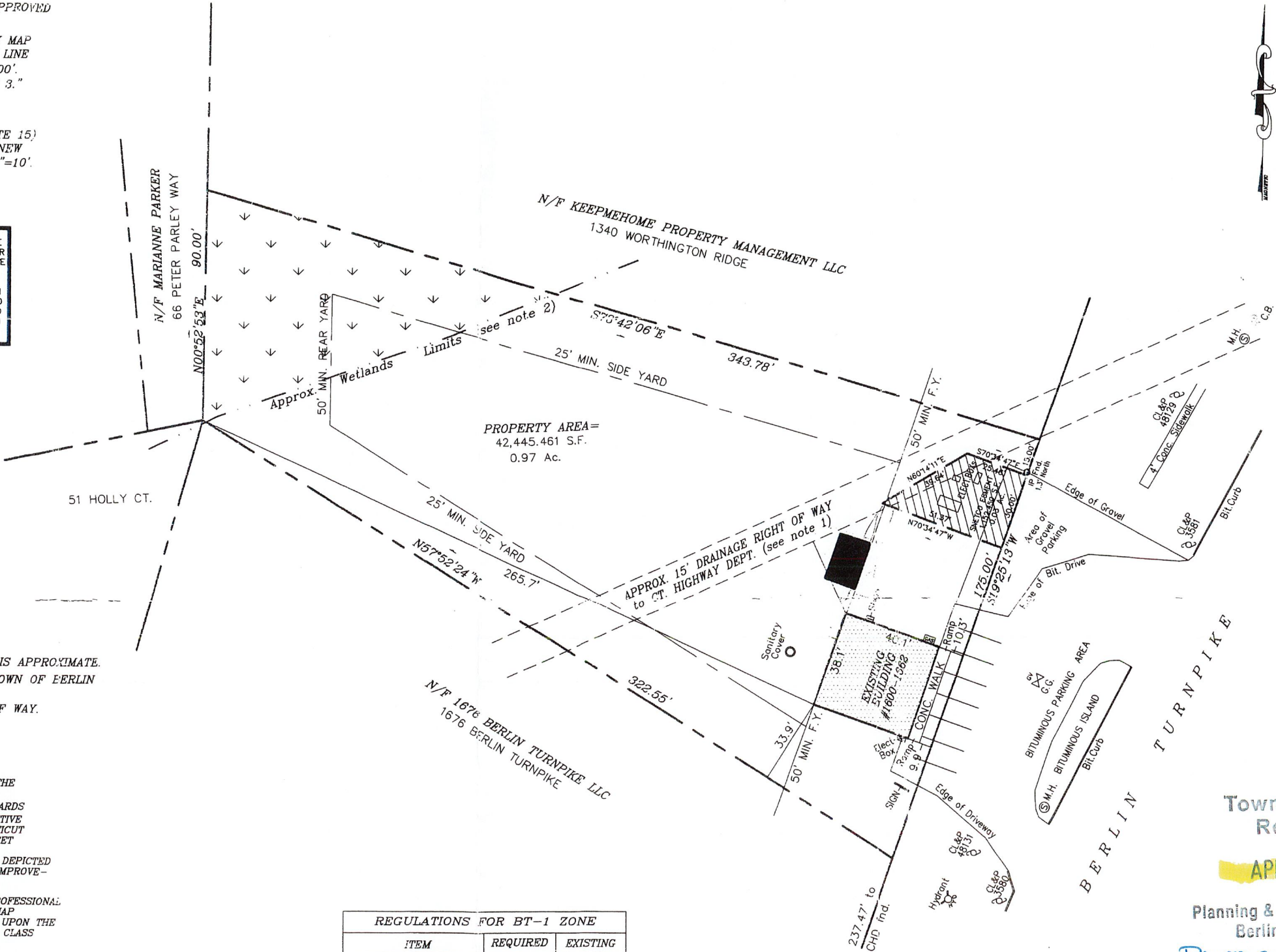
Emailed to Applicant: April 8, 2021

MAP REFERENCES:

