

**TOWN OF BERLIN  
LEGAL NOTICE**

**ACTION TAKEN BY THE BERLIN PLANNING AND ZONING COMMISSION**

At its Regular Meeting of November 16, 2023, the Berlin Planning and Zoning Commission took the following actions:

- a. Voted unanimously to approve 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
- b. Voted unanimously to approve the 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.
- a. Voted unanimously to approve the Subdivision application of Michael Honeyman for 11 lots at MBL 8-3-52-1, on the east side of High Road and Glen Street. Requests for 1) waiver of installation of sidewalks along Glen Street was unanimously approved, 2) waiver of installation of sidewalks along High Road was denied 6-1, and 3) waiver of installation of underground utilities was unanimously denied.

Dated this 20<sup>th</sup> day of November 2023 at Berlin, CT.

Brian Rogan, Secretary  
Berlin Planning and Zoning Commission

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New Britain Herald  
Classified Advertising/Legal Notices  
Date of Publication: Friday, November 24, 2023

Posted with the Berlin Town Clerk: Monday, November 20, 2023



# Town of Berlin

## Planning and Zoning Department

240 Kensington Road  
Berlin, Connecticut 06037  
www.berlintown.gov

Planning and Zoning Commission  
Zoning Board of Appeals  
Conservation Commission  
Historic District Commission

## MEMORANDUM

To: Kate Wall, Town Clerk  
From: Maureen K. Giusti, AICP, Town Planner  
Date: November 20, 2023

Re: Approved Text Amendment to the Berlin Zoning Regulations §II.B. Definitions; V.A.7.d.; VIII.A.5.m; and VIII.A.3.g. Pertaining to child care home provisions of Public Act 23-142

The following text amendment of the Berlin Zoning Regulations was approved by the Berlin Planning and Zoning Commission on November 16, 2023

The Notice of Decision was posted with the Town Clerk on November 20, 2023 and to be published in the New Britain Herald Friday, November 24, 2023

Per BZR §XVI.D the Effective Date of this amendment is November 25, 2023

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.

### **ADOPTED TEXT:**

**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 - 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~~ **child** care homes, subject to the requirements of Section XI.H.



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# Town of Berlin

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## MEMORANDUM

To: Kate Wall, Town Clerk  
From: Maureen K. Giusti, AICP, Town Planner  
Date: November 20, 2023

Re: Approved Text Amendment to the:  
**Berlin Zoning Regulations Section IV.A.22** and  
**Berlin Subdivision Regulations Section 53:00**

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The following text amendment of the Berlin Zoning Regulations was approved by the Berlin Planning and Zoning Commission on November 16, 2023

The Notice of Decision was posted with the Town Clerk on November 20, 2023 and to be published in the New Britain Herald Friday, November 24, 2023

Per BZR §XVI.D the Effective Date of this amendment is November 25, 2023

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.

### ADOPTED TEXT:

**Bold- Underline** 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.