

ORDINANCE COMMITTEE MEETING

Special Meeting

Tuesday, May 6, 2025, 6:00 PM

Town Council Chamber and Zoom Meeting

Agenda

Videoconference Link:

<https://berlinc-t-gov.zoom.us/j/88091273211?pwd=XiCfbUqDD1czdW7UlkBMNXjX5Kq983.1>

Conference Call Information:

Dial: +1 929 205 6099

Meeting ID: 880 9127 3211

Passcode: 002058

1. Call to order
2. Pledge of Allegiance
3. Audience of Citizens
4. Approval of April 22, 2025, Meeting Minutes
5. Tax Abatement Ordinance for Development of Affordable Housing Units – Discussion and possible action
6. Noise Ordinance - Discussion and possible action
7. Adjournment

ATTACHMENTS:

- Minutes of April 22, 2025, Meeting
- Draft Ordinance for tax abatement contracts for low-and moderate-income housing.
- Berlin Noise Ordinance

Tax Abatement for Development of Affordable Housing Units

§ _____. Definition.

As used in this article, the following terms shall have the meanings indicated:

AFFORDABLE HOUSING UNITS — A dwelling unit for low- or moderate-income persons and/or families, defined as those persons and families whose income does not exceed 80% of the median income for the area, adjusted for family size ("AMI"), as determined by the United States Department of Housing and Urban Development (H.U.D.) and can be sold or rented, as applicable, at the following prices: in the case of rentals, a mean monthly contract rent, including utilities, that does not exceed 30% of the income of a family whose income is at 80% of AMI or, in the case of homeownership, monthly housing expenses (as defined below) that do not exceed 30% of the income of a family whose income is at 80% of AMI. Title to any project or property receiving a tax abatement under this article shall be subject to deed covenants or restrictions which shall prescribe a satisfactory method of future enforcement and shall require that such affordability restrictions shall be maintained for at least 40 years after the initial occupation of a proposed rental development or, in the case of a homeownership project, for a period of 40 years or such lesser affordability period as may be required by the applicable law.

§ _____. Tax abatement contract.

A. *Classification; authorization for abatement contract; Contract requirements.*

- (1) Upon the written request of any person or entity or any governmental entity or quasi-governmental entity that is a developer or owner of property used solely for 1) rental housing that meets the definition of "affordable housing units" in § _____, above, or 2) affordable housing units as set forth in § _____, above, to be purchased and occupied by low- or moderate-income persons or families, the Town, by majority vote of its Town Council, may classify such property as "property used solely for low- or moderate-income persons or families" (the "property") and may authorize a contract for the abatement, in whole or in part, of real property taxes for such property, all in accordance with the provisions of Sections 8-215 *et seq.* and 8-30g *et seq.* of the Connecticut General Statutes as may be amended from time to time (the "abatement contract").
- (2) Prior to requesting such classification and abatement, the developer and/or owner must obtain all necessary approvals from the Planning and Zoning Commission and other Town Boards and Commissions as applicable.
- (3) Any such classification and abatement shall be conditioned on any prior conditions placed on the development by any Town board or commission approval and/or any conditions of state and/or federal financing approval relating to affordability.
- (4) The property shall comply in all respects with applicable housing and/or building codes

and all applicable Connecticut and federal statutes, laws, and regulations;

- (5) The developer and/or owner shall submit a certification to the Town with its/their request for an abatement contract, itemizing the difference between the real property taxes on the property without an abatement and the real property taxes with the abatement as of the then-current Grand List and shall further certify that the savings provided by the abatement shall be used for one or more of the following purposes:
 - (a) To reduce rents below the levels which would be achieved in the absence of such abatement and to improve the quality and design of such housing;
 - (b) To effect occupancy of such housing by persons and families of varying income levels within limits determined by the Commissioner of Housing by regulation; or
 - (c) To provide necessary related facilities or services in such housing.
- (6) Monthly housing expenses shall include mortgage principal and interest, real property taxes; real property insurance, any required common interest ownership fees and heat and utility costs, excluding television, telecommunications and information technology services.