- 1) "CONNECTICUT STATE HIGHWAY DEPARTMENT RIGHT OF WAY MAP TOWN OF BERLIN BY-PASS FROM WORTHINGTON RIDGE NORTHERLY TO WORTHINGTON RIDGE. SCALE 1"=100'. APPROVED DATE 4-60. NUMBER 7-07. SHEET No. 1 of 3."
- 2) "CONNECTICUT STATE HIGHWAY DEPARTMENT RIGHT OF WAY MAP TOWN OF BERLIN. BERLIN TURNPIKE FROM MERIDEN TOWN LINE NORTHERLY TO WORTHINGTON RIDGE ROAD. SCALE 1"=100'. APPROVED DATE 4-60. NUMBER 7-09. SHEET No. 3 of 3."
- 3) "SUBDIVISION MAP PROPERTY OF BERTHA WOJCIELEWICZ BERLIN, CONNECTICUT. SCALE 1"=40'. DEC., 1963."
- 4) "EASEMENT MAP OF 1660 WILBUR CROSS HIGHWAY (ROUTE 15) BERLIN, CONNECTICUT. PREPARED FOR THE SOUTHERN NEW ENGLAND TELEPHONE CO. NOVEMBER 17, 1998. SCALE 1"=10'. REVISED 7/11/99."

INDICATED UNDERGROUND UTILITIES ARE BASED ON AVAILABLE DATA. THE LOCATIONS ARE APPROXIMATE AND ALL UTILITIES MAY NOT BE SHOWN. PRIOR TO CONSTRUCTION, CONTRACTOR SHALL CALL 1-800-922-4455 AND HAVE ALL UTILITIES MARKED.

THIS DRAWING HAS BEEN PREPARED BASED, IN PART, ON INFORMATION PROVIDED BY OTHERS RELATING TO THE LOCATION OF UNDERGROUND SERVICES. WE CANNOT VERIFY THE ACCURACY OF THIS INFORMATION AND SHALL NOT BE HELD RESPONSIBLE FOR ANY ERRORS OR OMISSIONS, WHICH MAY BE INCORPORATED HEREIN AS A RESULT.



SURVEY NOTES:

- 1) THE LOCATION OF THE 15' DRAINAGE RIGHT OF WAY IS APPROXIMATE.
- 2) WETLAND LIMITS SHOWN ARE APPROXIMATE AS PER TOWN OF BERLIN WETLANDS MAP.
- 3) PARKING SHOWN IN STATE OF CONNECTICUT RIGHT OF WAY.

CERTIFICATION:

- 1) THIS MAP AND SURVEY WERE PREPARED IN ACCORDANCE WITH THE REGULATIONS OF CONNECTICUT STATE AGENCIES, SECTIONS 20-300B-1 THRU 20-300B-20, AND THE RECOMMENDED STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT EFFECTIVE SEPTEMBER 26, 1996 PREPARED AND ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. PURSUANT TO AND AS SET FORTH THESE STANDARDS: THE TYPE OF SURVEY PERFORMED AND THE MAPPED FEATURES DEPICTED HEREON ARE IN ACCORDANCE WITH THE REQUIREMENTS OF AN IMPROVEMENT LOCATION SURVEY
- PROPERTY LINES, AS THEY ARE DEPICTED HEREON, PRESENT PROFESSIONAL OPINIONS THAT PERTAIN TO A "DEPENDENT RESURVEY". THIS MAP PRESENTS THE RESULTS OF MEASUREMENTS WHICH WERE MADE UPON THE GROUND IN ACCORDANCE WITH THE ACCURACY STANDARDS OF A CLASS A-2 SURVEY.
- 2) THIS MAP AND SURVEY WERE PREPARED FOR SHERYL A. MATARAZZO TO BE USED IN MATTERS THAT RELATE TO EXISTING CONDITIONS. USE OF THIS MAP FOR OTHER PURPOSES OR BY OTHER PARTIES IS NOT AUTHORIZED OR VALID.
- 3) NO DECLARATION IS EXPRESSED OR IMPLIED BY THIS MAP OR COPIES THEREOF UNLESS IT BEARS THE IMPRESSION TYPE SEAL AND ORIGINAL LIVE SEAL AND ORIGINAL LIVE SIGNATURE OF THE SURVEYOR WHOSE NAME AND REGISTRATION NUMBER APPEAR BELOW. ANY CHANGES MADE TO THIS PLAN WITHOUT THE KNOWLEDGE OF THE SIGNERS INVALIDATES THESE DECLARATIONS.

TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

PETER D. FLYNN CT.L.L.S. #8792 DATE 10-18-16
KENNETH R. CYR CT.L.L.S. #10116
NOT VALID UNLESS ORIGINAL SIGNATURE, LIVE STAMP, & RAISED SEAL ARE AFFIXED.

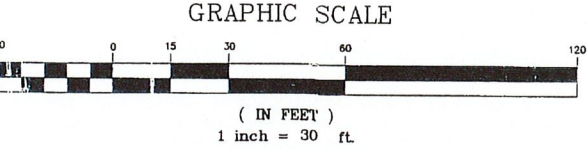
FLYNN & CYR LAND SURVEYING, LLC
1204 FARMINGTON AVE. 860-828-7886
BERLIN, CONNECTICUT 06037



REGULATIONS FOR BT-1 ZONE		
ITEM	REQUIRED	EXISTING
MIN. LOT AREA	2 AC.	*0.97 AC.
MIN. LOT WIDTH	175'	175.0'
MIN. FRONT YARD	50'	*9.9'
MIN. SIDE YARD	25'	33.9'
MIN. REAR YARD	50'	265.7'
MAX. BLDG. HEIGHT	35'	15'
MAX. BLDG. COVERAGE	25%	4%
MAX. IMPER. COVERAGE	80%	6%
MAX. FLOOR AREA RATIO	0.50	0.04
MIN. PARKING SETBACKS (SIDE YARD)	10'	28'
WHEN ABUTTING A RESIDENTIAL DISTRICT	50'	N/A

*Pre-existing Non-conforming condition

IMPROVEMENT LOCATION SURVEY
PREPARED FOR
SHERYL A. MATARAZZO
#1660-1662 BERLIN TURNPIKE
BERLIN, CONNECTICUT
SCALE 1"=30' OCT. 18, 2016



Town of Berlin
Received

APR 13 2021

Planning & Zoning Department
Berlin, Connecticut

Revised Location

Date: April 14, 2021

PLANNING & ZONING DEPARTMENT
PROJECT REVIEW SHEET

APPLICATION: **REVISED** - Site Plan Amendment - Shed

APPLICANT: Gary Jacobs – Berlin Auction Group

LOCATION: 1660-1662 Berlin Turnpike

AGENDA: May 20, 2021

Note: If possible, please return the plans with your comments – thank you.

Department/District:

☐ Town Planner
☐ Assistant Town Planner/ZEO
☐ Engineering
☐ Kensington Fire District
☐ Worthington Fire District
☐ Board of Education
☐ Conservation Commission

☐ Building Official
☐ Berlin Water Control
☐ Health District
☐ Fire Marshal
☐ Board of Police Commissioners
☐ Inland Wetlands
☐ Police Chief

☐ No Comment

Zoning Officer

☒ Comments: Per conversations w/applicant, shed is to be used for storage of sale items, which should help to maintain an orderly site appearance.

AB 5/11/21

Signature/Date

Location as proposed on plan received 4/13/21 was coordinated with both zoning and health to avoid locating the shed:

- In the front/side yards
- In the drainage right of way
- On the existing septic system

March 31, 2021

PLANNING & ZONING DEPARTMENT
PROJECT REVIEW SHEET

APPLICATION: Site Plan Amendment - Shed
APPLICANT: Gary Jacobs – Berlin Auction Group
LOCATION: 1660-1662 Berlin Turnpike
PUBLIC HEARING: May 6, 2021

re-send

Department/District:

☐ Town Planner
☐ Assistant Town Planner/ZEO
☐ Engineering
☐ Kensington Fire District
☐ Worthington Fire District
☐ Board of Education
☐ Conservation Commission

