

## **BERLIN PLANNING AND ZONING COMMISSION AGENDA - OCTOBER 21, 2021**

The Town of Berlin, CT Planning and Zoning Commission will hold a Regular Meeting in-person and by remote video conference call on Thursday, October 21, 2021, at 7:00 p.m. 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=YU0xb1J2Yyt4RDVLUkRlYkFTFRuQT09>

Meeting ID: 814 055 6035      Passcode: PZ100

### **Join by telephone\***

+1 929 205 6099 US (New York)

Meeting ID: 814 055 6035      Passcode: 488321

\*Data and toll charges may apply

## **AGENDA – OCTOBER 21, 2021**

### **I Call to Order**

### **II Review of Minutes**

- a. October 7, 2021

### **III Schedule Public Hearings**

- a. Text Amendment for a Moratorium on Cannabis Uses  
*Suggested Date: November 18, 2021*
- b. Special Permit/Site Plan Application of Little House Living, LLC to develop eighteen free-standing single family dwellings at 1676 Berlin Turnpike.  
*Suggested Date: November 18, 2021*

### **IV Commission Business**

- a. Receipt of applications and consideration of Peer Review for the following:
  - 1. Zone Change Application of 550-554 Berlin Turnpike Associates, LLC to change the zone of Map 10-2/Block 83/Lot 13B, 502 Berlin Turnpike; Map 10-2/Block 83/Lot 13, 522 Berlin Turnpike; and Map 10-2/Block 83/Lot 14, 552 Berlin Turnpike from Berlin Turnpike 1 (BT-1) to Berlin Turnpike Development (BTD).
  - 2. Special Permit/Site Plan Application of 550-554 Berlin Turnpike Associates, LLC for a mixed use development at 502-554 Berlin Turnpike

### **V New Business**

- a. Site Plan Application of Kevin Budney, Budney Overhaul & Repair, for the construction of a 4,088 s.f. addition to an existing manufacturing building 131 New Park Drive

### **VI Public Hearings**

- a. Proposed amendment to Section VII.F.2.b. of the Berlin Zoning Regulations concerning greenhouses, Attorney Brad N. Mondschein (*Continued from October 7, 2021*)

*Continued...*

**VI Public Hearings (*Continued*)**

- b. Special Permit/Site Plan Applications of Brandon Buchanan, Artisan Building & Remodeling, to locate his business activities, office, and showroom area at 230 Deming Road (*Postpone for receipt of additional information*)  
*Continued...*
- c. Proposed Amendment to the Berlin Zoning Regulations of Kevin Kolstad, Property Development and Facilities Manager, Enterprise Holdings to add a new Section VI.A.3.s. Private transportation or auto rental services.

**VII Old Business**

- a. Proposed amendment to Section VII.F.2.b. of the Berlin Zoning Regulations concerning greenhouses, Attorney Brad N. Mondschein
- b. Special Permit/Site Plan Applications of Brandon Buchanan, Artisan Building & Remodeling, to locate his business activities, office, and showroom area at 230 Deming Road
- c. Proposed Amendment to the Berlin Zoning Regulations of Kevin Kolstad, Property Development and Facilities Manager, Enterprise Holdings to add a new Section VI. A.3.s. Private transportation or auto rental services.

**VIII Adjournment**

*Due to Governor Ned Lamont's declaration of a public health emergency and civil preparedness Emergency and his subsequently issued Executive Orders, and due to the spread of Coronavirus Disease 2019 in the State of Connecticut, unvaccinated persons should comply with all orders and guidelines applicable to them, including use of face coverings and social distancing when attending indoor public meetings.*

**BERLIN PLANNING AND ZONING COMMISSION MEETING MINUTES  
OCTOBER 7, 2021**

**I Call to Order**

The Town of Berlin, CT Planning and Zoning Commission held a Regular Meeting in-person and by remote video conference call on Thursday, October 7, 2021, at 7:00 p.m.

**In attendance**

Chairwoman Joan Veley

Commissioners

Diane Jorsey; George Millerd; Brian Rogan; Steve Wollman Alternate Commissioners  
Steve Biella, Jr; Andrew Legnani (seated); Peter Zarabozo (seated)

Acting Town Planner Maureen Giusti, AICP

Town Counsel Jennifer Coppola

Excused

Commissioners Jon-Michael Obrien; Timothy Zigmont

**II Review of Minutes**

a. September 20, 2021 Special Meeting

Commissioner Jorsey moved to approve the minutes, as presented.

Commissioner Rogan seconded the motion which carried unanimously.

**III Commission Business**

a. Discussion of Berlin High School Special Event – October 23, 2021

Mr. John Schmaltz, Security, Safety and Residency Director, stated the tent for the Homecoming Dance will be set up on high school property south of the tennis courts on October 16<sup>th</sup>. Town inspections will be done prior to the event and the tent will be removed on October 24<sup>th</sup>. The event will take place outdoors this year due to the Covid pandemic. Music will stop at 9:00 p.m. and the principal has made it clear the event will end on schedule. Lighting from the tennis and basketball courts will be operating on a normal time schedule. Approximately seventeen school staff members, five to six security officers from the school, and police coverage as mandated by the Police Department will monitor the event.

Commissioner Jorsey moved to approve the Special Event, as described and subject to staff comments.

Commissioner Millerd seconded the motion.

The motion carried unanimously.

b. Facade Application of CVN Rental LLC at 1011 Farmington Avenue

Mr. Chris Edge, Economic Development Director, Town of Berlin, stated Mr. Chris Gorski, the applicant, had previously been before the Planning and Zoning Commission to discuss design ideas for the building. The Economic Development Commission has approved Mr. Gorski's request for just over \$6,000 for windows, doors, and stone. His real estate and insurance business will move into the building.

Mr. Chris Gorski stated plans are moving forward and the improvement should be completed by mid to late November.

Commissioner Wollman moved to approve the application.  
Commissioner Legnani seconded the motion.  
The motion carried unanimously.

c. Discussion of administrative approval for a fence, Somewhere Over the Spectrum, 120 Webster Square Road (Stick Village)

Alyssa Greig and Courtney Welsh, owners of Somewhere Over the Spectrum, joined the meeting remotely. Ms. Greig stated the business is a pediatric therapy center and the construction of a 24' x 48' fence adjacent to their business would be used as an outdoor treatment place. It would provide a safe environment for the children and there is a one to one ratio for supervision. Parents leave their children in their care and sometimes the parents stay to observe their child or stay for parent training. Their business is not a school but a therapy practice.

Ms. Giusti stated their business has replaced Pro Natural Health which is a "like for like" business. She stated the fencing is to be installed at the property line and is consistent with other screening on the site.

Commissioner Jorsey asked if this approval will set a precedent.

Ms. Giusti stated a request for a fence at a business would need to come before the Planning and Zoning Commission.

Commissioner Rogan stated the request should be approached as a site plan amendment.

Ms. Greig stated they have the property owner's permission for the fence.

Chairwoman Veley asked if the fence would remain should the business move.

Ms. Giusti stated the commission could put a condition on the approval.

In response to Chairwoman Veley's question, Ms. Greig stated the structures inside the fence will be natural wood outdoor equipment, such as a picnic table, and not traditional playground equipment.

Commissioner Rogan moved to approve the application as a site plan amendment with the conditions if the use should change, the applicant will come back to the commission regarding the fence, and staff comments. Commissioner Legnani seconded the motion. There were no opposing votes. The motion carried unanimously.

d. Discussion request of J. Torello, Architect and Planner, regarding 1427 Berlin Turnpike, MC Barber per §XIII.3b. pre-application

Mr. John Torello stated he has been an architect and planner since 1962 and has been retained by the owners of MC Barber for the structural repair work to be done at the site. He stated the site plan and special permit approvals were considered by the commission at the same time. The plan that was submitted to allow the barber academy and the foundation was there. The front part of the building is allowed as a barber shop. The larger, rear section was intended to be constructed, but the owners wanted to move in and start occupying the building. The approval that was given was for a use that is not being used until the rear portion of the building is built. The intent was to do the work in phases and although he had received help from both the Building Department and Economic Development, there may have been a miscommunication as to how the work was to progress. The "first phase" was completed and a Certificate of Occupancy issued. The property owners purchased a storage container rather than rent one as their plan was to buy materials to store inside it as they obtained them for completion of the back half of the building. There was a zoning officer's action taken due to illegal sign on the container and the sign has been eliminated. Mr. Torello stated he is in the process of designing the rear section of the building. The section of the zoning regulations used to justify the Cease and Desist order is based on something that is a hazard to the public. They have an application before the Zoning Board of Appeals to appeal the zoning officer's decision. In the meantime, they have taken a permit to work on the foundation at the back of the building to determine what needs to be done. The owners would prefer not to move the container and then have to relocate it again. Construction is ongoing. He stated they want the commission to know they will comply with requirements going forward and since they own the container and, based on discussions with staff, will add it to a site plan to retain it for a permanent accessory building with appropriate screening for storage and submit the application to the commission. They will be going to the Zoning Board of Appeals to see what needs to be done to resolve an unusual situation.