B. *Required contract terms.*

- (1) The abatement contract shall provide 1) the terms of such abatement, 2) that monies equal to the amount of such abatement shall be used for any one or more of the purposes stated in Subsection A(5), above, and 3) that such abatement shall terminate at any time when such housing is not used solely for low- or moderate-income persons or families.
- (2) Additional terms.
 - (a) The abatement contract shall further provide that:
 - [1] Such housing is built with financial subsidies from state or federal housing programs; and
 - [2] Such housing is used solely for persons or families of low- or moderate-income, as defined by regulations issued by the state (including DOH), H.U.D. or other applicable regulatory authority; and
 - [3] The eligibility determinations and income assessments shall be handled and approved as required by DOH, H.U.D or other applicable regulatory authority; and
 - [4] The term of abatements may continue for a period not to exceed 20 consecutive fiscal years, except that longer periods may be agreed upon if extended opportunities for reimbursement to the Town by the state or by the United States are made available pursuant to law.
 - (b) In those instances where the Town, as a condition precedent to granting tax abatement, will be seeking reimbursement in the form of grant-in-aid by the state, pursuant to C.G.S. Sections 8-215 *et seq.*, as may be amended from time to time, the terms of the abatement contract shall be conditioned upon its approval by the

Commissioner of the Department of Housing.

- (c) Throughout the term of the abatement contract, the developer/owner shall cooperate with the Town in connection with any Town application for reimbursement from the state.
- (3) The owner shall permit the Town to inspect the property for any reasonable purpose, including determining that the property and the savings are being used for the purposes stated in Subsection A(5) of this section and stated in Connecticut General Statutes Sections 8-215 *et seq.*, as may be amended from time to time.
- (4) The real property taxes that would be levied against the property in the absence of the abatement shall continue to be calculated on an annual basis by the Assessor.
- (5) The abatement contract shall be assignable to all successors and assigns of the developers or owners, provided that 1) all conditions of this section have been, and continue to be met, and 2) notice of any change in ownership of the property is properly filed with the Town Clerk and on Town land records.
- (6) The failure of a developer or owner or any of its successors or assigns to construct the affordable housing units or to maintain the affordable housing units in accordance with all terms and conditions of the abatement contract shall constitute reason not to commence, or to temporarily or permanently cease any or all of tax abatements provided under the abatement contract.

NOISE

§ 7-60	Declaration of purpose.
§ 7-61	Definitions.
§ 7-62	Noise zones.
§ 7-63	Sound levels.
§ 7-64	Motor vehicle noise.
§ 7-65	Exhaust discharge.
§ 7-66	Certain sounds excluded.
§ 7-67	Exemptions.
§ 7-68	Instruments and measurements.
§ 7-69	Administration and enforcement.
§ 7-70	Violations and penalties.
§ 7-71	Variances.
§ 7-72	Coordination with other laws.
§ 7-73	Compliance with Chapter no defense to nuisance claim.
§ 7-74	Severability.

§ 7-60 Declaration of purpose.

Excessive noise poses a danger to the health, safety, and welfare of persons within the Town of Berlin and a detriment to their quality of life. Therefore, this Chapter is enacted to promote an environment free from noise that jeopardizes the health, safety, welfare, and quality of life of persons within the Town of Berlin through the control, reduction, and prevention of excessive sound and vibration.

§ 7-61 Definitions.

When used in this Chapter, the terms below shall have the following meanings:

BACKGROUND NOISE – Noise which exists at a point as a result of the combination of many distant sources, individually indistinguishable. In statistical terms, it is the level which is exceeded 90% of the time (L90) in which the measurement is taken.

CONSTRUCTION –Any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition for or of public or private rights-of-way, structures, utilities, or similar property.

