

Berlin Planning and Zoning Commission
May 21, 2020 **7:00 P.M.**
CALL IN NUMBER: 1-701-802-5317 **ACCESS PIN CODE: 847264#**

The Berlin Planning and Zoning Commission will meet remotely on Thursday, May 21, 2020 at 7:00 P.M. for the purpose of holding a Regular Meeting on the following matters. The public can call into this meeting. If you would like to listen to the meeting or participate in the public hearing, please call **1-701-802-5317**. You will be asked to punch in the access code followed by the pound sign **847264#**.

The 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 twenty-four (24) hours prior, during and after the meeting. Members of the public are encouraged to submit materials relevant to the applications no later than 2:00 p.m. on Wednesday, May 20, 2020, for posting prior to, during and after the meeting.

Berlin Planning and Zoning Commission Regular Meeting Agenda

REVISED 5-20-2020 (added VI.a.)

- I Call to Order**
- II Approval of Minutes**
 - a. May 7, 2020
- III Schedule Public Hearing**
 - a. Special Permit Application of Superior Heating & Cooling Inc for a contractor's shop at 600 Four Rod Road – Building 9
Suggested Date: June 4, 2020
- IV Commission Business**
 - a. Discussion of a proposed multi-family Work Force Housing Development at 833 Deming Road by Metro Realty
 - b. Façade Application of Cynthia M. Butrimas, 925 Farmington Avenue
 - c. Façade Application of Michael and Rosemary Cassetta, Dairy Queen, 806 Farmington Avenue
 - d. Façade Application of Newport Center@Farmington Avenue, 848 Farmington Avenue
 - e. Façade Application of Newport Center@Farmington Avenue, 848 Farmington Avenue
 - f. Façade Application of Italian Political Independent Club, 16 Harding Street
- V Public Hearings**
 - a. Zone Change Application of Attorney Richard Pentore on behalf of Shuttle Meadow Country Club, Inc. to change the zone of a portion of Lot 1, Block 10, 51 Randeckers Lane, and Lot 93, Block 10, Wigwam Road, from Residential-43 to Planned Residential-2 (*Opened 1/23/2020*)
 - b. Special Permit Application of Spencer Wetmore for an Accessory Dwelling Unit at Map 14-2, Block 69, Lot 41, 216 Ellwood Road

Continued...

V Old Business

- a. Zone Change Application of Attorney Richard Pentore on behalf of Shuttle Meadow Country Club, Inc. to change the zone of a portion of Lot 1, Block 10, 51 Randeckers Lane, and Lot 93, Block 10, Wigwam Road, from Residential-43 to Planned Residential-2
- b. Special Permit Application of Spencer Wetmore for an Accessory Dwelling Unit at Map 14-2, Block 69, Lot 41, 216 Ellwood Road

VI Other Commission Business

- a. Discussion of boulevard construction

Executive Session and Discussion, Receipt of Public Comment, and Action on Stipulation for Judgment

- b. Discuss the status of the pending litigation and proposed Stipulation for Judgment in Coccoma Brothers Associates, LLC v. Planning and Zoning Commission of Town of Berlin and Newport Realty Group, LLC (Docket No. HHB -CV19-6055772-S), concerning the real property located at 873 Farmington Avenue, Berlin, and possible action by the Commission related to same. Members of the public can participate and offer their comments on the Stipulation for Judgment to the Commission.
- c. Consider whether to convene in executive session to discuss the status of the pending litigation and proposed Stipulation for Judgment in Coccoma Brothers Associates, LLC v. Planning and Zoning Commission of Town of Berlin and Newport Realty Group, LLC (Docket No. HHB -CV19-6055772-S).

VIII Adjournment

**Planning and Zoning Commission Regular Meeting Minutes
May 7, 2020**

I Call to Order

The Berlin Planning and Zoning Commission held a virtual meeting on May 7, 2020. Due to technical difficulties, the meeting was called to order at 7:50 p.m.

In attendance:

Chairwoman Joan Velej

Commissioners Diane Jorsey, Jon Michael O'Brien, Brian Rogan, Steve Wollman, Timothy Zigmont

Alternate Commissioner Steve Biella, Jr.

