

## Site Plan & Special Permit – Summary for Decision and Proposed Draft Motion

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<b>Application:</b>	Site Plan and Special Permit
<b>Project Name:</b>	BT 2008 LLC – BTD Mixed Use Development –
<b>Address:</b>	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)
<b>Zone:</b>	BTD (BT-1)
<b>Applicant:</b>	Peter D’Addeo, BT 2008 LLC,
<b>Owner:</b>	BT 2008 LLC
<b>Proposal:</b>	Mixed Use Development – 4 Phases (1-gasoline filling station and commercial; 2-multi-unit residential rental buildings; 3-commercial building with drive-through; and, 4-hotel)

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### APPLICATION

Special Permit/Site Plan Applications of BT2008, LLC for construction of a phased mixed-use development with related site improvements 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).

### STATUS

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

A related Zoning Map Amendment Application to for rezoning the properties to the BTD (overlay of BT-1) was approved April 15, 2021.

At the April 15, 2021 meeting, the Commission directed staff to draft a proposed motion for approval of the applications.

Must Decide: June 19, 2021 (plus available Statutory and Executive Order’s extension time).

### SUMMARY

The Commission determined that third party review was appropriate as allowed for technical and legal assistance on application. Goman & York, Planning and Design and WMC, Consulting Engineers conducted technical review and analysis, provided written reports of their findings and provided guidance to the Commission throughout the public hearing process. The applicant made and presented modifications to the plan as a result of feedback and analysis by the consultants, town staff and the Commission.

The following documents/correspondence are referenced in the motion:

- Attachment A – Plan List - applicant provided list of drawings and plans as modified;
- Attachment B - Goman & York, Planning and Design Third Party Application Review, Prepared by Donald J. Poland, PhD, AICP, Dated February 1, 2021 revised to February 17, 2021; and,
- Attachment C - Donald J. Poland PhD, AICP, letter RE; Applicant Proposed Housing Affordability Plan dated March 15, 2021; and

- Attachment D - WMC Consulting Engineers, letter Dated February 16, 2021, Re: Zoning Change, Site Plan and Special Permit Application Review, 404 Berlin Turnpike, WMC Project No. 21010.10

Reminder that links to the file documents and presentation materials, minutes and the video testimony of the public hearings are available on the Commission page on the Town's Website should you want to review any of the discussion. PZC page:

<https://www.town.berlin.ct.us/departments/board.php?structureid=54>

Please let Adam or I know if you need copies of any of the previously distributed materials or have trouble accessing the online materials.

The proposed motion is intended to lay out the conditions and outstanding items to be resolved. Note: The facts of the proposal are not reiterated in the motion but are in the record and after the decision would be listed (as "whereas" clauses) within the decision letter.

#### **COMMISSION TASKS**

The Commission should review and consider if the items included in the proposed motion in part or whole reflect the desired decision. As such the Commission should determine if modifications to the draft motion are appropriate, including adding, deleting or modifying any of the proposed findings or conditions.

Please note staff continues to review record and may provide updated wording before the Commission makes its decision.

#### **PROPOSED ACTION**

Motion to approve the site plan and special permit applications of BT 2008 LLC for construction of a phased mixed-use development in accordance with the Berlin Turnpike Development (BTD) Zone Regulations at properties identified as 404 and 0 Berlin Turnpike (Map Lot Block: 10-2-83-12-7333; 7334, 13A, 13C-7509, and 13C-7510) and as modified and shown on submitted plan set inventoried in attachment "A", and with the following findings and conditions:

1. The Commission acknowledges that there is a conflict in the wording of the Regulations as it relates to minimum lot size within a BTD development and concurs with guidance given by the consultant, Dr. Poland of Goman & York through the public hearings. Therefore, finds that minimum lot size reflective of the intent of the Regulations is appropriate and individual lots when together assembled to the BTD minimum area of 10 acres on a unified plan may remain individually at a minimum of 2 acres as allowed in the underlying BT-1 Zone in order to facilitate the purpose of the zone including promoting an economically viable mix of commercial and residential uses and the opportunity to provide and dedicate open spaces and public amenities;
2. State approval of the development site including review of the traffic study, encroachment permitting with authorization of curb cuts and signalized intersection as proposed is required prior to permitting. Any modifications are to be submitted for staff review and determination if Commission review is required;