DAY – From 7:00 a.m. to 9:00 p.m., local time.

DECIBEL – A logarithmic unit of measure used in measuring magnitudes of sound. The symbol is dB.

DEMOLITION – Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

EMERGENCY – Any occurrence involving actual or imminent danger to persons or damage to property which demands immediate action.

EMITTER – The person who creates, causes to be created, or allows the noise.

EXCESSIVE NOISE – Any sound, the intensity of which exceeds the standards set forth in § 7-63 of this Chapter.

IMPULSE NOISE – A sound of short duration, usually less than one (1) second, and a high intensity, with an abrupt onset and rapid decay. Examples include an explosion, a discharge of a firearm, or a screech.

INFRASONIC SOUND – Sound-pressure variations having frequencies below the audible range for humans.

MOTOR VEHICLE – Defined as per § 14-1(59) of the Connecticut General Statutes.

NIGHT – From 9:00 p.m. until 12:00 midnight, and from 12:00 midnight until 7:00 a.m.

NOISE SOURCE – Any individual, equipment, machine or other item or thing that creates a sound.

PEAK SOUND-PRESSURE LEVEL – The absolute maximum value of the instantaneous sound-pressure level occurring in a specified period of time.

PERSON – Any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political or administrative subdivision of the state or other legal entity of any kind.

RECEPTOR – The person who receives the noise impact.

SOUND – A transmission of energy through solid, liquid, or gaseous media in the form of vibrations which constitute alterations in pressure or position of the

particles in the medium and which, in air, evoke physiological sensations, including, but not limited to, an auditory response when impinging on the ear.

SOUND LEVEL – The A-weighted sound pressure level, expressed in decibels (dBA), measured on a sound level meter properly calibrated and operating on the A-weighting network.

SOUND LEVEL METER – An instrument which includes a microphone, amplifier, RMS detector, integrator or averager, output meter and weighting networks used to take sound level measurements, which should conform, at a minimum, to the requirements set forth in the American National Standards Institute's American National Standard for Sound Level Meters [ANSI S.1.5 – 1971 (Type S2A) Sound Level Meter].

ULTRASONIC SOUND – Sound-pressure variations having frequencies above the audible sound spectrum for humans.

VARIANCE – A difference between the standards which are required by this ordinance and that which is permitted to exist.

VIBRATION – An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.

§ 7-62 Noise zones.

Noise zone means an individual unit of land or a group of contiguous parcels under the same ownership as indicated by public land records and, as related to noise emitters, includes contiguous publicly dedicated street and highway rights-of-way, railroad rights-of-way, and waters of the State.

Noise zones within the Town of Berlin shall be classified as to zoning applicable for the parcel or tract of land and the surrounding parcels or tracts. Noise zones specified herein shall correspond to the following zoning descriptions in the Zoning Regulations and Zoning Map of the Town of Berlin.

Zone	Actual or Intended Use	Current Zoning*
A	Residential	R-86,R-43,R-21,R-15,R-11, R-7, PR-1, PR-2, PR-3, POR, OP,

		MR-1, MR-2, and WHD
B	Commercial	PS-A,PS-B,SP-DD,GC, BT-1, BT-2, CCD-1, CCD-2, SP-DD 2, SP-DD Overlay, and BTD
C	Industrial	OT,OT-2,GI,GI-2, PI, PI-2, POD

*Based on the Zoning Regulations and Zoning Map of the Town of Berlin.

§ 7-63 Sound levels.