Acting Town Planner/Zoning Enforcement Officer Maureen Giusti

Town Counsel Jennifer Coppola

Excused

Commissioner Curtis Holtman

II Approval of Minutes

a. April 16, 2020 Regular Meeting

b.

Commissioner Zigmont moved to approve the minutes, as presented.

Commissioner Jorsey seconded the motion.

Ms. Giusti polled the commission.

Voting Aye: Commissioners O'Brien, Zigmont, Rogan, Wollman, Biella, Velej, Jorsey

The motion carried unanimously.

III Commission Business

a. Discussion request by The Military Experience Museum, Inc. for use of properties on the Chamberlain Highway at Map 30-2, Block 74, Lot 37 owned by 76 Chamberlain Highway LLC and Lot 39 owned by Meadow Haven Inc.

Mr. Thomas O'Rourke, presented an overview of the proposal which is to create an outdoor recreational area for a "museum experience" with the anticipation that visitors become involved in an activity which will motivate them to learn more about the history of the events. The site will be family oriented. There will be a military style obstacle course for training purposes and replicas of various military bases, including those from World War II, Vietnam, possibly Korean, Afghanistan and Iraq. It is their intention to have visitors meet veterans and have a positive experience.

Mr. Chris Edge, Director of Economic Development, stated he has been discussing the project with Mr. O'Rourke for months and believes it will be a tremendous asset for Berlin.

In response to Chairwoman Veley’s questions, Mr. O’Rourke stated the site is designed as an outdoor facility and, in general, will be open year-round. There is an actual museum located in Wallingford and a museum building is not proposed for the Berlin site.

In response to Commissioner Jorsey’s questions, Mr. O’Rourke stated the site will have a staging area for sign in and a trail system which would allow for medical assistance, if needed. The company’s vice-president who has over twenty years Army service, as well Boy Scouts experience, will oversee the activities. In addition, staff includes a multi-certified member who is a former military and law enforcement officer. The site will have different activities which will be directed to both children and adults. He stated air soft replicas of rifles will be used by WWII actors during reenactments.

Commissioner Jorsey stated the concept is interesting and needs clarity regarding the reenactments and effects on surrounding properties.

Chairwoman Veley agreed and stated it will need to be determined how the use will fit in the zone.

Commissioner Jorsey polled the commission:

Commissioner O’Brien: No questions.

Commissioner Zigmont: No questions.

Commissioner Rogan: No questions. He stated the proposal is interesting and the exposure to the military experience is a great learning tool.

Commissioner Wollman: Asked if the business is non-profit. Mr. O’Rourke replied that is a non-profit business, categorized as an educational museum.

Commissioner Biella: Stated the proposal is interesting and he likes the concept

Chairwoman Veley: No questions.

Commissioner Jorsey: No questions.

Ms. Giusti stated she will discuss the proposal further with Mr. Edge to determine categorizing its use as a special permit and site plan will be required.

She asked the commissioners if their consensus is the zone is suitable.

Commissioners Zigmont, Veley, and Rogan stated their opinion the use is educational.

- b. Discussion of Certificate of Zoning Co0mpliance, Vanik Asatour, 369 New Britain Road, CTALIA Pizza-Bakery; food use in multi-tenant building, CCD-Zone

c.

Mr. Vanik Asatour, stated the pizza-bakery would have orders on line and take out only. The menu would be mostly pizza, with some bakery items.

Ms. Giusti stated the site is located in a commercial plaza with condominium units. Mr. Asatour’s business is a dental fabricating business on the upper level of the two story unit. He

would like to use the first floor as the pizza-bakery business. The change of use of the transition to a food business, as proposed, would not require any parking changes. It is the commission's decision if the use is allowable.

Mr. Asatour stated the dental business will continue at the present time on the second floor.

Commissioner Jorsey polled the commissioners if a Certificate of Zoning Compliance is appropriate.