☐ Building Official
☐ Berlin Water Control
☐ Health District
☐ Fire Marshal
☐ Board of Police Commissioners
☒ Inland Wetlands
☐ Police Chief

☒ No Comment

☐ Comments:

JPA 4/13/21
Signature/Date

revised plan
submitted
April 13, 2021



Keith Chapman
Town Manager

TOWN OF NEWINGTON

200 Garfield Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Renata Bertotti, AICP
Town Planner

CERTIFIED MAIL: 9314 8699 0430 0082 1562 17

May 3, 2021

Kate Wall
Town Clerk
240 Kensington Rd.
Berlin, CT 06037

Dear Ms. Wall:

Re: Petition #29-21, Zoning Text Amendment to allow Drive-Through Restaurants in the PD Zone (Sec. 3.19 and 9.2), Gibbs Oil Company, Applicant.

This letter is to inform you of our receipt of the above-referenced petition for a Zoning Text Amendment in the PD Zone located within 500' of the Town of Berlin, in accordance with Sec. 8-7d(f) of the Connecticut General Statutes.

This matter is scheduled for a public hearing, June 9, 2021 at 7 p.m.

This meeting may be presented as a Zoom Webinar/Meeting, an in-person meeting, or a combination thereof. Information on how to attend a Zoom Webinar/Meeting will be posted on the Town website at <https://www.newingtonct.gov/virtualmeetingschedule>

A copy of the application and proposed regulation changes are attached.

Yours truly,

Renata Bertotti, AICP
Town Planner

Town of Berlin
Received

MAY 11 2021

Planning & Zoning Department
Berlin, Connecticut

2021 MAY 11 PM 12:13
Kate Wall



Petition # 29-21

**TOWN OF NEWINGTON
TOWN PLAN AND ZONING COMMISSION**

APPLICATION FORM

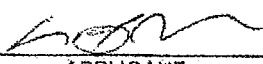
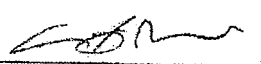
LOCATION: N/A ZONE: N/A
APPLICANT: Gibbs Oil Company TELEPHONE: (800) 352-3558
ADDRESS: 129 Willard Avenue, Newington, CT 06111 EMAIL: abelandcatamountmanagement.com
CONTACT PERSON: Kenneth R. Slater, Jr., Esq. TELEPHONE: (860) 297-4662
ADDRESS: Halloran Sage LLP, 225 Asylum Street, Hartford, CT 06103 EMAIL: slater@halloransage.com
OWNER OF RECORD: See attached list

THIS APPLICATION IS FOR (CHECK ONE OF THE FOLLOWING):

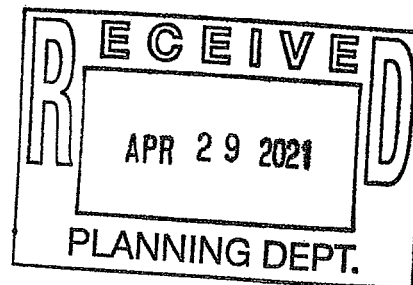
- ☐ Zoning Map Change from the _____ Zone to the _____ Zone (Public Hearing required).
- ☒ Zoning Text Amendment to Section 3.19 and 9.2. *A copy of the proposed amendment and the reason for amendment is attached* (Public Hearing required).
- ☐ Subdivision (4 sets of plans 24" x 36", and 10 sets of plans 12" x 18").
- ☐ Resubdivision (Public Hearing required). (4 sets of plans 24" x 36", and 10 sets of plans 11" x 17").
- ☐ Special Permit per Section _____ of the Zoning Regulations. *Explanation of the proposed activity is attached* (Public Hearing required).
- ☐ Site Plan Approval or Site Plan Modification (4 sets of plans 24" x 36", and 10 sets of plans 11" x 17").
- ☐ Other (describe in detail, or attach): _____

SIGNATURE:

"I hereby consent to site inspections before, during and after construction to verify proper functioning of the erosion and sediment controls and of the stormwater management design."