- A. It shall be unlawful for any person to emit or cause to be emitted any sound beyond the boundaries of his/her/its premises so as to violate any provisions of this Chapter.
- B. Sound level standards. No person shall emit or cause to be emitted sound beyond the boundaries of his/her/its premises exceeding the levels stated in the table below and applicable to adjacent residential (Zone A), commercial (Zone B), or industrial (Zone C) zones when measured on a receptor's premises:

Emitter's Noise Zone	Receptor's Noise Zone			
	Zone C Receptor	Zone B Receptor	Zone A/Day Receptor	Zone A/Night Receptor
Zone A Emitter	62 dBA	55 dBA	55 dBA	45 dBA
Zone B Emitter	62 dBA	62 dBA	55 dBA	45 dBA
Zone C Emitter	70 dBA	66 dBA	61 dBA	51 dBA

- C. High background noise levels. In those individual cases where the background noise levels caused by sources not subject to this Chapter exceed the standards contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by five (5) dBA, provided that no source subject to the provisions of this Chapter shall emit noise in excess of eighty (80) dBA at any time, and provided that this section does not decrease the permissible noise level standards of Subsection B of this section.

D. Impulse noise.

1. No person shall cause or allow the emission of impulse noise in excess of eighty (80) decibels peak sound-pressure level during the nighttime to any residential noise zone.
2. No person shall cause or allow the emission of impulse noise in excess of one hundred (100) decibels peak sound-pressure level at any time in any noise zone.

E. Infrasonic and ultrasonic sound.

No person shall emit beyond his/her/its property infrasonic or ultrasonic sound in excess of one hundred (100) decibels at any time.

§ 7-64 Motor vehicle noise.

- A. All motor vehicles operating within the limits of the Town of Berlin shall be subject to the noise standards and decibel levels set forth in the regulations authorized in Section 14-80a of the Connecticut General Statutes. This section shall apply to all recreational motorized vehicles, whether or not duly licensed and registered, including but not limited to commercial or noncommercial racing vehicles, motorcycles, go-carts, snowmobiles, campers, and dune buggies.
- B. No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise standards and decibel levels set forth in the regulations authorized in Section 14-80a of the Connecticut General Statutes.
- C. No person shall operate, or cause to be operated, any recreational motorized vehicle off a public right-of-way in such a manner that the sound level emitted therefrom exceeds the noise standards and decibel levels set forth in the regulations authorized in Section 14-80a of the Connecticut General Statutes.

§ 7-65 Exhaust discharge.

No person shall discharge into the ambient air the blow-down of any steam vent of the exhaust of any stationary internal combustion engine or air compressor equipment unless such discharge is through a muffler or through an apparatus providing equal noise reduction.

§ 7-66 Certain sounds excluded.

This Chapter shall not apply to:

- A. Sound generated by natural phenomena, including but not limited to wind, storms, insects, birds, amphibious creatures, and water flowing in its natural course.
- B. The unamplified sound of human voices.
- C. The unamplified sound made by any wild or domestic animal.
- D. Sound created by bells, carillons or chimes associated with specific religious observances.
- E. Sound created by a public emergency sound signal attached to any authorized emergency vehicle in the immediate act of responding to an emergency or located within or attached to a building, pole, or other structure for the purpose of sounding an alarm relating to fire or civil preparedness.
- F. Sound created by safety and protective devices, provided that such device is sounded as a warning of imminent danger or from the release of pressure buildup.
- G. Sound created by intrusion alarms, provided that the emission of noise from such devices, from the time of activation of audible signal, does not exceed ten (10) minutes when attached to any vehicle or thirty (30) minutes when attached to any building or structure. The repetition of activation of the audible signal of an intrusion alarm due to malfunction, lack of proper maintenance, or lack of reasonable care shall be considered excessive noise.
- H. Backup alarms required by Occupational Safety and Health Administration (OSHA) or other municipal, state, or federal safety regulations.
- I. Farming equipment or farming activity.

§ 7-67 Exemptions.

The following noise shall be exempted from the provisions of this Chapter.