3. Any site disturbance and improvement installation, including signage, within the State Rights-of-way be authorized by the appropriate State agency/agencies with any revisions, including those as a result of State review, be submitted for Town review;
4. Language be submitted for town review and approval and filed on the Berlin Land Records prior to conveyance or occupancy of any portion of the development except as otherwise noted including easements for:
  - a. New or modified easement agreements be executed to secure access to and around the Town sanitary sewer pump station are to be coordinated with the Director of Public Works, ~~and~~ Water Control, and Corporation Counsel prior to phases 2 through 4;
  - b. Language be developed to the satisfaction of staff, to advise potential occupants and owners of the development of intermittent odors resulting from the sewer pump station;
  - c. Public access to and parking for dedicated public space areas including the proposed public walking trails be noted on the approved, filed site plan with binding language filed in the deed or other documents to the satisfaction of the Town, prior to any conveyance of affected land;
  - d. Access and parking between parcels within the unified site plan area.
  - e. Any other easement agreements required to secure the presented and approved interrelationship between parcels as included on the unified approval.
- ~~e.5.~~ Acknowledging that Phase 1 construction is otherwise proposed and consistent with commercial BT-1 uses and has obtained location approval for the gas station use from the Zoning Board of Appeals and therefore conditions in #4 above are not intended to inhibit application for associated construction permitting including required approvals from State agencies associated with Phase 1 construction and use. However, no activity or construction shall be permitted within the Town property without Water Control authorization and otherwise applicable construction site and utility permitting.
- ~~5.6.~~ The approved unified site plan, with all updates per the approval, applicable notes and conditions and easements be filed on the Land Records;
- ~~6.7.~~ Any plans pending revision as a result of Commission direction, including architectural and landscape plans, be submitted for staff review and the record prior to permit application;
- ~~7.8.~~ Any maps, documents and related deeds filed on the Land Records reflect the approved affordable housing provisions for 20% of the dwelling units meeting affordability requirements;
- ~~8.9.~~ Affordable housing unit restrictions be filed on the land records. The final Affordability Plan and related documents be submitted for staff and legal review including to ensure that dedicated units will meet State criteria for affordable units;
- ~~9.10.~~ A third party be contracted as Administrator of affordable units including review of income qualifications and yearly reporting services;
- ~~10.11.~~ The Commission finds that the shared parking provided meets or exceeds that required for the proposed size and mix of uses proposed on the unified development plan and that each use as proposed has reasonable access to adequate shared parking;
- ~~11.12.~~ Conservation land reservation as presented be offered for conveyance to the Town; if not accepted by the Town, the land shall be offered to the Berlin Land Trust. Regardless of ownership, conservation area limits be noted on plans and related restrictive documents and instruments are to be filed on the Land Records. Restrictive documents are to be submitted for

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Town review prior to filing. The Commission notes the area is adjacent to other town lands and has connectivity potential to other open space areas and adjacent developments;

- [12-13.](#) Passive recreation open space shown to be retained by the development be committed for public access, improved with walking trails and the installation of fitness stations be explored as a public amenity;
- [13-14.](#) This approval allows for Phased construction of the development as proposed. The Commission recognizes that the market conditions may change as the phases are constructed which may result in modifications to the uses, such modifications would be required to come before the Commission;
- [14-15.](#) The applicant is to return to the Commission for final approval of the 4<sup>th</sup>, hotel phase construction and related site improvements or any modifications thereto. Other changes to the approved unified plan will require Commission review as determined by staff;
- [15-16.](#) Demolition permitting is required for existing structures in accordance with all applicable codes;
- [16-17.](#) Until such time as each phase is under construction, except as is otherwise required for shared improvements, phase sites will be maintained with lawn or other vegetation as found acceptable by staff. Erosion control measures shall be maintained in any disturbed areas throughout construction;
- [17-18.](#) Retail display area within the gasoline filling station convenience store building be limited in accordance with the Zoning Regulations, currently to 2000 s.f. as proposed, and consistent with the planning consultant recommendation the hybrid use of the building to include drive-through food is determined to be a separate principal use not subject to the display area limitation;
- [18-19.](#) Residential units' "dens" be constructed as modified with open entries to inhibit their conversion into additional bedrooms; The mix of unit sizes, bedroom and unit layouts as modified is to be maintained. Any changes are to be submitted for review;
- [19-20.](#) Parking be designed, installed and maintained compliant with ADA requirements to the satisfaction of the Building Official;
- [20-21.](#) Site construction phasing plans be submitted as recommended in the attached WMC Consulting Engineering Report and to the satisfaction of Engineering including site controls be installed in accordance with said plan prior to disturbance and construction commencing at each phase of the project;
- [21-22.](#) Prior to installation and related site work, any remaining testing and detailed Design Drawings including specifically as relating to stormwater management and proposed site elevations be updated, and modifications submitted for review in accordance with WMC consultant comments and recommendations and applicable design standards as noted. Any subsequent modification be submitted for Town Engineer or his designee review prior to further modification or installation;
- [22-23.](#) Temporary Sediment Traps be designed by the engineer and not left for the contractor to resolve given the size and complexity of the site;
- [23-24.](#) All other outstanding and technical comments detailed in the WMC consultant report dated February 16, 2021 be addressed as recommended in said report and to the satisfaction of the Town Engineer;

