

Zoom Information -

<https://berlinct-gov.zoom.us/j/86765263799?pwd=OXNUN291MU9PdEV0SElrdksyNkIxZz09>

Meeting ID: 867 6526 3799

Meeting Passcode: 403831

**Town Meeting – 6:45 PM**

A special meeting of the electors and citizens qualified to vote in town meetings of the Town of Berlin, will be held at the Berlin Town Hall, Council Chambers, 240 Kensington Road, Berlin, CT on Tuesday, October 4, 2022 at 6:45 p.m. for the following purposes:

1. To approve a non-budgeted appropriation of \$550,000 from the FY23 General Fund Unassigned Fund Balance to the Fire Truck account in the Fire Truck Fund for the purchase of a new fire vehicle.
2. To approve non-budgeted appropriation of \$250,000 from the FY23 General Fund Unassigned Fund Balance to the Percival Soccer Field Improvements account in the Capital Non-Recurring Fund for field renovations.
3. To approve a non-budgeted appropriation of \$300,000 from the FY23 General Fund Unassigned Fund Balance to the Buildings & Renovations account in the Police Station Construction Fund for the development of detailed architectural plans of the police station renovations.

TOWN OF BERLIN  
TOWN COUNCIL MEETING  
Tuesday, October 4, 2022  
Town Council Chambers  
Remote Meeting  
7:00 P.M.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. AUDIENCE OF CITIZENS

E. MAYOR'S UPDATE

F. MEETING AGENDA – Immediately Following the Mayor's Update

## G. PUBLIC HEARINGS

Notice is hereby given that the Berlin Town Council will hold the following Public Hearings at its regularly scheduled meeting to be held on Tuesday, October 4, 2022 at 7:00 p.m. in person in the Town Council Chambers at Berlin Town Hall, 240 Kensington Road, and via Zoom videoconference and conference call [see below for remote meeting information]:

1. Pursuant to Connecticut General Statutes Section 8-2o(f), a Public Hearing for possible action on, including an opt-out from, the provisions of Connecticut General Statutes Sections 8-2o(a) through 8-2o(d) pertaining to accessory apartments or accessory dwelling unit regulations.
2. Pursuant to Connecticut General Statutes Section 8-2p, a Public Hearing for possible action on, including an opt-out from, the provisions of Connecticut General Statutes Section 8-2(d)(9) pertaining to dwelling unit parking limitations.

### Zoom Remote Meeting Information:

Videoconference Link:

<https://berlinct-gov.zoom.us/j/86765263799?pwd=OXNUN291MU9PdEV0SElrdksyNkIxZz09>

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## H. NEW BUSINESS:

1. Topic re: Accept monetary donations totaling \$9,945.00 and deposit \$3,500.00 into the Vance Foundation Donation Account for the purchase of large print books and deposit \$6,445.00 into the Cancellarini Trust fund for the purchase of books and other library materials and accept the donation of a puzzle with an approximate value of \$10.00 to be used for the puzzle swap. – Berlin-Peck Memorial Library
2. Topic re: Approve waiving the Police Traffic Control fees for the Hungerford Nature Center's 2022 Pumpkin Palooza in the approximate amount of \$1000.00. – Town Manager
3. Topic re: Approve an FY23 non-budgeted appropriation of \$550,000 from the General Fund Unassigned Fund Balance to the Fire Truck account in the Fire Truck Fund for the purchase of a new fire vehicle.

Approve an FY23 non-budgeted appropriation of \$250,000 from the General Fund Unassigned Fund Balance to the Percival Soccer Field Improvements account in the Capital Non-Recurring Fund for field renovations.



Approve an FY23 non-budgeted appropriation of \$300,000 from the General Fund Unassigned Fund Balance to the Buildings & Renovations account in the Police Station Construction Fund for the development of detailed architectural plans of the police station renovations. – Finance

4. Topic re: Opt-out from the provisions of Connecticut General Statutes Sections 8-2o(a) through 8-2o(d) pertaining to accessory apartments or accessory dwelling unit regulations for the reasons stated on the record.

Opt-out from the provisions of Connecticut General Statutes Sections 8-2(d)(9) pertaining to dwelling unit parking limitations for the reasons stated on the record.- Planning and Zoning

5. Topic re: Report from Public Golf Commission

6. Topic re: Approve the attached resolution to authorize the Town Manager to apply to the CT DECD for a \$394,278 supplemental municipal brownfields grant for the 889 Farmington Avenue and, if a grant is offered, to accept the grant, execute a grant proposal, grant agreement and other documents as necessary to secure and carry out the purposes of the grant and to appropriate the grant of up to the amount awarded to the Municipal Brownfields grant account for 889 Farmington Avenue, subject to approval of Corporation Counsel and to appropriate said funds to the Municipal Brownfields Grant account and to refer the appropriation to the Board of Finance.