- A. Noise created by signal testing, principally siren-tested by city fire departments and civil preparedness units.
- B. Noises created by snow removal equipment at any time, provided that noise discharged from exhausts is adequately muffled to prevent loud noises therefrom.
- C. Noise created by blasting, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. or at such other specified hours provided for in the permits necessary to conduct such activity. Per Connecticut law, blasting is prohibited on Sundays.
- D. Noise generated by the operation of any tools or equipment used in construction, drilling, or demolition work between the hours of 7:00 a.m. and 8:00 p.m. on weekdays and Saturdays and between the hours of 8:00 a.m. and 6:00 p.m. on Sundays and Holidays provided that the noise generated therefrom does not exceed the limits set forth in §§ 7-62 and 7-63. This section does not apply to the use of domestic power tools subject to §E. below.
- E. Noise generated by the operation of any mechanically powered or gasoline powered saw, drill, sander, grinder, lawn, landscaping, or garden tool, leaf blower, or other domestic power tool or equipment between the hours of 7:00 a.m. and 8:00 p.m. on weekdays and Saturdays and between the hours of 8:00 a.m. and 6:00 p.m. on Sundays and Holidays provided that the noise generated therefrom does not exceed the limits set forth in §§ 7-62 and 7-63. This section does not apply to the use of snow-removal equipment [see § B herein].
- F. Noise created by on-site recreational or sporting activity that is sanctioned by town government, provided that the noise created by the activity is adequately muffled to prevent loud noises therefrom.
- G. Patriotic or public celebrations not extending longer than one calendar day, such as parades, carnivals, and firework displays, are exempted, provided that any necessary permits have been obtained.
- H. Noise created by aircraft or components designed for or utilized in the development of aircraft.
- I. Noise from the activities conducted at the Mattabassett Gun Club in accordance with the Club's Rules and Regulations.

- J. Noise from lawfully operated backup power generators.
- K. Noise from lawfully authorized construction performed by the State of Connecticut or Town of Berlin (including their respective contractors and/or subcontractors) during the otherwise off hours of 8:00p.m.-7:00a.m.

§ 7-68 Instruments and measurements.

- A. Instruments used to determine sound level measurements shall conform to sound level meters as defined by this Chapter.
- B. All personnel conducting sound measurements shall be trained and experienced in the current techniques and principles of sound measuring equipment and instrumentation.
- C. The general steps listed below shall be followed when preparing to take sound level measurements:
 - 1. The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed.
 - 2. Measurements shall be taken at a point that is located about one (1) foot beyond the property line of the emitter's premises within the receptor's premises. The emitter's premises include his/her/its individual unit of land or group of contiguous parcels under the same ownership as indicated by public land records.
 - 3. While measurements are being recorded, a continual visual and aural surveillance of extraneous sound sources shall be made to ensure that the measurements are due to the sound being investigated. The sound levels of extraneous sound sources shall be recorded.

§ 7-69 Administration and enforcement.

- A. The Town Manager shall appoint a Town employee to enforce the provisions of this Ordinance and carrying out the purpose of this Chapter as specified in § 7-60. The Chief of Police, or his designated representative, shall have the authority to investigate complaints of noise pollution in coordination with the Town employee appointed by

the Town Manager and the Chief, his designee or the Town employee appointed by the Town Manager shall have authority to issue citations for violations of this Chapter.

B. Inspections.

1. For the purposes of determining compliance with the provisions of this Chapter, the Chief of Police or his designated representative and/or the Town employee appointed by the Town Manager is hereby authorized to make inspections of all noise sources and to take measurements and make tests, whenever necessary, to determine the quantity and character of noise. In the event that any person refuses or restricts entry and free access to any part of a premise, or refuses inspection, testing, or noise measurement of any activity, device, facility, or process where inspection is sought, the Town may seek from the appropriate court a warrant, without interference, restriction, or obstruction, at a reasonable time, for the purpose of inspecting, testing, or measuring noise.
2. It shall be unlawful for any person to refuse to allow or permit the Chief of Police or his designated representative, or the Town employee appointed by the Town Manager, free access to any premise, when the Chief of Police or his designated representative or the appointed Town employee is acting in compliance with a warrant for inspection and order issued by the appropriate court.
3. No person shall hinder, obstruct, delay, resist, prevent in any way, interfere or attempt to interfere with any authorized person while in the performance of his/her duties under this Chapter.