Commissioner Jorsey:	No issue
Commissioner Wollman:	No issue
Commissioner O'Brien:	No issue
Commissioner Zigmont:	No issue
Commissioner Rogan:	No issue
Commissioner Biella:	No issue
Chairwoman Veley:	No issue

d. Discussion of restaurant patio/outdoor seating in response to Governor's Order allowing outdoor dining after May 20, 2020

Commissioner Wollman stated anything the commission can do to help businesses should be done, with Health and Police Department considerations for safety issues for customers considered.

Commissioner Rogan stated parking requirements may have to be eased if tables are set up in parking lots.

Commissioner Zigmont stated he had no issue with outdoor dining; however, a covering over the tables would be preferable and a temporary fence installed for safety.

Chairwoman Veley stated there are additional guidelines from the state and this commission's comments may be forwarded to the Governor. Some restaurants have no outside seating and allowing seating inside with proper distancing may be a solution. Weather conditions are also a factor. She stated she is not opposed to the concept and there is a need to help businesses.

Ms. Giusti stated she understands the commission is supporting the idea of outdoor dining being allowed due to the Covid-19 pandemic. She will look into the temporary use to determine ramifications, for example, when adjacent businesses open. Another consideration is also the involvement of liquor permits.

Attorney Coppola also noted there has been discussion about liquor permits relating to the outdoor seating.

Commissioner Jorsey polled the commissioners for their support of outdoor seating for restaurants:

Commissioner O'Brien:	In favor
Commissioner Zigmont:	In favor – an awning or tent should be used over the designation of the area
Commissioner Rogan:	In favor
Commissioner Wollman:	In favor
Commissioner Biella:	In favor
Commissioner Jorsey:	In favor
Chairwoman Veley:	In favor

The consensus is to support the Governor's Order of outdoor dining after May 20, 2020.

IV Public Hearing (Continued)

- a. Zone Change Application of Attorney Richard Pentore on behalf of Shuttle Meadow Country Club, Inc. to change the zone of a portion of Lot 1, Block 10, 51 Randeckers Lane, and Lot 93, Block 10, Wigwam Road, from Residential-43 to Planned Residential-2

Attorney Richard Pentore, Mr. Bart Bovee, P.E., Mr Donald Klepacki announced they were in attendance.

Attorney Pentore noted that due to the technical difficulties in the beginning of the meeting, some callers may have been lost. He stated they would prefer to reconvene at the next meeting to present their testimony.

Ms. Giusti acknowledged the Governor's Order in place due to the Coronavirus would allow an additional 90-day extension to the next meeting.

Commissioner Jorsey moved to continue the public hearing to the May 22, 2020 meeting. Commissioner Zigmont seconded the motion.

Commissioner Jorsey polled the commission.

Commissioner O'Brien:	Aye
Commissioner Zigmont:	Aye
Commissioner Rogan:	Aye
Commissioner Wollman:	Aye
Commissioner Biella:	Aye
Commissioner Jorsey:	Aye
Chairwoman Veley:	Aye

The motion carried unanimously.

V Old Business

- a. Zone Change Application of Attorney Richard Pentore on behalf of Shuttle Meadow Country Club, Inc. to change the zone of a portion of Lot 1, Block 10, 51 Randeckers Lane, and Lot 93, Block 10, Wigwam Road, from Residential-43 to Planned Residential-2

No discussion or action taken.

VI EXECUTIVE SESSION

Town Counsel Coppola asked Vice-Chairwoman Jorsey to read the items for Executive Session and asked that she and Ms. Giusti and Mr. Jim Mahoney, Economic Development Coordinator, be asked to join them in Executive Session. She stated once in Executive Session, the commission will adjourn from Executive Session.

Vice-Chairwoman Jorsey read the following two agenda items into the record.

- a. Discuss the status of the pending litigation of Coccoma Brothers Associates LLC v. Planning and Zoning Commission of Town of Berlin and Newport Realty Group, LLC, and possible action relating to same.
- b. Consider whether to convene in executive session to discuss the status of the pending litigation of Coccoma Brothers Associates LLC v. Planning and Zoning Commission of Town of Berlin and Newport Realty Group, LLC.

