

Proposed Zoning Text Amendment
Section 3.19.2.B.1.
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1. ~~Location~~ Reserved

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

Reason for Zoning Text Amendment

Section 3.19.2.B.1. of the Zoning Regulations is one of nine conditions governing the development of residential buildings in the Planned Development (PD) District by special permit approval. Specifically, this condition restricts such residential buildings unless their site location has “direct access” to the Berlin Turnpike or to a public street which directly connects to the Berlin Turnpike. The term “direct access” is undefined by the Zoning Regulations. Further, the term is not used anywhere else within the Zoning Regulations or in any other manner which could provide context as to its actual meaning. There is no guidance provided as to whether vehicular or pedestrian access is required or what type of physical improvement, if any, is required to comply with the condition. However, it would appear that the purpose of this condition is to indirectly control traffic flow to and from residential buildings in the PD District by limiting the eligibility of certain sites for such uses to the area in the vicinity of the Berlin Turnpike.

This condition is confusing and provides little value other than to arbitrarily restrict the residential development of some lots in the PD District. The requirement of a connection to the Berlin Turnpike makes little sense considering that while many parcels along the Berlin Turnpike are located within the PD District, there are five other separate PD Districts located in distant areas of the community and dozens of lots across the town which are currently within the PD District but are not located on the Berlin Turnpike or a connecting street. To preclude the possible development of residential buildings at these numerous sites, which may be wholly appropriate and can be properly vetted with a traffic analysis during the special permit review process, defies common sense. Further, there is no similar site location restriction on other uses permitted as of right or by special permit in the PD District, including much more intense commercial uses which generate far greater traffic counts. For example, a major shopping center anchor store like a Home Depot or a Walmart, which generates much greater traffic than any residential development, can be constructed on any lot within the PD District without consideration of connection or proximity to the Berlin Turnpike. If the purpose of the Section 3.19.2.B.1. is to somehow control traffic, it fails miserably, and only hamstring developers and property owners from developing residential buildings in suitable locations.

The proposed zoning text amendment would delete Section 3.19.2.B.1. in its entirety. It should be noted that any proposed residential development within the PD District is still subject to special permit approval and the traffic generation and impact of any proposed development must still be properly vetted and considered by the Commission prior to action on any application.