§ 7-70 Violations and penalties.

- A. No person shall violate or cause the violation of the provisions of this Chapter.
- B. Any person in violation of the provisions of this Chapter shall be fined one hundred dollars (\$100.00) for the initial violation.
- C. Each day on which a violation occurs or continues shall be considered a separate violation of this chapter. For the second violation and each additional violation thereafter, the fine imposed shall be two hundred

dollars (\$200.00).

§ 7-71 Variances.

- A. Any person living or doing business in the Town of Berlin may apply to the Town Council for a variance or partial variance from one or more of the provisions of this Chapter, which are more stringent than the Connecticut Department of Energy and Environmental Protection's regulations for the control of noise, provided that the applicant supplies the following information to the Town Council at least thirty (30) days prior to the start of such activity:
 - 1. The location and nature of the activity;
 - 2. The time period and hours of operation of the activity;
 - 3. The nature and intensity of the noise that will be generated;
 - 4. The reason for which the variance is required; and
 - 5. Any other information required by the Board of Selectmen.
- B. No variance from this Chapter shall issue unless it has been demonstrated that:
 - 1. The proposed activity will not violate any provisions of the Connecticut Department of Energy and Environmental Protection's regulations;
 - 2. The noise levels generated by the proposed activity will not constitute a danger to the public health; and
 - 3. Compliance with this Chapter constitutes an arbitrary or unreasonable hardship upon the applicant without equal or greater benefits to the public.
- C. The application for variance shall be reviewed and either approved or rejected at least five (5) days prior to the proposed start of the activity. The approval or rejection shall be in writing and shall state the condition(s) of approval, if any, or the reason(s) for rejection.

- D. Failure of the Town Council to rule on an application in the designated time shall constitute approval of the variance.
- E. Any person holding a variance and needing an extension of time may apply for a new variance under the provisions of this section. Any such application shall include a certification of compliance with any condition(s) imposed under the previous variance.

§ 7-72 Coordination with other laws.

- A. Nothing in this Chapter shall authorize the construction or operation of a stationary noise source in violation of the requirements of any other applicable state law or regulation.
- B. Nothing in this Chapter shall authorize the sale, use, or operation of a noise source in violation of the laws and regulations of the Connecticut Department of Energy and Environmental Protection, Connecticut Department of Motor Vehicles, the Federal Aviation Administration, the U.S. Environmental Protection Agency, or any amendments thereto.

§ 7-73 Compliance with Chapter no defense to nuisance claim.

Nothing in any portion of this Chapter shall in any manner be construed as authorizing or legalizing the creation or maintenance of a nuisance, and compliance of a source with this Chapter is not a bar to a claim of nuisance by any person. A violation of any portion of this Chapter shall not be deemed to create a nuisance per se.

§ 7-74 Severability.

If any provision of this Chapter or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of any other part of this Chapter which can be given effect without the invalid provisions or application; and to this end, the provisions of this Chapter and the various applications thereof are declared to be severable.

Approved by Town Council 2024-07-09
Published 2024-07-17
Adopted 2024-08-16

ORDINANCE COMMITTEE MEETING
Special Meeting
Tuesday, April 22, 2025, 6:00 PM
Town Council Chamber and Zoom Meeting
Agenda

Videoconference Link:

<https://berlinc-t-gov.zoom.us/j/88916616949?pwd=EGudbqXAWRsRvTteZt8R0dl7QT0hwM.1>

Conference Call Information:

Dial: +1 929 205 6099

Meeting ID: 889 1661 6949

Passcode: BERLIN

Members Present:

Mayor Mark Kaczynski – Chairman, Councilor Sandra Coppola, Councilor Charles Paonessa, Councilor Peter Rosso

Members Absent:

Councilor Kate Atkinson

Staff Present:

Ryan Curley – Town Manager
Jeff Donofrio – Corporation Counsel
Maureen Giusti – Town Planner

1. Call to order

Mayor Kaczynski - Chairman called the meeting to order at 6:00 p.m.