Ms. Giusti stated she would respectfully disagree with some of Mr. Torello's presentation. She stated site plan approval by the Planning and Zoning Commission will be required for a future addition on the foundation. The change of use also prompted their coming to the Planning and Zoning Commission, noting special permit and site plans "walk hand in hand" and it is not an unusual process to follow. She stated her recollection that the commission did recognize there was a container on site and, regardless of the signage, was considered a storage container and

would be removed when the Certificate of Occupancy was issued. She stated both she and Adam Levitus, the Zoning Officer at that time, had spoken with them on several occasions until the Certificate of Occupancy was issued. A site plan is needed as the next step. The pending appeal to the Zoning Board of Appeals stays the order until decided. There is no pending application for an addition to the building at this time which eliminates room for interpretation that the container is a construction trailer.

Commissioner Millerd stated although he approves of the business, the container is an eyesore and although the sign on the container has been painted over, it is a “bad paint job” and looks like graffiti. A painted barber pole is still on the container.

Mr. Cecunjanin stated this is the first time his brother has been a business owner and he was unaware of what permits he needed. He stated he and his brother’s goal was to have an academy and barber shop and create jobs.

Mr. Torelloo stated they will go forward with the ZBA appeal; there is a permit for work on the foundation now; and they will submit a site plan application to the Planning and Zoning Commission. He said it has always been their intent to complete the entire building.

Ms. Giusti stated for the record that as Mr. Torello stated, they had obtained help from the Economic Development and Building Departments, but both she and Mr. Levitus (Zoning Officer at that time) had worked very hard with the applicants. She stated they and the Planning and Zoning Commission, as well, were very accommodating. She stated the Zoning Board of Appeals is charged to determine if the Cease and Desist Order was correct, not look for a resolution.

- e. Discussion of and action on proposed “Vegetative Buffer Restoration Plan” prepared for the property of Commerce Street Holdings, LLC at 30-36 and 86 Commerce Street, Berlin, CT by To Design, New Britain, CT, revised through September 21, 2021

Attorney Jennifer Coppola stated there has been discussion for a long period of time for restoration of the buffer. There had been an attempt to get a new tenant and ultimately that application was denied. Another anticipated business was to have moved onto the property and that business did not locate on the site. There have been various drafts of the buffer’s plan. At this time the plan is ready for the commission’s review and signoff. There is a pending ZBA action concerning an enforcement action by Ms. Giusti. Attorney Coppola stated she has drafted a Stipulation of Judgment to resolve the litigation and if the commission acts positively on the plan, it will go onto the Zoning Board of Appeals for its meeting this month. Public comment will be allowed. It will then proceed to court to fully settle the matter.

Ms. Giusti stated they had worked through several iterations of the plan with assistance and stated her approval of the buffer restoration plan before the commission. The plantings are

varied, and notes have been made on the plan to not remove current buffering. At this time of year, the planting may have to be moved to the Spring.

Commissioner Jorsey stated there should be a mandatory time frame stated to replace any failing plants and cables used to prop young trees need to be removed once the trees are established.

Attorney Coppola suggested a motion to include Ms. Giusti's staff comments, cabling of trees, bonding, and maintenance of the buffer per regulations.

Commissioner Wollman made a motion to approve the plan subject to staff comments and installation and maintenance notes and bonding.

Commissioner Legnani seconded the motion which carried unanimously.

#### **IV Public Hearing**

- a. Proposed amendment to Section VII.F.2.b. of the Berlin Zoning Regulations concerning greenhouses, Attorney Brad N. Mondschein

Commissioner Rogan read the Call of the Hearing.

Attorney Mondschein joined the meeting in person. He stated his appreciation for the help he had received from both Maureen Giusti and Chris Edge. He stated staff comments have been received and in order to review those comments and possibly amend his proposal, Attorney Mondschein asked for an extension.

Ms. Giusti noted as the public hearing had been opened at this meeting, it would need to close within 35 days unless an extension was initiated to allow more time. This had been discussed with Attorney Mondschein prior to his request at this meeting.

Commissioner Rogan moved to continue the public hearing to the October 21, 2021 meeting. Commissioner Wollman seconded the motion.

There were no opposing votes. The motion carried unanimously.

#### **V Old Business**

- a. Proposed amendment to Section VII.F.2.b. of the Berlin Zoning Regulations concerning greenhouses, Attorney Brad N. Mondschein

The public hearing has been continued to the October 21, 2021 meeting.  
No discussion or action taken.

#### **VI Executive Session**

Commissioner Wollman was excused.

Commissioner Legnani moved to go into Executive Session for the following agenda items, inviting Ms. Giusti and Attorney Coppola.

Commissioner Rogan seconded the motion which carried unanimously.

- A. Discuss the status of the pending litigation of Rio Vista Associates, LLC v. Berlin Planning & Zoning Commission and Town of Berlin, and possible action relating to same.
- B. Consider whether to convene in executive session to discuss the status of the pending litigation of Rio Vista Associates, LLC v. Berlin Planning & Zoning Commission and Town of Berlin.

At 8:58 p.m. Commissioner Rogan made a motion to come out of Executive Session.

Commissioner Millerd seconded the motion which carried unanimously.

## **VII Adjournment**

Commissioner Rogan moved to adjourn.

Commissioner Millerd seconded the motion which carried unanimously.

The time was 9:00 p.m.

Respectfully submitted,

Frances M. Semnoski  
Recording Secretary





# 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: Berlin Bungalows

Property Owner(s): Little House Living, LLC

Project Address\*: 1676 Berlin Turnpike, Berlin, CT

Map: 22-1 Block: 114 Lot: 10 Zone(s): BT-1 Lot Area: 1.95 acres

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: Little House Living, LLC Firm Name: same  
Street Address: 110 Court St, Ste 1 City: Cromwell ST: CT Zip: 06416  
Email: pat@buildingct.com Phone: 860-632-7090  
Signature: [Signature] Date: 10-5-21

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

Name: same Principal: \_\_\_\_\_  
Street Address: \_\_\_\_\_ City: \_\_\_\_\_ ST: \_\_\_\_\_ Zip: \_\_\_\_\_  
Email: \_\_\_\_\_ Phone: \_\_\_\_\_

\*Letter of Authorization Required

Town of Berlin  
Received

OCT 07 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

**This Site Plan Involves:**

☐ Additions

☐ Alterations

☒ Demolition

☒ New Construction

Description of Project\*: See Addendum, attached

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

**SITE PLAN ZONING STATISTICS**

USE(S)	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED</u>
	<u>Motel and Commercial</u>	<u>Single Family</u>	
<b>COMMERCIAL</b>			
Gross Floor Area	<u>1378 sf</u>	<u>N/A</u>	
Parking Spaces	<u>2</u>		
<b>INDUSTRIAL</b>			
Gross Floor Area			
Parking Spaces			
<b>RESIDENTIAL</b>			
Number of Units	<u>9</u>	<u>20</u>	
Number of Bedrooms	<u>9</u>	<u>40</u>	
Gross Floor Area	<u>4132</u>	<u>22,800 sf</u>	
Parking Spaces	<u>9</u>	<u>40</u>	<u>40</u>
<b>OTHER USES</b>		<u>(includes garage spaces)</u>	
Gross Floor Area			
Parking Spaces			

To be completed by P&Z staff only: #002364  
Fee Paid \$ 2,000.- (Refer to current Fee Schedule)

Received by: fms

**Town of Berlin  
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**OCT 07 2021**

**Planning & Zoning Department  
Berlin, Connecticut**



## Town of Berlin

### Planning and Zoning Department

240 Kensington Road  
Berlin, Connecticut 06037  
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### SPECIAL PERMIT APPLICATION

Planning & Zoning Department  
Berlin, Connecticut

(Any Special Permit Application shall be submitted simultaneously with a Site Plan Application)