Provide a Town match of \$40,000 for the supplemental Municipal Brownfields grant for 55 Steele Boulevard from the Farmington Ave Development non-grant account (\$37,677) and the Contractual Services account (\$2,323).

Authorize to enter into a shared cost agreement with Newport Realty Group LLC to provide \$40,000 in matching funds for the 55 Steele Boulevard Engineered Control Project, subject to review and approval of Corporation Counsel and to appropriate said funds to the Farmington Avenue (non-grant) account and to refer the appropriation to the Board of Finance.

Authorize the Town Manager to enter into a contract with B and W Paving for an amount not to exceed \$860,000 and for the Town to establish an Owner Contingency not to exceed 20% of the bid amount (i.e.,\$172,000), both of which to be funded through the Municipal Brownfields Grant for 55 Steele Boulevard and Town and Newport matches, subject to award of additional grant and shared cost funds, to appropriation of said funds by the Board of Finance and to review and approval of Corporation Counsel.

Authorize the Town Manager to enter into a contract amendment with Loureiro Engineering for additional environmental and construction administration services for the 55 Steele Boulevard Engineered Control project in an amount not to exceed \$101,845, to be funded through the Municipal Brownfields Grant for 55 Steele Boulevard and Town and Newport matches, subject to award of additional grant and shared cost funds, to appropriation of said funds by the Board of Finance and to review and approval of Corporation Counsel. – Economic Development

7. Topic re: Authorize the Town Manager to apply for a Community Challenge Grant for projects in the vicinity of the Berlin Train Station for additional apartments including 5 affordable units and for improvements for trail access at Newport Center and for improvements to the Board of Education's Transition Academy at 362 Main Street. – Economic Development

8. Topic re: Authorize the Public Building Commission to execute the Owner/Architect Design Agreement with Jacunski Humes Architects, LLC of Berlin, CT for the Police Department Renovations Project for an amount not to exceed \$305,000.00, pending approval of the non-budgeted appropriation by the electors, Town Council and Board of Finance; and for the Public Building Commission to direct the design team as it proceeds with the detailed design in order to prepare bid documents for the project, as this is in the best interest of the Town. – Public Building Commission
9. Topic re: Authorize the Town Manager to execute the associated grant agreement and other documents necessary to transfer \$80,000.00 to the Kensington Volunteer Fire Department at the appropriate time for their parking lot repaving project at 880 Farmington Avenue. – Public Works
10. Topic re: Authorize the extension of Contract #2022-06 for the snow plowing of Cul-de-Sacs and Misc. Areas to Staxx Construction Services of Berlin at the rate of \$145.00 per hour for the primary truck and \$180.00 per hour for the spare truck, and Rogan Enterprises, LLC of Berlin at the rate of \$165.00 per hour for services rendered through April 30, 2023. – Public Works
11. Topic re: Authorize the extension of Contract #2022-05 for the snow plowing of Town streets, to Earth Contractors, of Kensington, at the rate of \$200.00 per hour for the primary vehicle, and \$200.00 per hour for the spare vehicle for services rendered through April 30, 2023. – Public Works
12. Topic re: Award the Connectivity/STEAP funded sidewalk project with a reduced scope of segments on Farmington Avenue, Newton Street and Langdon Court to the low bidder, PJF Construction Corp of West Hartford, CT in the amount of \$561,465.00, and to authorize the Town Manager to enter into change orders of 10% of the contract amount (\$56,147.00) to be funded by \$387,000.00 from the Community Connectivity Grant account, \$128,205.00 from the STEAP sidewalks account, \$87,407.00 from the Grant Road Improvement account, and \$15,000.00 from the Bonded Road Improvement account. – Public Works
13. Topic re: Vacate the appointment of Scott Hamel on the Planning and Zoning Commission due to member's absence from meetings. – Town Clerk
14. Topic re: Authorize to re-establish the Golf Director's position for Timberlin and fill the position no sooner than November 1, 2022.

Transfer \$10,000 from the Pro Share of Cart Revenue account and \$49,040 from the Golf Pro Contractual Services account to the Department Head and related fringe benefit accounts, all in the Golf Course Department, in the General Fund, pending approval by the Board of Finance. – Town Manager

I. TOWN MANAGER'S REPORT:

J. SPECIAL COMMITTEE REPORTS:

K. COUNCILORS' COMMUNICATION:

L. ACCEPTANCE OF MINUTES:

September 20, 2022

September 21, 2022 – Special Meeting



M. EXECUTIVE SESSION:

1. Pending Litigations – C.G.S.S. Sec. 1-200 (6) (B) strategy and negotiations with respect to pending claims or pending litigation - Rio Vista.

