

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

The Berlin Planning and Zoning Commission will hold Public Hearings at their regular meeting on Thursday, November 2, 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 Planning and Zoning staff on behalf of the Berlin Planning and Zoning Commission to amend the Berlin Zoning Regulations §XI. Special Regulations with a new subsection for a prohibition regarding cannabis establishment uses.
- b. Proposed text amendments of Planning and Zoning staff to amend by updating sections of the Berlin Zoning Regulations referencing family day care to include family and group child care homes in accordance with the requirements of subsection (b) of Public Act 23-142.
- c. Proposed text amendments of Planning and Zoning staff at the direction of the Planning and Zoning Commission to the Berlin Zoning Regulations §IV.A.22. Lot Dimensions, and Subdivision Regulations §53:00 Lots, to clarify application of building square requirements.
- d. Proposed Special Permit use and site plan application of Joseph Cascio, at 586 Deming Road for an indoor golf training facility at property of 586 Deming LLC., MBL 5-3-127-2B
- e. Proposed 2-lot subdivision application of Eric Kucharczyk, property of Oak Land Developers LLC at 65 Savage Hill Road, MBL 17-3-143-1A.

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://berlincg.gov.zoom.us/j/89048044587?pwd=cC9OVHZSdVJHQjcvR3FwNjNlSmUrdz09>

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 18th day of October, 2023 at Berlin, CT.

Brian Rogan, Secretary
Berlin Planning and Zoning Commission

New Britain Herald

Legal Notices/Classified Advertising

Dates of Publication: Monday, October 23, 2023

Monday, October 30, 2023

Posted with Berlin Town Clerk: Monday, October 23, 2023

Text Amendment

Planning and Zoning Staff

Text Amendment – Berlin Zoning Regulations §XI. Special Regulations.

Purpose: Prohibit Cannabis uses

PROPOSAL

Proposed text amendment to the Berlin Zoning Regulations at the direction of the Planning and Zoning Commission to prohibit uses related to cannabis businesses.

Add subsection to BZR §XI. to specifically address prohibition of Cannabis uses as provided for in CGS 21a-422f

Bold Text: Added

~~Strikethrough~~ Text: Deleted

SECTION XI. SPECIAL REGULATIONS

(NEW Subsection)

All “cannabis establishment” uses, as defined by Connecticut General Statutes § 21a-420, are prohibited in all districts in the Town of Berlin, except for the delivery or transport of cannabis as provided in Connecticut General Statutes § 21a-422g(b).

Text Amendment

Planning & Zoning Staff

Text Amendments – Amendments to Berlin Zoning Regulations Sections Pertaining to child care home provisions of Public Act 23-142

PROPOSAL

Planning and Zoning staff is recommending the following amendments to the Berlin Zoning Regulations. The proposed amendments are in response to Public Act 23-142 which made changes to laws related to family and group child care homes located in residences and how municipalities' zoning regulations may treat them. Below you will find the amendments listed with individually related staff comments. General staff comments follow.

Bold & Underline Text: Added

~~Strikethrough~~ Text: Deleted

Amendment #1, Section II - Definitions

II.B. Definitions

~~Family day care home: A private family home caring for not more than six children, including the provider's own children not in school full time, where the children are cared for not less than three nor more than 12 hours during a 24 hour period, where care is given on a regularly recurring basis, and where the principal provider of the service resides on the premises.~~

Child care services, family child care home: a private family home, where the provider of the service is licensed for a family child care home in accordance with CGS §19a-77(3)

Child care services, Group day ~~child~~ care home: An establishment which offers or provides a program of supplementary care (A) to not less than seven nor more than 12 related or unrelated children on a regular basis for a part of the 24 hours in one or more days in the week. or (B) that meets the definition of a family child care home except that it operates in a facility other than a private family home

Child care services, child care center: See Day care center, child.

Amendment #2, Section V – Residential Zones

V. RESIDENTIAL ZONES.

A.7. Accessory uses ...

d. Family **or group** ~~day~~ **child** care homes.

Amendment #3, Section VIII – Commercial Zones, accessory uses

(Delete "group day care homes" from the special permit use section in each of the following commercial zones)

VI.A.3.r. (PS-A)

VI.F.3.t.(GC)

VI.G.3.t. (BT-1)

VI.H.3.j. (BT-2)

VI.I.3.d. (CCD-1 & CCD-2)

Child day care centers ~~or group day care homes~~ subject to Section XI.H

(Add new subsection to permitted accessory uses in each of the following commercial zone sections)

VI.A.4.e.

VI.F.5.d.

VI.G.5.d.

VI.H.5.d.