Project Name: Berlin Bungalows  
Property Owner(s): Little House Living, LLC  
Project Address\*: 1676 Berlin Turnpike, Berlin, CT  
Map: 22-1 Block: 114 Lot: 10 Zone(s): BT-1 Lot Area: 1.95 acres

#### Applicant Information

Name: Little House Living, LLC Firm Name: same  
Street Address: 110 Court St., Ste 1 City: Cromwell ST: CT Zip: 06416  
Email: pat@buildingit.com Phone: 860-632-7090  
Signature: [Signature] Date: 10-5-21

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

Name: same Principal: \_\_\_\_\_  
Street Address: \_\_\_\_\_ City: \_\_\_\_\_ ST: \_\_\_\_\_ Zip: \_\_\_\_\_  
Email: \_\_\_\_\_ Phone: \_\_\_\_\_

\*Letter of Authorization Required

Special Permit required pursuant to section(s):

Berlin Zoning Regulation section XI DD

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

To be completed by P&Z staff only: #002364  
Fee Paid \$ 280.- (Refer to current Fee Schedule)

Received by: [Signature]

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Planning & Zoning Department  
Berlin, Connecticut

**WRITTEN NARRATIVE  
BERLIN BUNGALOWS  
1676 BERLIN TURNPIKE**

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OCT 07 2021**

Planning & Zoning Department  
Berlin, Connecticut

The Applicant, Little Houses Living, LLC (the "Applicant") is proposing to develop eighteen (18) free-standing single family dwellings each with two (2) bedrooms and one and one-half (1.5) bathrooms and two (2) duplex buildings each with two (2) bedrooms and one and one-half (1.5) bathrooms. A total of thirty (30%) percent of the units, or six (6) units, will be designated Affordable Housing Units. A Housing Affordability Plan and Architectural Drawings are submitted with the Special Permit Application in support of the proposed development. The property is currently occupied by a 5,248 square feet motel consisting of ten (10) buildings with an existing parking lot capable of up to eleven (11) parked vehicles.

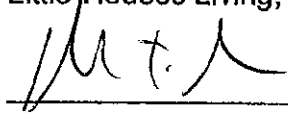
It is expected that the proposed residential housing project will be occupied/visited by 30 to 40 persons on a daily basis. The plan provides for two (2) parking spots per unit with one (1) of the parking spaces per unit being a garage space. The proposed residential development is projected to generate 237 trips on a daily basis with a morning commuter peak hour volume of 19 trips, made up of 5 entering and 14 exiting vehicles, and an afternoon commuter peak hour volume of 23 trips, made up of 15 entering and 8 exiting vehicles. A Traffic Report is submitted in support of the proposed development.

The proposed residential development is supported by the existing infrastructure of the Town, provides appropriate landscaping and screening, is designed to meet all emergency access requirements, is in harmony with the existing neighborhood, and

meets the dimensional and development standards of the regulations. The Application is consistent with the Plan of Conservation and Development and the development is expected to have minimal impact on Town resources including the school system since it is designed for downsizing adults and young professionals.

The housing development will increase the Town's housing diversity and have a positive economic benefit to the Town.

Applicant  
Little Houses Living, LLC



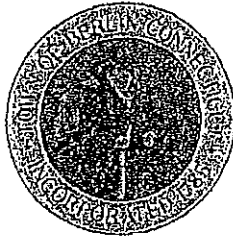
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By Patrick T. Snow  
Manager

**Town of Berlin  
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**OCT 07 2021**

**Planning & Zoning Department  
Berlin, Connecticut**



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Planning & Zoning Department  
Berlin, Connecticut

PLANNING AND ZONING COMMISSION  
ZONE CHANGE REQUEST

APPLICANT Name 550-554 Berlin Turnpike Associates, LLC  
Address 864 Wethersfield Ave, Suite 1, Hartford CT  
Telephone 860-616-4022 Fax N/A

OWNER (IF NOT THE APPLICANT)

Name same  
Address \_\_\_\_\_  
Telephone \_\_\_\_\_

WITH THE SIGNING OF THIS APPLICATION, I GIVE MY CONSENT THAT ANY TOWN  
OFFICIAL AND/OR EMPLOYEE THAT THE TOWN DEEMS NECESSARY MAY ENTER MY  
PROPERTY TO VERIFY INFORMATION SUBMITTED FOR THIS APPLICATION.

550-554 Berlin Turnpike Associates, LLC

Signature [Signature] Date 10/5/2021

By Nicholas R. Morizio, Managing Member

I hereby make application dated \_\_\_\_\_ requesting a zone change from  
the currently designated zone of BT-1 to BTD at

Lot No. see Addendum Block No. \_\_\_\_\_ Located on the

☐ north ☐ south ☐ east ☒ west side of Berlin Turnpike

☐ street ☐ road ☐ avenue ☒ other (Turnpike)

\_\_\_\_\_ feet distant ☒ north ☐ south ☐ east ☐ west side

from the intersection of Woodlawn Road

☐ street ☒ road ☐ avenue ☐ other (\_\_\_\_\_) with

Berlin Turnpike ☐ street ☐ road ☐ avenue ☒ other (Turnpike)

\* Is the subject property within 500' of another municipality? No

Attach fifteen copies of the map of the property and fifteen copies of the deed  
description.

Berlin Planning and Zoning Commission  
Zone Change Request  
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*Berlin Planning and Zoning Commission  
Zone Change Request  
Page 2 of 2*

Planning & Zoning Department  
Berlin, Connecticut

CORRESPONDENCE SHOULD BE DIRECTED TO

Name Wisniowski & Sullivan, LLC  
Address 35 North Main St, Suite 2F, Southington CT  
Telephone 860-620-9335 Fax 860-620-9545  
Email Timsullivan@wsattorney.com

FEE: \$250 plus \$60 for the State of Connecticut Solid Waste Management Fund  
Note: One check made payable to "Town of Berlin" in the proper amount may be submitted.

Zoning Change Request Fee Paid		# 002363
\$ <u>250.-</u>	<u>fms</u> Received by	
State of Connecticut Solid Waste Management Fund Fee Paid		
\$ <u>60.-</u>	<u>fms</u> Received by	

**ADDENDUM**  
**ZONE CHANGE APPLICATION**

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502 Berlin Turnpike	Map 10-2/	Block 83/	Lot 13B
522 Berlin Turnpike	Map 10-2/	Block 83/	Lot 13
554 Berlin Turnpike	Map 10-2/	Block 83/	Lot 14

**Town of Berlin**  
**Received**

**OCT 07 2021**

Planning & Zoning Department  
Berlin, Connecticut





# Town of Berlin

## Planning and Zoning Department

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

### SPECIAL PERMIT APPLICATION

(Any Special Permit Application shall be submitted simultaneously with a Site Plan Application)

Project Name: Mixed Use Development at 502-554 Berlin Turnpike

Property Owner(s): 550-554 Berlin Turnpike Associates, LLC

Project Address\*: 502, 522 and 554 Berlin Turnpike

Map: 10-2 Block: 83 Lot: 13B Zone(s): BT-1 Lot Area: \_\_\_\_\_  
10-2 83 13  
10-2 83 14

#### Applicant Information

Name: 550-554 Berlin Turnpike Associates, LLC

Street Address: 864 Wethersfield Ave, Suite 1, HARTFORD, CT Zip: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: 860-616-4022

Signature: Nicholas R. Morizio Date: 10/5/2021

Nicholas R. Morizio, Managing Member

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

Name: Same As Applicant Principal: \_\_\_\_\_

Street Address: \_\_\_\_\_ City: \_\_\_\_\_ ST: \_\_\_\_\_ Zip: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

\*Letter of Authorization Required

Special Permit required pursuant to section(s):

see Addendum, attached

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

To be completed by P&Z staff only: # 002363

Fee Paid \$ 280.- (Refer to current Fee Schedule)

Received by: fms

Town of Berlin  
Received

OCT 07 2021

**ADDENDUM**  
**SPECIAL PERMIT APPLICATION**

Petition to rezone the Site from BT-1 (Berlin Turnpike 1) to BTD (Berlin Turnpike Development), together with Site Plan and Special Permit (Section VIII.H.4.b) applications for a mixed-use development as shown on the Master Plan including 106 residential units within three (3) buildings, a retail building and reconfiguring the parking lot for two (2) commercial buildings.