	<u>4/27/21</u>		<u>4/27/21</u>
APPLICANT	DATE	PROPERTY OWNER	DATE

COMPLETE APPLICATIONS SUBMITTED NOT LESS THAN 14 DAYS BEFORE THE NEXT TPZ MEETING MAY BE PUT ON THE AGENDA. A COMPLETE APPLICATION CONSISTS OF: THE APPLICATION FEE; SITE PLANS (IF APPROPRIATE); STORMWATER MANAGEMENT ANALYSIS (FOR SITE PLANS); NARRATIVE EXPLANATION (FOR SPECIAL PERMITS).



**STATEMENT OF PURPOSE – TEXT AMENDMENT TO SECTION 3.19.1
OF THE ZONING REGULATIONS**

As with other section of the Newington Regulations, the current PD regulations allow certain uses by right and by special permit by incorporating uses authorized in other zones. Gibbs Oil, after consulting with municipal staff prior to the pandemic, filed an application to change the zone of its 129 Willard Avenue property and nearby properties to the PD zone in order to enable a substantial upgrade of its existing Phillips 66 gasoline filling station, including the addition of a Dunkin' drive-through restaurant in the upgraded facility, because drive-through restaurants are allowed by special permit in the BT (Berlin Turnpike Zone) and the special permit uses in the BT zone are incorporated by reference in the PD zone. While Gibbs Oil was preparing to file its special permit application after hearing universal support from the public for the upgrade including the Dunkin' Donuts in the context of the zone change regulation, its engineer determined that some of the rigid standards tailored specifically to the Berlin Turnpike zone would preclude approval of the upgraded facility, such as certain distancing requirements between the drive-in and residential properties. By including a drive-through restaurant as a special permitted use in the PD zone rather than merely incorporating the BT requirements, the Commission will have the discretion in the special permit process to ensure that all of the necessary considerations and protections are included on a case-by-case basis for this use, taking in account the specific neighborhood and the specific plan for the site. It provides flexibility to the Commission to approve those facilities that make sense in the PD zone, which includes many different and unique neighborhoods, in contrast to the Berlin Turnpike that has similar characteristics throughout the BT zone.

Section 3.19 Special Permits Allowed in PD Planned Development Zones

The following uses are declared to possess such special characteristics that each must be considered a special permit. They may be permitted by the Commission subject to the following conditions and the provisions of Sections 5.2 and 5.3. All such uses shall be located within a building or structure or accessory to a permitted principal use. (Effective 12-01-01)

3.19.1 Those special permits as permitted in Section 3.15 may be permitted in this zone.

3.19.2 Residential building may be permitted subject to the following conditions.

A. Permitted Uses

1. Residential buildings and their necessary accessory facilities.
2. Retail, office or service uses on the first floor only of such buildings.

B. Conditions

This use and its permitted density and height is declared to meet a community need and to be compatible with its environment, provided that the Commission finds that all of the following conditions and standards have been met.

1. Location

No site location shall be approved unless it has direct access to the Berlin Turnpike or to a public street which directly connects to the Berlin Turnpike.

2. Site Area

The minimum site area shall not be less than 5 acres and the site shall contain at least 4500 square feet of site area for each dwelling unit. The computation of total number of dwelling units permitted on a site will be based on the usable area of the site. When, in the opinion of the Commission, geologic or topographic conditions, slopes in excess of fifteen (15) percent gradient, inland wetlands and flood hazard areas render any portion of the site unsuitable for development, such portion of the site will not be used in computing the total number of dwelling units allowable. Such land may be used as required open space. The total ground floor area of all buildings shall not exceed 25 percent of the site area. (Effective 8-15-07)

3. Recreation Area

Suitable common open space for the recreation of children and adults shall be provided and screened from driveways, streets and parking access. At least 200 square feet of such space shall be required per dwelling unit.

4. Height of Buildings

No principal building shall exceed a height of 4 stories or have less than 2 stories, and no accessory building shall exceed a height of 15 feet. (Effective 12-01-01)

5. Spacing of Buildings

Buildings shall be so located and arranged as to permit full access to the sun.

6. Dwelling Units

The basement shall not be occupied as living quarters.

