

**TOWN OF BERLIN
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARINGS**

The Berlin Planning and Zoning Commission will hold Public Hearings on Thursday, July 20, 2023 at 7:00 P.M. in the Town Council Chambers, Berlin Town Hall, 240 Kensington Road, Berlin, CT. Interested parties may join the meeting and participate in the public hearings in person or remotely as provided below.

- a. Proposed text amendment of Newport 848 Farmington Ave, LLC to amend Section VIII.F. of the Berlin Zoning Regulations
- b. Applications of 1906 Berlin LLC prepared by Christopher J. Smith Esq., Alter & Pearson, LLC submitted pursuant to Connecticut General Statutes §8-30g. Affordable Housing Land Use Appeals:
 - 1. Proposed zone text amendment to create new §XI. EE. "Planned Residential Infill Development — Inclusionary Multi-Family Residential Use with a Housing Opportunity or Workforce Housing Component" and
 - 2. Application for site plan approval to permit a fifty-two (52) unit multi-family residential community (Spruce Brook Apartments) on real properties known as 1906 Berlin Turnpike (Map 21-2 Block 115 Lot 7), 1934 Berlin Turnpike (Map 21-2 Block 115 Lot 8) and 0 Berlin Turnpike (Map 21-2 Block 115 Lot 8a)
- c. Applications of Little House Living LLC prepared by Christopher J. Smith Esq., Alter & Pearson, LLC submitted pursuant to Connecticut General Statutes §8-30g. Affordable Housing Land Use Appeals:
 - 1. Proposed zone text amendment to create new §XI. EE. "Planned Residential Infill Development — Inclusionary Multi-Family Residential Use with a Housing Opportunity or Workforce Housing Component" and
 - 2. Application for site plan approval to permit a twenty (20) unit multi-family residential community on real property known as 1676 Berlin Turnpike (Map 22-1 Block 114 Lot 10). The applications and related meeting materials are available at the Planning and Zoning Department, Berlin Town Hall, 240 Kensington Road, Berlin, Connecticut.

Remote access to this meeting is available by Zoom video conference at the following link:
<https://berlinc-t-gov.zoom.us/j/89048044587?pwd=cC90VHZSdVJHQjcvR3FwNjNlSmUrdz09>

Meeting ID: 890 4804 4587 - Passcode: PZ100 - Dial by your location* - +1 929 205 6099 US (New York) - Meeting ID: 890 4804 4587- Passcode: 061820

*Data and toll charges may apply.

Dated this 6th day of July, 2023 at Berlin, CT.

Brian Rogan, Secretary
Berlin Planning and Zoning Commission

New Britain Herald

Legal Notices/Classified Advertising

Dates of Publication: Monday, July 10, 2023

Monday, July 17, 2023

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BERLIN TOWN CLERK

2023 JUL -7 PM 12: 39

Katya G. Wall

BERLIN, CT.



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JUN 06 2023

**PLANNING AND ZONING COMMISSION
APPLICATION FOR ZONING TEXT AMENDMENT**

Planning & Zoning Department
Berlin, Connecticut

APPLICANT

Newport 848 Farmington Ave, LLC
710 Main Street, Suite 11
Plantsville, CT 06479
Phone: (860) 276-8068

Agent: Anthony Valenti, Member

DESCRIPTION OF PROPOSED PROJECT

The application requests a Text Amendment to Section VIII.F of the Berlin Zoning Regulations.