**Town of Berlin  
Received**

**OCT 07 2021**

**Planning & Zoning Department  
Berlin, Connecticut**



# Town of Berlin

Planning and Zoning Department

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

Town of Berlin  
Received

OCT 07 2021

Planning & Zoning Department  
Berlin, Connecticut

## SITE PLAN APPLICATION

☒ Site Plan

☐ Site Plan Amendment

Project Name: Mixed Use Development at 502-554 Berlin Turnpike

Property Owner(s): 550-554 Berlin Turnpike Associates, LLC

Project Address\*: 502,522 and 554 Berlin Turnpike

Map: 10-2 Block: 83 Lot: 13B Zone(s): BT-1 Lot Area: \_\_\_\_\_  
10-2 83 13  
10-2 83 14

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 BT-1 (Berlin Turnpike 1) to  
☐ Zoning Board of Appeals review needed BTD (Berlin Turnpike Development Zone)  
☒ Inland Wetlands and Water Course Commission review needed

Permit Issued 1-5-21

Applicant Information (20-07 WF)

Name: 550-554 Berlin Turnpike Associates, LLC

Street Address: 864 Wethersfield Ave, Suite 1 HARTFORD CT Zip: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: 860-616-4022

Signature: Nicholas R. Morizio Date: 10/15/2021

Nicholas R. Morizio, Managing Member

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

Name: same 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\*: See Addendum Attached

\*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>Residential</u>	
		<u>Retail</u>	
	<u>Commercial</u>		
COMMERCIAL			
Gross Floor Area	<u>66,402 sf</u>		
Parking Spaces	<u>25</u>	<u>35</u>	
INDUSTRIAL N/A			
Gross Floor Area			
Parking Spaces			
RESIDENTIAL			
Number of Units		<u>106</u>	
Number of Bedrooms		<u>54 2 BR/52 1 BR</u>	
Gross Floor Area		<u>145,340 sf</u>	
Parking Spaces		<u>212</u>	<u>212</u>
OTHER USES Retail			
Gross Floor Area		<u>4,200 sf</u>	
Parking Spaces		<u>17</u>	<u>17</u>

To be completed by P&Z staff only: # 002363

Fee Paid \$ 2,000.- (Refer to current Fee Schedule)

Received by: fms

Town of Berlin  
Received

OCT 07 2021

Planning & Zoning Department  
Berlin, Connecticut



# Town of Berlin

## Planning and Zoning Department

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

### SITE PLAN APPLICATION

☒ Site Plan

☐ Site Plan Amendment

Project Name: Budney Overhaul & Repair Addition  
Property Owner(s): 131 New Park Drive, LLC  
Project Address\*: 131 New Park Drive, Berlin, CT 06037  
Map: 22-3 Block: 153 Lot: 7F Zone(s): PI, BT-1 Lot Area: 5.94 AC

#### 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: Kevin Budney Firm Name: Budney Overhaul & Repair  
Street Address: 131 New Park Drive City: Berlin ST: CT Zip: 06037  
Email: Kevin @ budneyoverhaul. Phone: 860-828-0585  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

#### 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.

Received

SEP 21 2021

**This Site Plan Involves:**

☒ Additions      ☐ Alterations      ☐ Demolition      ☐ New Construction

Description of Project\*: Construction of a 4,088 S.F.  
addition to an existing manufacturing  
building

\*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>MANUFACTURING</u>	<u>MANUFACTURING</u>	
	_____	_____	
	_____	_____	
COMMERCIAL			
Gross Floor Area	_____	_____	
Parking Spaces	_____	_____	_____
INDUSTRIAL			
Gross Floor Area	<u>50,319 SF</u>	<u>54,407 SF</u>	
Parking Spaces	<u>175</u>	<u>175</u>	<u>109</u>
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 \$ 260.- (Refer to current Fee Schedule)

Received by: JMS check 23376

Town of Berlin  
Received

SEP 21 2021

October 6, 2021  
Updated October 18, 2021 (Building Official)

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

---

**APPLICATION:** Site Plan Amendment

**APPLICANT:** Kevin Budney/Budney Overhaul and Repair

**LOCATION:** 131 New Park Drive

**AGENDA DATE:** October 21, 2021

*To the Applicant:*

- *These are the comments received to date, additional comments may be forthcoming. Please submit any written response or revisions to the application to Maureen Giusti, AICP, Acting Town Planner, at [mggiusti@town.berlinct.gov](mailto:mggiusti@town.berlinct.gov). We will forward your comments or distribute materials to the relevant department.*
- 

Fire Marshal  
No comment

Police Chief  
No comment

Board of Police Commissioners  
No comment

Inland Wetlands  
Permit Pending – 11/9/21?

Berlin Water Control  
No comment

Economic Development  
No comment

Zoning Officer  
No comment

Building Official  
Will need to provide documentation for the fire and separation requirements per code

*Emailed to applicant: October 18, 2021*

## Michael Ahern

---

**Subject:**

131 New Park Drive - Site Plan Amendment

Comments -10/8/21:

1. Add invert elevations (see notes on Site Plan)
2. Add cleanouts (locations noted on Site Plan)
3. See question on plan regarding proposed swale. Is this draining to a structure, or just overland to the southeast?
4. See note regarding capping the 12" PVC pipe.
5. The plan only refers to removing the yard drains and abandoning or removing piping in the "addition" area. What is happening to the other structures in this area? If demolition is proposed, recommend including additional notes or a demolition plan.
6. If these lines have not been recently inspected, recommend jetting the existing 8" and 12" drain lines prior to connection, to ensure that these are operational. CCTV inspection could be included in that scope.

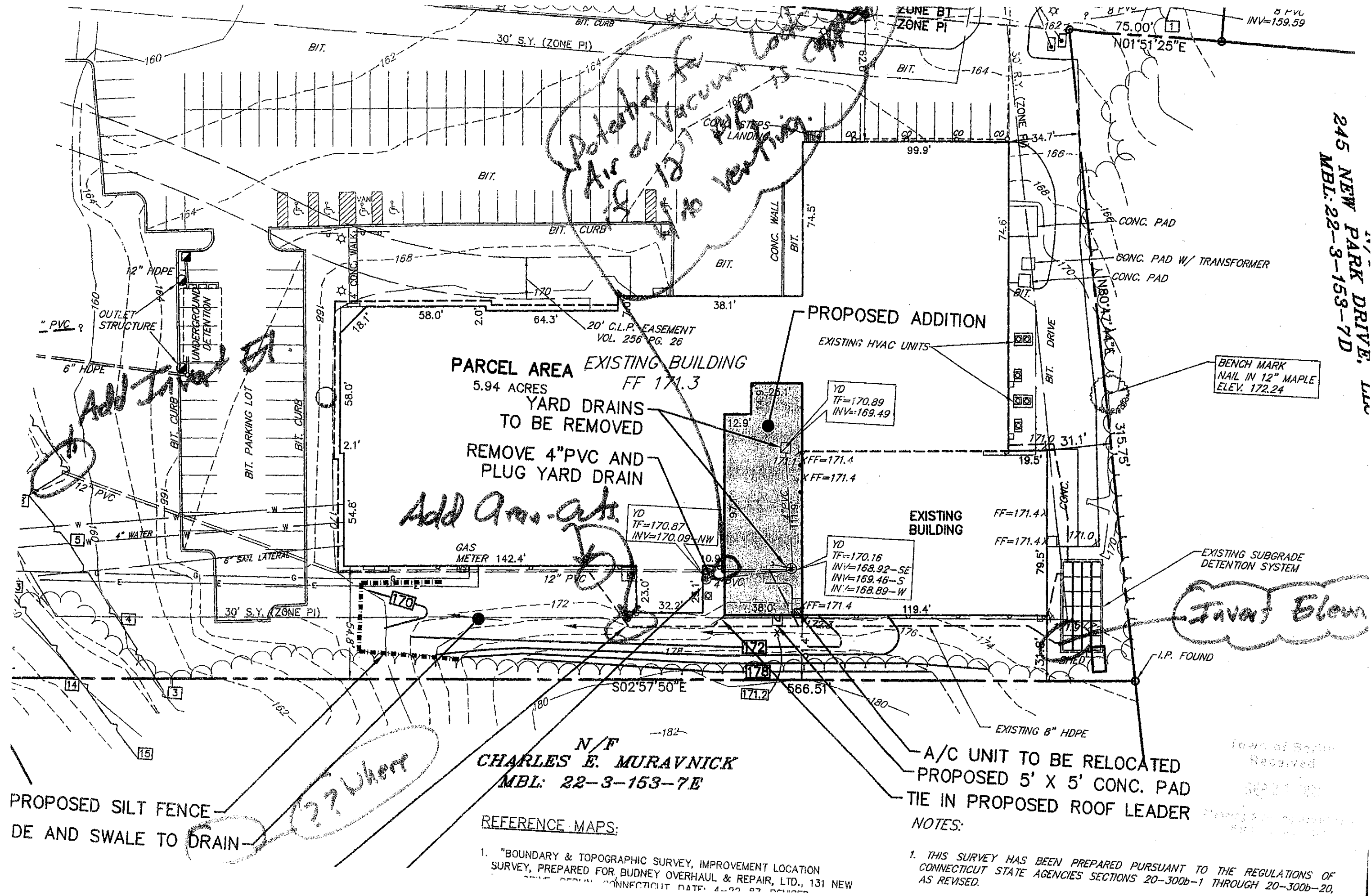
Michael S. Ahern, P.E.  
Director of Public Works  
Town of Berlin  
240 Kensington Road  
Berlin, CT 06037