2. Pledge of Allegiance

3. Audience of Citizens

None.

4. Approval of June 4, 2024, Meeting Minutes

Councilor Paonessa moved to approve the June 4, 2024, meeting minutes.

Seconded by Councilor Coppola.

Those voting in favor: Mayor Kaczynski, Councilor Coppola, Councilor Paonessa, Councilor Rosso

Vote being: 4-0. (MOTION CARRIED)

5. Tax Abatement Ordinance for Development of Affordable Housing Units – Discussion and possible action

Corporation Counsel Donofrio said that Connecticut General Statute 8-215 provides that municipalities can create by ordinance an abatement opportunity for housing that is developed solely for low or moderate income persons called abatement real estate taxes.

The ordinance would allow anybody who develops property solely for low or moderate income persons to apply for an abatement to enter into a contract or written agreement with the property owner.

Corporation Counsel Donofrio had provided the Town of Guilford's existing tax abatement ordinance as a sample. The statute allows for discretion with the amount and length of an abatement, but the housing must be solely for low to moderate income persons.

The Town of Berlin is working with Vesta Corporation, a senior housing developer. Vesta plans to purchase 143 Percival Ave., (former Knights of Columbus property) from the Town of Berlin. The property is suitable for affordable senior housing. Vesta had requested that the town consider adopting an ordinance under Connecticut General Statute 8-215.

Councilor Paonessa asked if this ordinance would hinder the ability to keep it as an age restricted development. Corporation Counsel Donofrio said the ordinance impacts rent levels. About 20% of the units would be restricted to 50% AMI. Age restriction is not relevant.

Councilor Coppola asked about the term in the Town of Guilford's ordinance that states housing is built with financial subsidies from the state or federal housing program. Corporation Counsel Donofrio said that every town does it differently. It can be completely private.

Corporation Counsel Donofrio said that the Town of Berlin's ordinance can be drafted as open ended under the statute and handled on a case-by-case basis. The approved draft must be sent to the Town Council for a public hearing. If the ordinance is adopted, then anyone that applies will need to have an approved tax abatement agreement. This is the same process for Economic Development.

Councilor Coppola asked for more samples from other towns. Corporation Counsel Donofrio said I will send a handful of existing ordinances under the statute and a draft of what your ordinance would look like.

Town Manager Curley proposed meeting again on May 6 at 6:00 p.m. Mayor Kaczynski said yes, and we will add noise ordinance to the agenda. Town Manager Curley said I will also follow up with SH Acoustics. They had identified a low frequency for the noise. Corporation Counsel Donofrio added that we need SH Acoustics to weigh in on what is measurable. It must be a standard that the town can test for and not call SH Acoustics every time a test is needed.

Commissioner Coppola asked if we would still need to send the data out to an expert even if we owned our own equipment? Corporation Counsel Donofrio said that SH Acoustics could train a few people and the town should videotape that training. An instructional video helps if anyone whose trained leaves and to show that we've had professional training should it arise in court. Town Planner Giusti added that we had videotaped our equipment training for solar work being done at the community garden. It is a great idea.

6. Adjournment

Councilor Paonessa moved to adjourn at 6:17 p.m.

Seconded by Councilor Rosso.

Those voting in favor: Mayor Mark Kaczynski - Chairman, Councilor Sandra Coppola, Councilor Charles Paonessa, Councilor Rosso

Vote being: 4-0. MOTION CARRIED.

Next Meeting date: May 6, 2025 at 6:00 p.m.

Submitted by,
Alina Brown

ATTACHMENTS:

- Minutes of June 4, 2024, Meeting
- Sample Tax Abatement Ordinance