PROPOSED TEXT AMENDMENTS

Berlin Zoning Regulations §VIII.F.
Proposed Amendment of Newport 848 Farmington Ave, LLC dated June 6, 2023

New text: **Bold and Underlined**

Deleted text: ~~strikethrough~~

§VIII.F. Kensington Overlay Zone (KO):

§ 3.b. Special Permit Uses. Village Core – Area 2

i. Mixed use developments containing retail stores, restaurants, business and professional offices and other business uses and residential uses) provided that:

(1) Only business uses shall be located at street level **on Main Street, New Britain Road, and Kensington Road and in any building located within 75 feet from Farmington Avenue, along the public way,**

(2) Residential uses shall not be located at street level **unless in a building located more than 75 feet from Farmington Avenue and behind another building with first floor commercial uses,**

(3) No dwelling unit shall have more than ~~one bedroom~~ **two-bedrooms**, and a den, office, or similar undesignated room (provided not used as a bedroom);

(4) Separate and distinct entrances shall be provided for first floor and upper story uses; and,

(5) There shall be **a one acre minimum with** a maximum of:

i. six dwelling units per whole acre (no pro-rate of acreage) ~~with a one-acre minimum, or~~

ii. **seven units per whole acre (no pro-rate of acreage) provided that at least 20% of the units are deed restricted as affordable pursuant to VIII.F.7.**

ii. Restaurants, including outdoor dining but excluding drive-through restaurants.



iii. Parking structures.

§ 7. Affordability Guidelines.

- a. ~~Any application proposing affordable housing units shall be deed restricted to comply with all aspects of the Connecticut General Statutes §8-30g.~~
- b. ~~Any application proposing affordable units shall submit an affordability plan specifying the procedures for establishing and monitoring the affordability restrictions and identifying the Administering Agency which will monitor and enforce the affordable housing restrictions.~~
- c. ~~Affordable units shall be of comparable size, quality, and level of finish as the overall development and shall be completed and occupied on a proportional basis.~~

~~Prior to the issuance of a building permit, the developer shall submit documents to the Administering Agency such that the Administering Agency can certify compliance with applicable statutory and other requirements.~~

It is the intent of this section that any application proposing or requiring affordable housing units shall be deed restricted to count as affordable units in compliance with the provisions of the Connecticut General Statutes §8-30g.

- a. **Any application proposing residential housing units exceeding six (6) units an acre shall require twenty percent (20%) of the total number of units as affordable housing units which are subject to binding recorded deeds containing covenants or restrictions in perpetuity which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty percent (30%) or less of income, where such income is less than or equal to eighty percent (80%) of the median income as defined under Connecticut General Statutes §8-30g.**
- b. **Any application proposing affordable units shall submit an affordability plan specifying the procedures for establishing and monitoring the affordability restrictions and identifying the Administering Agency which will monitor and enforce the affordable housing restrictions.**
- c. **Prior to the issuance of a building permit, the developer shall submit documents to the administering agency such that the Administering Agency can certify compliance with applicable statutory and other requirements.**
- d. **Affordable units shall be dispersed evenly throughout the residential portion of the development.**
- e. **Affordable units shall be of comparable size, quality, and level of finish as the overall development and shall be completed and certificates of occupancies issued on a proportional basis of one (1) affordable unit per every four (4) market rate units.**

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1906 Berlin Turnpike
Berlin, Connecticut

**Town of Berlin
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JUL 07 2023

**Planning & Zoning Department
Berlin, Connecticut**

**Proposed Zone Text Amendment for New
Section XI, EE, “Planned Residential Infill
Development - Inclusionary Multi-Family
Residential Use with a Housing Opportunity or
Workforce Housing Component”**

Submission Draft

April 2023; Revised May 2023; Revised July 2023

**Submitted by: 1906 Berlin, LLC
to the Planning and Zoning Commission of the Town
of Berlin, Connecticut**

**PREPARED BY:
Christopher J. Smith, Esq.
Alter & Pearson, LLC
701 Hebron Avenue
P.O. Box 1530
Glastonbury, CT 06033**

I. PROPOSED NEW:

NEW SECTION XI, EE, "PLANNED RESIDENTIAL INFILL DEVELOPMENT - INCLUSIONARY MULTI-FAMILY RESIDENTIAL USE WITH A HOUSING OPPORTUNITY OR WORKFORCE HOUSING COMPONENT"

EE.1 Intent and Purposes:

Multi-family dwelling units are permitted on certain properties located along the Berlin Turnpike or Route 15 to promote the adaptive reuse and redevelopment of underperforming properties subject to the provisions of this section. This section provides for residential communities with a housing opportunity or workforce housing component that qualify as "affordable", as provided by Section 8-30g of the Connecticut General Statutes ("Section 8-30g"). This section also provides for mixed-income residential communities located along the Berlin Turnpike or Route 15. The provisions of this section supersede any of the provisions of the underlying zone district of a qualifying property. The purpose of this section is to:

- (a) Increase the availability of affordable and attainable rental or for sale workforce dwellings in Berlin where existing and adequate public facilities and services are present, and the real property associated with the proposal is located adjacent to the Berlin Turnpike or Route 15.
- (b) Encourage the construction of rental or for sale workforce dwellings that are within the economic means of moderate and low income households in a mixed-income development, which is within close proximity to public modes of transportation and adjacent to the Berlin Turnpike or Route 15.
- (c) Promote housing choice and economic diversity, including rental and for sale housing for moderate and low income households, within the Town of Berlin.
- (d) Efficiently utilize existing infrastructure along the Berlin Turnpike or Route 15 to promote neighborhood planning by providing a diversity of housing, densities, sizes, and prices, in an adaptive reuse, infill, redevelopment or adaptive reuse approach.

Workforce or affordable housing, or Mixed-Income dwellings, which fully satisfy the intent, requirements and purposes of Section 8-30g, must be part of any housing proposal submitted for approval pursuant to the provisions of this section.

EE.2 Permitted Uses:

The following uses shall be permitted subject to the provisions of this section and approval by the Commission in accordance with the standards set forth herein:

- (a) Multi-family residential dwellings; and
- (b) Related accessory buildings, amenities, structures and uses.

EE.3 Site Requirements:

No parcel, or combined parcels, of land shall qualify for multi-family dwellings, as provided by this section, unless it satisfies the following:

- (a) has a minimum size of 1.5 acres;
- (b) has a minimum of 100 feet of frontage on the Berlin Turnpike or Route 15; and
- (c) has access to existing public water and public sewer.

EE.4 Bulk, Area, Dimensional, and Coverage Requirements:

The following requirements shall be deemed to be the minimum or maximum requirements in every instance of an application under this section (setback requirements below shall not apply to retaining walls):

- | | | |
|-----|------------------------------|---------------------------|
| (a) | Minimum lot area | 1.5 acres |
| (b) | Minimum front setback | 10 feet |
| (c) | Minimum side setback | 10 feet |
| (d) | Minimum rear setback | 5 feet |
| (e) | Maximum building height | 45 feet or 4 1/2 stories |
| (f) | Maximum impervious coverage: | 90 % of gross lot
area |

EE.5 Other Standards:

- (a) Private driveways:

When private driveways are proposed, they shall be designed and constructed whereby they do not result in an adverse impact to a substantial public interest, as provided by Section 8-30g.

(b) Parking:

Notwithstanding any other requirement of these Regulations, parking shall be designed to provide safe circulation, and satisfy the following minimum requirements: 1.5 space per dwelling unit.

(c) Density:

The maximum number of multi-family dwellings shall not exceed 22 dwellings or units per one gross acre.

(d) Signage:

Notwithstanding any other provision provided for in these Regulations, signage may be proposed, and approved, as part of a site plan / zoning compliance application pursuant to this section. Four building identification signs are allowed per building with a maximum size of 4 X 8 feet or 32 square feet for each sign. In addition, directional signs, as needed, are allowed. Signs may be internally or externally illuminated.

EE.6 Site Plan / Zoning Compliance Documents Required to be Submitted:

Notwithstanding any other provision in these Regulations, including requirements for the submittal of certain documents as provided for in these Regulations, only those documents provided for in this section are required to be submitted for a proposal under this section. These documents and associated site development information, and the information referenced in and required by this section, shall be collectively referred to as "site plan application", for purpose of an application submitted pursuant to this section.