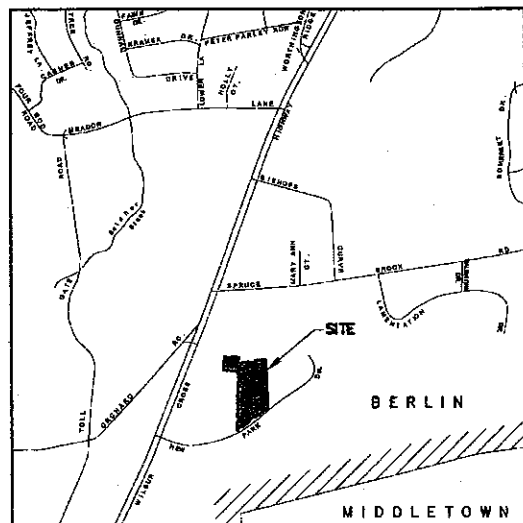
(860) 828-7014  
mahern@berlinct.gov

 FILE COPY



PARK DRIVE, LEO  
2-3-153-7D





VICINITY MAP 1"=1000'

PARKING TABLE ANALYSIS:

GROSS FLOOR AREAS:

EXISTING MAIN BUILDING (MANUFACTURING)= 50,319 S.F.

PROPOSED ADDITION (MANUFACTURING)= 4,088 S.F.

PROPOSED BUILDING AREA = 50,319 + 4,088 = 54,407 S.F.  
PARKING REQUIREMENT = 1 SPACE PER 500 S.F. OF GROSS FLOOR AREA  
= 54,407 / 500  
= 108.8  
= 109 SPACES REQUIRED

TOTAL PARKING REQUIRED = 109 SPACES  
TOTAL SITE PARKING PROVIDED = 175 SPACES

OFF STREET LOADING SPACES REQUIRED FOR MANUFACTURING OVER 40,000 S.F. OFA= 3 SPACES  
OFF STREET LOADING SPACES PROVIDED = 3 SPACES

CONSTRUCTION NARRATIVE:

1. THIS DEVELOPMENT CONSISTS OF 1 EXISTING INDUSTRIAL BUILDING LOT OF 5.94 ACRES OF WHICH 5.25 ACRES IS IN ZONE PI AND 0.69 ACRES IS IN ZONE BT. THE EXISTING PARCEL HAS FRONTAGE ON NEW PARK DRIVE.
2. THE MAJOR CONSTRUCTION ACTIVITIES WILL CONSIST OF CONSTRUCTION OF A BUILDING ADDITION.
3. ALL WORK SHALL START UPON LOCAL APPROVALS AND BE COMPLETED WITHIN 6 MONTHS.

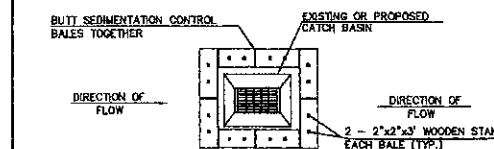
GENERAL CONSTRUCTION NOTES:

1. CONSTRUCTION OF ANY IMPROVEMENTS SHOWN SHALL BE IN ACCORDANCE WITH CDDOT, FORM 815, AS AMENDED, "STANDARD SPECIFICATIONS FOR ROAD, BRIDGES AND INCIDENTAL CONSTRUCTION", "TOWN OF BERLIN SPECIFICATIONS FOR CONSTRUCTION OF ROADS", "TOWN OF BERLIN ZONING REGULATIONS", "TOWN OF BERLIN SUBDIVISION REGULATIONS" AND THE CONNECTICUT LANDSCAPE ASSOCIATION'S "STANDARD SPECIFICATIONS FOR PLANTING TREES, SHRUBS, VINES, ETC." ARE TO BE USED FOR CONSTRUCTION STANDARDS.
2. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND QUANTITIES PRIOR TO CONSTRUCTION.
3. ALL AREAS DISTURBED BY CONSTRUCTION ACTIVITIES SHALL BE STABILIZED WITH SUITABLE GRASS COVER. PERMANENT TURF ESTABLISHMENT SHALL BE DONE ON A PROPERLY PREPARED SURFACE PRIOR TO OCTOBER 15TH OF THE CALENDAR YEAR OF ANY OPERATION. TEMPORARY SEEDING SHALL BE DONE PRIOR TO NOVEMBER 1ST OF THE CALENDAR YEAR.

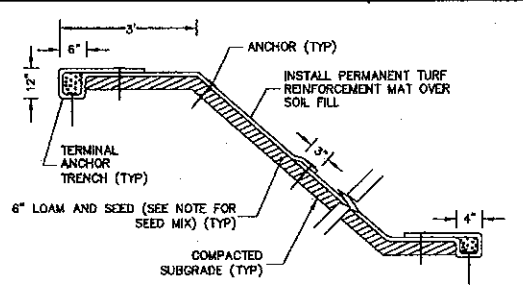
SWALE/SIDE SLOPE SEED MIXTURE  
(PER CT STORMWATER QUALITY MANUAL FIGURE PS-2)

CREeping RED FESCUE (PENLAWS/WINTERGREEN)  
REDDOP (STRECKER, COMMON)  
TALL FESCUE (KENTUCKY 31)

20 LBS/AC	0.45 LBS/1000 SF
2 LBS/AC	0.05 LBS/1000 SF
20 LBS/AC	0.45 LBS/1000 SF
42 (TOTAL)	0.95

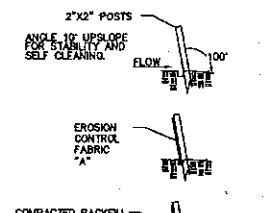


INLET PROTECTION  
HAY BALE INSTALLATION  
AT YARD DRAIN  
NOT TO SCALE



- NOTES:
1. INSTALL AND ANCHOR PER MANUFACTURER'S SPECIFICATIONS
  2. SHALL BE INSTALLED IN SWALE, AND WHERE SLOPES ARE 2:1 OR STEEPER.
  3. MATTING SHALL BE FROM CDDOT QUALIFIED PRODUCTS LIST FOR "EROSION CONTROL. (CLASS B). USE MIRAF 140N, MANUFACTURED BY TENCATE OR APPROVED EQUAL.

VEGETATIVE SLOPE PROTECTION DETAIL  
N.T.S.



1. SET POSTS AND EXCAVATE A 6\"/>
2. ATTACH GEOTEXTILE TO THE POSTS AND EXTEND IT TO THE TRENCH. MINIMUM LENGTH OF GEOTEXTILE IS 15'. MINIMUM SPACING OF POSTS IS 10'. JOINTS ONLY SUPPORT POSTS WITH A MINIMUM 6\"/>
3. BACKFILL THE TRENCH AND COMPACT THE EXCAVATED SOIL.

SILT FENCE DETAIL  
N.T.S.