7. Parking Space

In addition to the requirements of Section 6.1, no garage or parking space shall be nearer than 35 feet from any street right of way. Parking under a building is permitted.

8. Fire Protection

a) Standpipes for fire protection with hoses on each floor shall be provided sized in accordance with standards of the National Fire Protection Association in all buildings three or more stories in height and more than 10,000 square feet per floor.

b) Automatic sprinklers shall be provided in stairwells, corridors, and basements for all buildings four or more stories in height.

3.19.3 In addition to the provisions of Section 5.2 and 5.3 applicants for retail developments in excess of 40,000 square feet of gross floor area shall submit a traffic impact report which addresses the following:

A. Traffic impact analysis containing present roadway conditions, existing and projected traffic volumes (ADT, A.M. and P.M. Peaks), existing volume capacity ratios, existing and projected levels of services, site generated traffic and distribution and accident experience. Impacts on streets that maybe affected by the proposed developments shall be identified and proposed mitigation measures presented for Commission consideration.

3.19.4 Fueling Stations located within, or on property adjacent to a Shopping Center and subject

- A. Shopping Center shall have a principal building containing a Supermarket Grocery Store occupying not less than sixty thousand (60,000) square feet as its Principal Tenant.
- B. The Fueling Station must be on the Shopping Center Premises or it must be on property that abuts and is adjacent to the Shopping Center.
- C. Principal Tenant must be the beneficiary of the Special Permit.
- D. Any Special Permit shall be subject to all of the provisions of Section 5.2 of these Regulations.
- E. The Fueling Station shall be serviced by a building containing not more than two hundred (200) square feet.
- F. The sale of products shall be limited to gasoline, diesel fuel, fuel oil in enclosed containers, antifreeze, natural gas for use in an internal combustion engine, electricity used to power motor vehicles and compressed air for filling tires.
- G. No other products may be sold on the premises other than as may be sold through vending machines which shall be located inside the building.
- H. There shall be no repairs or vehicle maintenance performed on the premises.
- I. The location of the Fueling Station shall be subject to receipt of a Certificate of Approval in accordance with Section 6.11 excluding the provisions of Sections 6.11.6 and 6.11.8.
- J. No outside storage of any motor vehicles shall be permitted.
- K. There shall be no outdoor display of merchandise, except that motor oil and other fluids for motor vehicles may be displayed on racks, designed therefore, immediately adjacent to the building.
- L. Storage tanks for gasoline and other motor vehicle fuels shall be located underground in compliance with pertinent state and local codes and regulations.
- M. There shall be no storage and or dumping of waste materials.
- N. There shall be no sleeping quarters in the building.
- O. The sign provisions of Section 6.2 shall apply.
- P. There shall be no direct ingress or egress from or to any street or highway from the Fueling Station location. All ingress and egress shall be from within the shopping center over internal drives established for that purpose.
- Q. The architectural style and design of the Fueling Station building (including but not limited to the canopy over the pumps) shall be approved by the Commission and shall be compatible with the architectural style and design of the primary buildings of the Shopping Center of which it is to be a part.

- R. In addition to the standards required pursuant to Section 5.2.6, the Commission shall also consider: whether the Fueling Station will increase competition and improve the pricing of fuel to consumers; whether it will have a favorable impact on local street traffic flow by virtue of its internal location; whether the fact that most of the customers will already be entering and exiting the roadway for other purchases at other retail units within the Shopping Center and not generating additional traffic; and whether there is a traffic signal at the intersection of the internal drive and the adjoining street to regulate traffic from the use. (Effective 3-4-14)

3.19.5 Drive Through Restaurants by special permit subject to the requirements and standards set forth in Section 5.2 and Section 5.3.

Section 9.2 Definitions

RESTAURANT (INCLUDING CAFE AND ANY OTHER SIMILAR TYPE OF BUSINESS): A commercial structure where food is prepared and/or served for consumption within the building.

RESTAURANT- DRIVE THROUGH : A drive through restaurant is a commercial structure where food is prepared and which by design, physical facilities, and service permits customers to receive food and beverages while remaining in their motor vehicles. A drive through restaurant may but is not required to serve food for consumption within the building.