EE.7 Traffic Study:

Upon request of the Commission, a traffic study shall be prepared and submitted to the Commission with regard to the existing and proposed traffic conditions and circumstances.

EE.8 Application Requirements:

- (a) Application for site plan approval, as provided for in this section.
- (b) Notwithstanding any other provision of these Regulations, appropriate parking and loading, landscaping and lighting, and sediment and erosion control measures, shall be provided, consistent with Section 8-30g.

- (c) An application for site plan approval submitted pursuant to this section shall provide for appropriate stormwater quality and quantity control measures, consistent with Section 8-30g.
- (d) An application for site plan approval submitted pursuant to this section that would otherwise require a separate land excavation and fill permit, or related approval, shall not be required to submit an additional application for such land excavation work. However, any land excavation and fill associated with the residential community proposed pursuant to this section shall be consistent with Section 8-30g.
- (e) Any design standards and requirements not consistent with this section shall not apply to a residential community proposed pursuant to this section. However, the residential community proposal shall be consistent with Section 8-30g.

EE.9

Requirements for Workforce Housing or Mixed-Income Component:

- (a) Any multi-family dwelling proposal submitted pursuant to this section must be a housing development in which not less than thirty percent (30%) of the dwelling units will be held or conveyed by deeds containing covenants or restrictions which shall require, for a period of at least forty (40) years, that such dwelling units be rented or sold at, or below, prices which will preserve the dwelling units as housing for individuals or families, as provided by Section 8-30g of the Connecticut General Statutes, as amended.
- (b) "Workforce Housing Dwelling" or "Mixed-Income Dwelling" means a dwelling unit within a multi-family development proposal submitted for approval pursuant to the provisions of this section that is subject to long-term price restrictions that comply with Section 8-30g of the Connecticut General Statutes, as amended.

EE.10

Requirements for Workforce Housing or Mixed-Income Dwellings:

The following requirements shall apply to Workforce Housing or Mixed-Income Dwellings:

- (a) Such dwellings shall be of a construction quality that is comparable to market-rate dwellings within the development.
- (b) Such dwellings shall be dispersed throughout the development and built on a pro rata basis as construction proceeds.
- (c) In conjunction with an application for approval of a site plan / zoning compliance pursuant to the provisions of this section, the applicant shall submit an "Affordability Plan," as required by Section 8-30g of the

Connecticut General Statutes, which shall describe how the regulations regarding affordability will be administered. The Plan shall include provisions for administration of and compliance with this section; notice procedures to the general public of the availability of affordable units; identification of the method for designating affordable units; procedures for verification and periodic confirmation of unit occupancy income; and compliance with affordability requirements.

- (d) A violation of the regulations contained in this section shall not result in a forfeiture or reversion of title, but the Planning and Zoning Commission, or its designated agent, shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including Section 8-12.

1676 Berlin Turnpike
Berlin, Connecticut

**Town of Berlin
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**Planning & Zoning Department
Berlin, Connecticut**

**Proposed Zone Text Amendment for New
Section XI, EE, “Planned Residential Infill
Development - Inclusionary Multi-Family
Residential Use with a Housing Opportunity or
Workforce Housing Component”**

**Submission Draft
May 2023; Revised July 2023**

**Submitted by: Little House Living, LLC
to the Planning and Zoning Commission of the Town
of Berlin, Connecticut**

PREPARED BY:
Christopher J. Smith, Esq.
Alter & Pearson, LLC
701 Hebron Avenue
P.O. Box 1530
Glastonbury, CT 06033

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- (b) "Workforce Housing Dwelling" or "Mixed-Income Dwelling" means a dwelling unit within a multi-family development proposal submitted for approval pursuant to the provisions of this section that is subject to long-term price restrictions that comply with Section 8-30g of the Connecticut General Statutes, as amended.

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