LEGEND

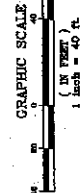
- ★ LIGHT STANDARD
- SIGN
- ELEVATION CONTOUR
- SPOT ELEVATION
- UTILITY POLE
- ⊙ MONITOR WELL
- FENCE
- HYDRANT
- WATER GATE
- TREE
- GUY WIRE
- CATCH BASIN
- MANHOLE
- CLEAN OUT

ZONING REQUIREMENTS TABLE  
ZONING DISTRICTS: PI & BT

	REQUIRED	EXISTING	PROPOSED
MINIMUM FRONT YARD	50'	183.9'	183.9'
MINIMUM SIDE YARD	30'-PI/25'-BT	31.2'	31.2'
MINIMUM REAR YARD	30'-PI/50'-BT	31.1'	31.1'
MINIMUM PARKING AND LOADING SETBACK (PORTION OF PARCEL IN ZONE BT)	10'	15.3'	15.3'
MINIMUM PARKING AND LOADING SETBACK (PORTION OF PARCEL ZONE PI)	15'/10' FRONT	15.6'	15.6'
MAXIMUM BUILDING COVERAGE	30%	19.7%	21.0%
MINIMUM LOT SIZE	5 AC.	5.94 AC.	5.94 AC.
MINIMUM LOT WIDTH	200'	455'	455'
MAX. IMPERVIOUS SURFACE COVERAGE	60%	53.2%	53.2%
MAX. FLOOR AREA RATIO	.35	0.20	0.21
MAX. BUILDING HEIGHT	3 STORY/45'	1 STORY/20'	1 STORY/19.75' (ADDITION)

OWNER / APPLICANT  
BUDNEY OVERHAUL & REPAIR, LTD.  
131 NEW PARK DRIVE  
BERLIN, CONNECTICUT 06037  
CONTACT: KEVIN BUDNEY 860-828-0585

THIS DRAWING HAS BEEN PREPARED BASED, IN PART, ON INFORMATION PROVIDED BY OTHERS RELATING TO THE LOCATION OF UNDERGROUND SERVICES. WE CAN NOT 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.  
INDICATED UNDERGROUND UTILITIES ARE BASED ON AVAILABLE DATA. THE LOCATIONS ARE APPROXIMATE AND ALL UTILITIES MAY NOT BE SHOWN. CALL "CALL 8-4-U DIG" AT 1-800-822-4455 PRIOR TO ANY EXCAVATION.



Date: 8-25-21  
Drawn: BTM  
Checked: A.B.  
Scale: 1"=40'  
Revision: 1

SITE PLAN-BUILDING ADDITION  
PROPERTY OF  
131 NEW PARK DRIVE, LLC  
131 NEW PARK DRIVE  
BERLIN, CONNECTICUT

OVERALL  
SITE PLAN

1 1

SEP 21 2021  
Planning & Zoning Department  
Berlin, Connecticut

**Maureen Giusti**

---

**From:** Brad Mondschein <[brad@mondscheinlaw.com](mailto:brad@mondscheinlaw.com)>  
**Sent:** Monday, October 18, 2021 6:29 PM  
**To:** Maureen Giusti; Chris Edge; chaim tovia  
**Subject:** 2107 Chamberlain Highway-Text Amendment  
**Attachments:** 20211018 Amended Text Amendment Request (1).docx; 20211018 H2O Farm\_SP.pdf;  
20211018 Hydroponics - Why do it.pptx

Hi Maureen and Chris:

Attached please find an amended text amendment that accepts all of the red-lines that you provided for the last hearing and adds in the necessary edits to the setbacks to site the greenhouse. I am also attaching a PowerPoint presentation on hydroponics and a rough site plan drafted by SLR Engineering. Do you have time tomorrow or Wednesday or Thursday to have a meeting with Chaim and me to discuss these documents before the Commission meeting on Thursday?

Thanks

Brad

**Town of Berlin  
Received**

**OCT 19 2021**

Planning & Zoning Department  
Berlin, Connecticut

--  
**Brad Mondschein, Esq.**  
**Law Office of Brad Mondschein**  
**221 Paxton Way**  
**Glastonbury, CT 06033**  
**(860) 978-8615**  
[brad@mondscheinlaw.com](mailto:brad@mondscheinlaw.com)

# ***LAW OFFICE OF BRAD MONDSCHEN***

## **PROPOSED AMENDMENT TO SECTION VII.F.2.b OF THE BERLIN ZONING REGULATIONS**

**Town of Berlin**

**Received**

### **VII.F.2.b**

**OCT 19 2021**

#### ***Permitted Uses.***

**Planning & Zoning Department  
Berlin, Connecticut**

- a. Agriculture under the provisions of Section XI.C. shall be permitted as of right in the POD District
- b. Commercial Greenhouses (in excess of 5,000 square feet) without regard to the provisions of Section XI, C.1.f. of these Regulations, subject to site plan approval by the commission in accordance with Section XIII, so long as each Greenhouse meets the following special requirements:
  - a. Each Greenhouse is a single story building
  - b. Each Greenhouse does not exceed 250,000 square feet
  - c. For purposes of this Section, Greenhouse shall mean:
    - a. A structure with the following characteristics:
      - i. A steel structure glazed with a predominately glass, plastic or other translucent exterior;
      - ii. Used for the production of fruits, vegetables, flowers, and any other plants that require special conditions of temperature;
      - iii. The structure must have a large expanse of glazing on the roof and sides and expose the interior of the structure to natural light;
      - iv. Outdoor lighting shall be directed or shielded so that the light source is not readily visible and no glare or direct light is cast on adjacent properties. Indirect light falling on adjacent property shall be of low intensity;
      - v. Maximum height of each Greenhouse shall be one story, not to exceed 40 feet, except that accessories required for operating the Greenhouse may be erected to a reasonable and necessary height but not greater than ten feet above any roofline;
      - vi. A 40-foot landscaped buffer shall be provided around the entire perimeter, except when adjacent to lots which are also zoned POD or for nonresidential purposes, in which case the buffer may be reduced to 20 feet. Only access drives, landscaping and utilities shall be permitted within this buffer area.
    - a. A structure with the following characteristics:
      - i. A steel structure glazed with a predominately glass, plastic or other translucent exterior;
      - ii. Used for the production of fruits, vegetables, flowers, and any other plants that require special conditions of temperature;
      - iii. The structure must have a large expanse of glazing on the roof and sides and expose the interior of the structure to natural light;
      - iv. Outdoor lighting shall be directed or shielded so that the light source is not readily visible and no glare or direct light is cast on adjacent properties. Indirect light falling on adjacent property shall be of low intensity;
      - v. Maximum height of each Greenhouse shall be one story, not to exceed 40 feet, except that accessories required for operating the Greenhouse may be erected to a reasonable and necessary height but not greater than ten feet above any roofline;
      - vi. A 40-foot landscaped buffer shall be provided around the entire perimeter, except when adjacent to lots which are also zoned POD or for nonresidential purposes, in which case the buffer may be reduced to 20 feet. Only access drives, landscaping and utilities shall be permitted within this buffer area.
  - d. Notwithstanding the Bulk Tables for Industrial Zones
    - 1. Minimum front yard of 70 feet
    - 2. Minimum side yard (each) of 40 feet
    - 3. Minimum rear yard of 70 feet
    - 4. Maximum Building coverage of 70%
    - 5. Maximum Impervious Surface Coverage of 80%

### **Section XI.C.1**

a. *Agriculture*: A farm, nursery, greenhouse or cold storage plant, including those buildings and structures used for agricultural operations. It shall be permitted as a principal use in the R-21, R-43, R-86, MR-1 and MR-2 Zones and POD Zones. It may be permitted in the R-11 and R-15 Zones if the use is found by the Planning and Zoning Commission to be compatible and not a nuisance to surrounding properties.

## **NARRATIVE SUPPORTING THE NEW SECTION VII.F.2.b**

The existing regulations for the POD Zone intended to attract Office and Industrial development to the Chamberlain Highway area which is currently the location of many agricultural uses. Although the POD Zone has been in existence for several years, the POD Zone has failed to attract the Office and Industrial development anticipated by the zoning regulations. Instead, the area remains highly agricultural.

With new technology, hydroponic agriculture has allowed farmers to grow crops such as lettuce, cucumbers, peppers, tomatoes and other greens year round. These farms employ full time workers who develop the necessary skills to work in high technology automated farming and in a factory like work environment in all four seasons. At the same time, the hydroponic farms maintain the agricultural integrity of the land and supply local produce to our restaurants, school systems, hospitals and grocery stores and is considered environmentally friendly.

To be successful, hydroponic farms require the scale not seen in traditional farming that use hoop houses to maintain crops during the early growing season. Most successful hydroponic farms require multi-acre greenhouses. These greenhouses are traditional in that they are single story glass (or equivalent) structures along with facilities for employees, storage, packing and shipping. But the amount of lot coverage on limited property sizes needs to be substantial to meet the economic challenges of competing against growers in Mexico, Canada and throughout the U.S., where energy and labor costs are low.

The purpose of the text amendment is to allow these types of hydroponic farms to be built in the POD Zone. The use of the land for this purpose will maintain the agricultural traditions of the property of the POD Zone while also bringing the best and highest use to the land. The proposed amendment will limit the greenhouses to single story glass structures such that urban farming (the use of multistory buildings utilizing artificial light) will not be allowed under the text amendment.