VI.I.5.g.

Permitted accessory buildings, structures and uses ...

Group child care homes as defined for in CGS §19a-77(2) and (3)

Amendment #4, Section VIII - Special Use Zones

VIII.A. POR Zone

5. Permitted accessory buildings, structures and uses ...

m. Family and Group child care homes as defined for in CGS §19a-77(2) and (3)

3. Special permit uses. The following principal uses shall be permitted in the POR district, subject to special permit and site plan approvals by the commission in accordance with Sections XII and XIII:

~~g. Group day care homes, subject to the requirements of Section XI.H.~~

Text Amendment

Staff

Text Amendments – Lot Dimensions (building square)

Berlin Zoning Regulations Section IV.A.22 and

Berlin Subdivision Regulations Section 53:00

PROPOSAL

Proposed text amendments of Planning and Zoning staff at the direction of the Planning and Zoning Commission to the Berlin Zoning Regulations §IV.A.22. Lot Dimensions, and Subdivision Regulations §53:00 Lots, to clarify application of building square requirements.

The text would be amended as follows:

Bold and Underlined Text: Added

~~Strikethrough~~ Text: Deleted

Amendment #1 - Zoning Regulations

Berlin Zoning Regulations Section IV.A.22

Lot Dimensions. Lot dimensions shall comply with the minimum standards of the Zoning Regulations. The Planning Commission may require that lots be arranged so as to allow the opening of future streets where they would be necessary to serve potential lots, all in compliance with the Zoning Regulations.

Lots may have to be increased in size as necessary to provide for adequate water supply and sewage disposal systems as required by the health director and the Connecticut Department of Health.

Lots may have to be increased in size as necessary to provide a suitable building lot that protects the natural topography. Each potential building lot shall be of a size and configuration that it can contain somewhere on the lot a square that contains no land with an average **predevelopment** slope greater than 35 percent, as measured over the distance of 50 feet, and be of the size required in the following chart:

Zone Minimum Dimension:

R-7 Single-family = Conventional 40'/Open Space N/A

R-7 Two-family= Conventional 50'/Open Space N/A

R-11 = Conventional 50'/Open Space N/A

R-15 = Conventional 68'/Open Space N/A

R-21 = Conventional 72'/Open Space 50'*

R-43 = Conventional 81'/Open Space 60'*

R-86 = Conventional 135'/Open Space 70'*

MR-1/MR-2 = Conventional 99'/Open Space 80'*

The square may extend to the property line. However, it shall not extend into easements or rights-of-way with the exception of those directly servicing the site.

*Due to the flexibility of the lot sizes/frontage in Open Space Subdivisions, the minimum building square may be reduced in the rare occasion that the square cannot be met ~~within the setbacks~~ **with a reduced lot size**. However, the applicant and the Commission should keep in mind that one purpose of the Open Space Subdivision is to protect sensitive land areas, and therefore the applicant should make every attempt to pursue the building **square**.

Amendment #2 - Subdivision Regulations

53:03. *Lot dimensions.* Lot dimensions shall comply with the minimum standards of the zoning regulations. The planning commission may require that lots be arranged so as to follow further subdivision and the opening of future streets where they would be necessary to serve potential lots, all in compliance with the zoning regulations. Lots may have to be increased in size as necessary to provide for adequate water supply and sewage disposal systems as required by the health director and the Connecticut Department of Health. Lots may have to be increased in size as necessary to provide a suitable building lot that protects the natural topography. Each potential building lot shall be of a size and configuration that it can contain somewhere on the lot a square that contains no land with an average **predevelopment** slope greater than 35 percent, as measured over the distance of 50 feet, and be of the size required in the following chart:

Zone Minimum Dimension

R-7 Single Family = Conventional 40' / Open Space N/A

R-7 Two Family = Conventional 50' / Open Space N/A

R-11 = Conventional 50' / Open Space N/A

R-15 = Conventional 68' / Open Space N/A

R-21 = Conventional 72' / Open Space 50' *

R-43 = Conventional 81' / Open Space 60' *

R-86 = Conventional 135' / Open Space 70' *

MR-1/2 = Conventional Single Family 99' / Open Space N/A

The square may extend to the property line. However, it shall not extend into easements or rights-of-way with the exception of those directly servicing the site.

*Due to the flexibility of the lot sizes in Open Space Subdivisions, the minimum buildable square may be reduced in the rare occasion that the square cannot be met ~~within the setbacks~~ **with a reduced lot size**. However, the applicant and the Commission should keep in mind that the purpose of the Open Space Subdivision is to protect sensitive land areas, and therefore the applicant should try harder to pursue the Building Square.