Commissioner Zigmont moved to enter into Executive Session and invite Town Counsel Coppola, Acting Town Planner/ZEO Maureen Giusti and Economic Development Coordinator Jim Mahoney to join them.

Commissioner Biella seconded the motion.

Commissioner Jorsey polled the commission:

Commissioner O'Brien:	Aye
Commissioner Zigmont:	Aye
Commissioner Rogan:	Aye
Commissioner Wollman:	Aye
Commissioner Biella:	Aye
Commissioner Jorsey:	Aye
Chairwoman Veley:	Aye

The motion carried unanimously. The time was 8:53 p.m.

VI Adjournment

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

Town of Berlin
Received
MAY 18 2020
Planning & Zoning Department
Berlin, Connecticut

SPECIAL PERMIT APPLICATION

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

Project Name: Superior Heating & Cooling, Inc.
Property Owner(s): RJS Properties LLC
Project Address*: 600 Four Rod Road - Building 9
Map: 15-3 Block: 90-6 Lot: 1-9 Zone(s): PJ-2 Lot Area: N/A Condo

Applicant Information

Name: Richard Solek Firm Name: Superior Heating & Cooling Inc.
Street Address: 111 Apple Lane City: Kensington ST: CT Zip: 06037
Email: Superior111hc@yahoo.com Phone: 860-828-9271
Signature: [Signature] Date: 5/15/2020

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

Name: Richard Solek Principal: RJS Properties
Street Address: 111 Apple Lane City: Kensington ST: CT Zip: 06037
Email: Superior111hc@yahoo.com Phone: 860-944-8421

*Letter of Authorization Required

Special Permit required pursuant to section(s):

VII E 3m - Contractor Shops

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

Received by: fms

SUPERIOR HEATING AND COOLING INC.

111 APPLE LANE
KENSINGTON, CT. 06037

CT. ST. LIC. 303486

SINCE 1988

Town of Berlin
Received

MAY 18 2020

Planning & Zoning Department
Berlin, Connecticut

Phone 860-828-9271
Fax 860-828-9381

WWW.SUPERIORHEATINGANDCOOLINGINC.COM

DATE 05/14/20

RE: WRITTEN NARRATIVE 600 FOUR ROD RD. BLDG. #9

SUPERIOR HEATING AND COOLING IS A HVAC SALES AND SERVICE COMPANY WITH SIX EMPLOYEES THAT HAS BEEN IN BUSINESS SINCE 1988.

DURING A REGULAR DAY OF BUSINESS THERE WILL BE ONE AND SOMETIMES TWO PERSONS WORKING IN THE OFFICES.

REAR WAREHOUSE SPACE WILL BE FOR INVENTORY STORAGE, AND DUCT WORK FABRICATION.

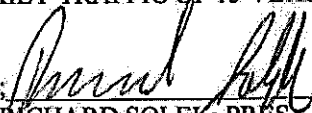
SERVICE AND INSTALL TECHS WILL COME IN FOR MATERIALS, AND THEIR SCHEDULE FOR THE DAY. (FOUR SERVICE VANS) ARRIVING BETWEEN 7:00 AM TO 8:00 AM AND LEAVING SHORTLY AFTER FOR THE DAY.

DEPENDING ON THEIR SCHEDULE SOME DAYS THEY WILL NOT COME TO THE SHOP AT ALL.

THERE WILL BE MATERIAL DELIVERIES FROM OUR SUPPLIERS WHICH IS RANDOM, SOME WEEKS THERE CAN BE SEVERAL DELIVERIES AND SOME WEEKS THERE IS NONE. MATERIAL AND EQUIPMENT DELIVERIES ARE UNLOADED BY HAND OR LIFT GATE.

THE BUILDING HAS 10 PARKING SPACES AND I ANTICIPATE 2 VEHICLES PARKED DURING THE DAY. WITH A MAXIMUM DAILY TRAFFIC OF 15 VEHICLES PER DAY.

SINCERELY:


RICHARD SOLEK, PRES.