The text amendment also clarifies the current ambiguity in the Berlin Zoning Regulations as to whether a Greenhouse is allowed as of right or pursuant to a Special Permit.

It is therefore requested that the Commission allow these hydroponic greenhouses to be constructed in the POD Zone.



# Town of Berlin

## Planning and Zoning Department

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

### SPECIAL PERMIT APPLICATION

(Any Special Permit Application shall be submitted simultaneously with a Site Plan Application)

Project Name: Artisan Building & Remodeling LLC  
Property Owner(s): Michael Bosse  
Project Address\*: 230 Deming Rd. Berlin, CT 06037  
Map: 10 Block: 2 Lot: 83-4 Zone(s): GI-2 Lot Area: 8,000 SF

#### Applicant Information

Name: Brandon Buchanan Firm Name: Artisan Building & Remodeling  
Street Address: 1348 Berlin Turnpike City: Berlin ST: CT Zip: 06037  
Email: brandon@artisanbuildingct.com Phone: (860) 259-8617  
Signature: [Signature] Date: 8/24/2021

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

Name: Michael Bosse Principal: Same  
Street Address: 230 Deming Rd City: Berlin ST: CT Zip: 06037  
Email: Ptools@sbcglobal.net Phone: 860 575 5690

\*Letter of Authorization Required

Special Permit required pursuant to section(s):

VII C 3e

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

To be completed by P&Z staff only:

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

Received by: \_\_\_\_\_

Town of Berlin  
Received

SEP 02 2021



# 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: Artisan Building & Remodeling LLC  
Property Owner(s): Michael Bosse  
Project Address\*: 230 Deming Rd. Berlin, CT 06037  
Map: 10 Block: 2 Lot: 83-4 Zone(s): CT-2 Lot Area: 8,000 SF

#### 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: Brandon Buchanan Firm Name: Artisan Building & Remodeling  
Street Address: 1348 Berlin Pike City: Berlin ST: CT Zip: 06037  
Email: brandon@artisanroofingct.com Phone: (860) 759-8617  
Signature: [Signature] Date: 8/24/2021

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

Name: Michael Bosse Principal: Same  
Street Address: 230 Deming Rd City: Berlin ST: CT Zip: 06037  
Email: Ptools@sbcglobal.net Phone: 860 575 5690

\*Letter of Authorization Required

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

Town of Berlin

SEP 02 2021



**This Site Plan Involves:**

☐ Additions      ☐ Alterations      ☐ Demolition      ☐ New Construction

Description of Project\*: See Attached.

\*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	<u>8,000</u>	<u>8,000</u>	
Parking Spaces	<u>20</u>	<u>20</u>	
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 \$ \_\_\_\_\_ (Refer to current Fee Schedule)

Received by: \_\_\_\_\_

To whom it may concern,

The usage requested for 230 Deming Rd. Berlin, CT is for our business activities at Artisan Building & Remodeling LLC. We are a roofing/siding contractor here in CT fully licensed, insured, and a member of the BBB with an A+ rating. Our plans/purpose of the purchase at 230 Deming Rd. is to create a larger storage space for our equipment and tools throughout the 6,500 sq ft. area of the interior of this property. The remaining 1,500 sq ft. area of the building will be dedicated to our office staff, sales staff, and showroom area for customers.

Let it be known we do have (8) company vehicles which are all professionally wrapped, along with (3) dump trailers which are also professionally lettered. These vehicles/dumpsters would be the only objects to be stored outside of the building in our parking lot. All proper security measures and safety measures will be obliged by.

We will have a minimum of (20) parking spots at our facility, with very few visitors on a daily basis. Our customers are typically seen at their own homes instead of our place of business based off our operations.

Even at peak hours of business, traffic/vehicles coming in and out would be to the max of what we own of the (8) vehicles, absolute worst case (10-12) vehicles if for some odd reason we do see any visitors.

A little more background information of our companies' operations—we are primarily a roofing and siding contractor as previously stated, and only offer (3) services: Roofing, Siding, and Gutter installations. We do sub-contract out all of our work, so our company is considered a marketing/sales company more so than your "typical" contracting company.

With that being said, we would like to put some emphasis on the fact that our office staff/sales department will take up the majority of the usage of this facility on the day to day operations. Training, making calls to customers, conducting paperwork and other sales tasks, along with other clerical tasks.

We will not be storing any materials outside the building and frankly very little in it as we have all of our materials dropped directly to job sites by our distributors (ABC Supply).

Manufacturing or "building" any products and/or making any "loud" construction noises will not be happening at our facility. Again, all of our jobs and construction activities happen at our customers' homes/properties. We do not make cabinets or any custom millwork products so milling and woodworking is to not be of any worries.

If you have any other questions or concerns please don't hesitate to reach out to us directly.

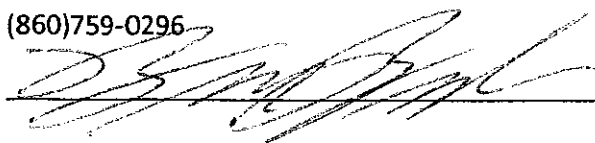
Thank you!

Brandon Buchanan

Owner

Artisan Building & Remodeling LLC

(860)759-0296

 9/1/2021

**Town of Berlin  
Received**

**SEP 02 2021**

Planning & Zoning Department  
Berlin, Connecticut

8 Ella Grasso Turnpike  
Windsor Locks, CT 06096  
860.627.8080  
860.627.8686 f  
enterpriseholdings.com

September 7, 2021

Town of Berlin Planning and Zoning Commission  
c/o Maureen Giusti  
240 Kensington Road  
Berlin, CT 06037

RE: **Proposed Text Amendment to the Berlin Zoning Regulations  
New Section A 3 s**

Dear Mrs. Giusti:

Enclosed, please find a proposed text amendment together with a check in the amount of \$460. Also enclosed is a narrative supporting the proposed Section A 3 s.

Sincerely,



Kevin Kolstad  
Property Development and Facilities Manager  
Enterprise Holdings

Cc: Chris Edge

Town of Berlin  
Received

SEP 08 2021

Planning & Zoning Department  
Berlin, Connecticut

\$460 Application Fee Paid

# PROPOSED AMENDMENT TO SECTION A 3 s of BERLIN ZONING REGULATIONS

New Section VI COMMERCIAL ZONES A 3 s: Private transportation or auto rental services

## NARRATIVE SUPPORTING THE NEW SECTION VI, A 3 s

The Planned Shopping -A (PS-A) zoning regulations. *The purpose of the PS-A district is to accommodate retail and other business uses with a primary local orientation.* In review of the PS-A zone allowed uses and Special Permit uses we have found a couple similar uses in this zone. See similar uses listed below under Section 3. Special Permit uses:

- b. *Public transportation facilities, including bus stations and shelters.*
- c. *Automobile dealers, including accessory automobile service and repair, each subject to a certificate of approval from the Zoning Board of Appeals.*

The uses above are similar in nature to private transportation and auto rental services as they all have to do with transportation. Section b. - public transportation facility allowed above and the requested addition of Private transportation match up nicely. Section c.- Automobile Dealers – an accessory use of Automobile Dealers is that of automobile rentals/loaner cars and the requested addition of auto rental services is closely aligned with what a dealership does.

We operate a number of auto rental facilities throughout Connecticut. We have offices at the Airports and in the local Home City markets similar to Berlin. The Airport location at Bradley Airport supports customers from all over the state, however the home city locations support the local area. The purpose of the PS-A district is to accommodate retail and other business uses with a primary local orientation. We believe that private transportation and auto rental services is a good fit to be allowed in the PS-A district.

The purpose of this text amendment is to allow private transportation and auto rental services to be allowed in the PS-A zone as special permit uses. As stated above, there are a number of similar uses already operating in this zone. The use of the land for this purpose is consistent with the purpose outlined in the regulations of the PS-A district.

It is therefore requested that the Commission allow the text Amendment to be added under Planned Shopping- A (PS-A) zone, A 3 s: Private transportation or auto rental services.