- ~~24-25.~~ Plans be reconciled with and executed in accordance with the related Inland Wetlands and Watercourses Commission approval of October 6, 2020. Any related modifications be submitted for review;
- ~~25-26.~~ Snow storage areas be provided as discussed and dumping of snow outside of the improved development area and specifically into the Stormwater Management Basin is not allowed. Annual measures should be instituted to ensure ongoing compliance ;
- ~~26-27.~~ Pavement markings and signage, including crosswalks, for pedestrian safety and connectivity throughout the development be installed and maintained as approved. Enhanced pedestrian connectivity be considered where appropriate;
- ~~27-28.~~ Water service concerns be resolved to the satisfaction of Berlin Water Control. Water and Sewer connections be supplied, and agreements established in accordance with Water Control and the Department of Public Works direction;
- ~~28-29.~~ Bi-weekly and measured event reports be provided for inspections as indicated in the Stormwater system Operation and Maintenance Plan to the satisfaction of the Town Engineer
- ~~29-30.~~ As-Built stormwater management facilities be provided with certification statement by a licensed engineer that they were installed in accordance with the approved design plans;
- ~~30-31.~~ Guide railing be installed along the western retaining wall, compliant with code and subject to staff design review;
- ~~31-32.~~ All site lighting be full cut-off and compliant with applicable codes and Zoning Regulations. Gas light style design streetlamps will be installed as proposed along the main street areas;
- ~~32-33.~~ Landscaping and screening be provided, at minimum as discussed, and the applicant consider additional landscaping to enhance the community atmosphere where appropriate and particularly along the “main street” residential corridor. Black estate style fencing and flowerboxes be used in residential patio areas to create a garden-like atmosphere and benches and bike racks be installed to promote pedestrian and bike activity.
- ~~33-34.~~ Unresolved interdepartmental review comments be addressed to the satisfaction of the commenting department;
- ~~34-35.~~ Health District:
- a. Demo permit required for existing building.
  - b. Must contact DPH Pool Division for review and approval. Pool will be licensed with the Central Connecticut Health District.
  - c. Must submit a plan of retail store to Central Connecticut Health District with equipment specifications, food that will be offered.
  - d. Submit plan of hotel to Central Connecticut Health District – kitchen? – must be licensed with CCHD
- ~~35-36.~~ Building Official comments dated 11/6/2020 are incorporated here and are to be resolved to the satisfaction of the Building Official;
- ~~36-37.~~ Fire Marshal: Fire hydrant locations be shown on plans
- ~~37-38.~~ Submission of applicable bonding be provided including Erosion Control Bond prior to site disturbance and commencement of construction activity;
- ~~38-39.~~ Fully dimensioned and detailed construction plans be provided with permit application to confirm compliance with applicable dimensional zoning requirements and including height calculations;

- ~~39-40.~~ Site bonding be submitted for uninstalled site work prior to issuance of Certificate of Occupancy or transfer of property and in accordance with applicable State Statutes and the Zoning Regulations. A list of the work and estimate of the costs for the incomplete improvements shall be submitted to facilitate calculation of required bond amount;
- ~~40-41.~~ Final as-built plan confirming compliance with the approved site plan and in accordance with the plot plan checklist and including all site improvements (including as-built utilities) updated for each phase and including related zoning dimensional and parking charts be submitted both digitally and hard copy with Certificate of Occupancy requests;
- ~~41-42.~~ Pet waste stations be added throughout the residential phase area and the public access trails;
- ~~42-43.~~ Signage be installed to direct the public to open space area parking stalls; and,
- ~~43-44.~~ All signage is to conform with applicable zoning regulations and will require separate building permit applications which will include review for zoning compliance.