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Berlin, Connecticut

## BERLIN ZONING REGULATIONS

§ VI

### SECTION VI. COMMERCIAL ZONES

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|---|--|
| A. Planned Shopping – A (PS-A)  | F. General Commercial (GC)   |
| B. Planned Shopping – B (PS-B)  | G. Berlin Turnpike Zone – 1 (BT-1)   |
| C. Special Design District Regional Center (SP-DD)                          | H. Berlin Turnpike Zone – 2 (BT-2)   |
| D. Special Design District Regional Center Overlay District (SP-DD Overlay) | I. Commercial Core District – 1 and Commercial Core District – 2 (CCD-1 & CCD-2) |
| E. Special Design District 2 – Berlin Turnpike Overlay District (SP-DD 2)   | J. Bulk Tables   |

### SECTION VI. COMMERCIAL ZONES

#### A. Planned Shopping – A (PS-A).

1. *Purpose.* The purpose of the PS-A district is to accommodate retail and other business uses with a primary local orientation.
2. *Permitted site plan uses.* The following principal uses shall be permitted in the PS-A district, subject to site plan approval by the commission in accordance with Section XIII.
  - a. Stores or shops for the conduct of retail businesses.
  - b. Stores or shops for the conduct of personal service businesses.
  - c. Banks or financial institutions.
  - d. Retail dry cleaning establishments or coin-operated laundromats.
  - e. General or professional offices.
  - f. Medical offices or health care clinics, excluding facilities established solely for the treatment or rehabilitation of drug-dependent persons.
  - g. Restaurants, except drive-ins.
  - h. Indoor theaters.
  - i. Commercial recreation facilities if entirely enclosed, such as bowling alleys or ice or roller skating rinks, health or fitness clubs.
  - j. Funeral homes.
  - k. Schools operated for profit; studios of dance, photography, graphic design, painting or similar artistic endeavors.
  - l. Caterers.
  - m. Museums, art galleries or similar facilities of nonprofit educational or cultural organizations or institutions.
  - n. Clubs.
  - o. Membership organizations such as business or professional associations, labor organizations or political organizations.
  - p. Printing, lithography, photocopying or similar graphic arts services; publishing facilities.



3. *Special permit uses.* The following principal uses shall be permitted in the PS-A district, subject to special permit and site plan approvals by the commission in accordance with Sections XII and XIII.
- a. Hospitals, subject to the requirements of Section XI.E.
  - b. Public transportation facilities, including bus stations and shelters.
  - c. Automobile dealers, including accessory automobile service and repair, each subject to a certificate of approval from the Zoning Board of Appeals.
  - d. Adult day care centers, subject to the provisions of Section XI.O.
  - e. Medical or dental laboratories.
  - f. Animal hospitals; boarding of animals or birds; commercial kennels.
  - g. Radio or television broadcast facilities.
  - h. Nurseries or garden supply stores.
  - i. Building Materials suppliers, if all equipment and supplies are stored inside.
  - j. Public schools, libraries, or post offices.
  - k. Drive-through facilities as an accessory to the principal use otherwise permitted in this zone, provided that:
    - i. The outdoor speaker be located a minimum of 100 feet from the boundary of any residentially zoned property;
    - ii. No sound from the outdoor speaker be heard on any residentially zoned property;
    - iii. All drive-through facilities shall be discontinued upon cessation of the principal use to which they are associated.
  - l. Commercial parking lots, garages or structures, for the parking of motor vehicles.
  - m. Amusement facilities entirely enclosed.
  - n. [Reserved].
  - o. Public utility substations, telephone exchanges, water filtration plants or other public utility facilities, subject to the requirements of Sections XI.K. and XI.N.
  - p. Gasoline filling stations, subject to the requirements of Section XI.R.; also subject to a certificate of approval from the Zoning Board of Appeals.
  - q. [Reserved].
  - r. Child day care centers or group day care homes, subject to Section XI.H.
4. *Permitted accessory buildings, structures and uses.* The following accessory buildings, structures and uses shall be permitted in the PS-A zone:
- a. Any accessory building, structure or use customarily incidental and directly related to the operation of the principal use.
  - b. Off-street parking and loading, including parking structures, subject to the provisions of Section IX.B.
  - c. Signs, subject to the provisions of Section IX.A.
  - d. The outside overnight parking of vehicles or equipment, provided that no vehicle or equipment shall be parked within any required yard and

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**G. Berlin Turnpike Zone – 1 (BT-1).**

1. *Purpose.* To provide for a range of commercial and related uses that are appropriate to the unique nature of the properties along the Berlin Turnpike that do have detrimental impacts on nearby residential properties.
2. *Site plan uses.* The following principal uses shall be permitted in the BT district subject to site plan approval by the commission in accordance with Section XIII, provided that the total building area of uses does not exceed 5,000 square feet GFA and further provided that vehicular access between adjacent parcels and integration of pedestrian access between adjacent parcels is addressed:
  - a. Stores or shops for the conduct of retail business, except that the sale, service or rental of motor vehicles shall be specifically excluded.
  - b. General business medical or professional offices.

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**BERLIN ZONING REGULATIONS**

**§ VI**

- c. Banks, including drive-in and drive-through establishments.
  - d. Restaurants, banquet halls or other places serving food and beverage.
  - e. Stores or shops for the conduct of personal or business service businesses such as travel agents, beauty salons/spa, computer repair.
  - f. Indoor motion picture theaters.
  - g. Manufacturers' showrooms or product distribution centers.
  - h. Caterers or bakeries.
3. *Special permit uses.* The following principal uses shall be permitted in the BT-1 zone subject to special permit and site plan approvals by the commission in accordance with Sections XII and XIII and further provided that vehicular access between adjacent parcels and integration of pedestrian access between adjacent parcels is addressed.
- a. All uses permitted by site plan in excess of 5,000 square feet provided that a single unified site plan application may be submitted for multi-building projects.
  - b. Indoor or outdoor commercial recreation facilities including, but not limited to, skating rinks, dancehalls, sports arenas, health clubs, swimming pools and swimming clubs, miniature golf courses, batting cages, go-cart facilities, tennis clubs, bowling alleys and golf driving ranges.\*
  - c. Health and Fitness Clubs.
  - d. Motor vehicle repair, garages, or gasoline filling stations; also subject to a Certificate of Location Approval from the Zoning Board of Appeals.
  - e. Hospitals, subject to the requirements of Section XI.E.
  - f. Public transportation facilities, including bus stations and bus shelters.
  - g. Automobile dealers, also subject to a certificate of approval from the Zoning Board of Appeals.\*
  - h. Private transportation or auto rental services.
  - i. Adult day care centers, subject to the provisions of Section XI.O.
  - j. Medical or dental laboratories.

**Town of Berlin  
Received**

**SEP 08 2021**

Planning & Zoning Department  
Berlin, Connecticut

Date: September 20, 2021/Updated:October 6, 2021 (Health, Wetlands, Zoning Officer)  
Updated: October 13, 2021 (Conservation Commission)

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

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**APPLICATION:** Amendment to Berlin Zoning Regulations  
New Section VI.A.3.s.  
Commercial Zones – Private Transportation or Auto Rental Services

**APPLICANT:** Kevin Kolstad/Enterprise Holdings

**AGENDA DATE:** October 21, 2021

*To the Applicant:*

- *These are the comments received to date, additional comments may be forthcoming. Please submit any written response or revisions to the application to Maureen Giusti, AICP, Acting Town Planner, at [mgiusti@town.berlinct.gov](mailto:mgiusti@town.berlinct.gov). We will forward your comments or distribute materials to the relevant department.*

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Police Chief

No comment

Board of Police Commissioners

No comment

Director of Economic Development

No comment

Building Official

No comment

Berlin Water Control

No comment

Fire Marshal

No comment

Town Engineer

No comment

Health District

No comment

Inland Wetlands

No comment

Zoning Officer

Auto dealers, service and repair, consume large swaths of land. These uses should not be mixed with local shopping uses, but are a destination in and of themselves.

Conservation Commission

No comment

*Emailed to Applicant: October 13, 2021*



September 24, 2021

**TO: BERLIN PLANNING AND ZONING COMMISSION**

**REPORT ON ZONING REFERRAL Z-2021-101: Proposed zoning amendment pertaining to private transportation or auto rental services as a special permit use in the Planned Shopping-A District.**

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

**COMMENT:** The staff of the Regional Planning Commission of the Capitol Region Council of Governments has reviewed this zoning referral and finds no apparent conflict with regional plans and policies or the concerns of neighboring towns.

The public hearing date has been scheduled for **10/21/2021**.

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

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

Respectfully submitted,

Jennifer Bartiss-Earley, Chairman  
Regional Planning Commission

Brendan Malone, Vice Chairman  
Regional Planning Commission



Christopher Henchey  
Transportation Planner