N. ADJOURNMENT

**LEGAL NOTICE  
TOWN OF BERLIN  
SPECIAL TOWN MEETING  
OCTOBER 4, 2022**

A special meeting of the electors and citizens qualified to vote in town meetings of the Town of Berlin, will be held at the Berlin Town Hall, Council Chambers, 240 Kensington Road, Berlin, CT on Tuesday, October 4, 2022 at 6:45 p.m. for the following purposes:

1. To approve a non-budgeted appropriation of \$550,000 from the FY23 General Fund Unassigned Fund Balance to the Fire Truck account in the Fire Truck Fund for the purchase of a new fire vehicle.
2. To approve non-budgeted appropriation of \$250,000 from the FY23 General Fund Unassigned Fund Balance to the Percival Soccer Field Improvements account in the Capital Non-Recurring Fund for field renovations.
3. To approve a non-budgeted appropriation of \$300,000 from the FY23 General Fund Unassigned Fund Balance to the Buildings & Renovations account in the Police Station Construction Fund for the development of detailed architectural plans of the police station renovations.

Dated at Berlin, Connecticut this 21<sup>st</sup> day of September 2022.

BERLIN TOWN COUNCIL

ATTEST: Kathryn J. Wall

**Publish Date:**  
**September 27, 2022**



**TOWN OF BERLIN  
TOWN COUNCIL  
NOTICE OF PUBLIC HEARINGS**

Notice is hereby given that the Berlin Town Council will hold the following Public Hearings at its regularly scheduled meeting to be held on Tuesday, October 4, 2022 at 7:00 p.m. in person in the Town Council Chambers at Berlin Town Hall, 240 Kensington Road, and via Zoom videoconference and conference call [see below for remote meeting information]:

1. Pursuant to Connecticut General Statutes Section 8-2o(f), a Public Hearing for possible action on, including an opt-out from, the provisions of Connecticut General Statutes Sections 8-2o(a) through 8-2o(d) pertaining to accessory apartments or accessory dwelling unit regulations.
2. Pursuant to Connecticut General Statutes Section 8-2p, a Public Hearing for possible action on, including an opt-out from, the provisions of Connecticut General Statutes Section 8-2(d)(9) pertaining to dwelling unit parking limitations.

Zoom Remote Meeting Information:

Videoconference Link:

<https://berlinct-gov.zoom.us/j/86765263799?pwd=OXNUN291MU9PdEV0SElrdksyNkIxZz09>

Meeting ID: 867 6526 3799

Meeting Passcode: 403831

Conference Call Dial In Number: 1-929-205-6099 (New York)

**A COPY OF THIS NOTICE AND THE REFERENCED STATUTORY PROVISIONS IS ON FILE AND POSTED IN THE TOWN CLERK'S OFFICE AND POSTED ON THE TOWN WEBSITE.**

**Sec. 8-2. Regulations.** (a)(1) The zoning commission of each city, town or borough is authorized to regulate, within the limits of such municipality: (A) The height, number of stories and size of buildings and other structures; (B) the percentage of the area of the lot that may be occupied; (C) the size of yards, courts and other open spaces; (D) the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes, including water-dependent uses, as defined in section 22a-93; and (E) the height, size, location, brightness and illumination of advertising signs and billboards, except as provided in subsection (f) of this section.

(2) Such zoning commission may divide the municipality into districts of such number, shape and area as may be best suited to carry out the purposes of this chapter; and, within such districts, it may regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land. All zoning regulations shall be uniform for each class or kind of buildings, structures or use of land throughout each district, but the regulations in one district may differ from those in another district.

(3) Such zoning regulations may provide that certain classes or kinds of buildings, structures or use of land are permitted only after obtaining a special permit or special exception from a zoning commission, planning commission, combined planning and zoning commission or zoning board of appeals, whichever commission or board the regulations may, notwithstanding any special act to the contrary, designate, subject to standards set forth in the regulations and to conditions necessary to protect the public health, safety, convenience and property values.

(b) Zoning regulations adopted pursuant to subsection (a) of this section shall:

(1) Be made in accordance with a comprehensive plan and in consideration of the plan of conservation and development adopted under section 8-23;

(2) Be designed to (A) lessen congestion in the streets; (B) secure safety from fire, panic, flood and other dangers; (C) promote health and the general welfare; (D) provide adequate light and air; (E) protect the state's historic, tribal, cultural and environmental resources; (F) facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements; (G) consider the impact of permitted land uses on contiguous municipalities and on the planning region, as defined in section 4-124i, in which such municipality is located; (H) address significant disparities in housing needs and access to educational, occupational and other opportunities; (I) promote efficient review of proposals and applications; and (J) affirmatively further the purposes of the federal Fair Housing Act, 42 USC 3601 et seq., as amended from time to time;



(3) Be drafted with reasonable consideration as to the physical site characteristics of the district and its peculiar suitability for particular uses and with a view to encouraging the most appropriate use of land throughout a municipality;

(4) Provide for the development of housing opportunities, including opportunities for multifamily dwellings, consistent with soil types, terrain and infrastructure capacity, for all residents of the municipality and the planning region in which the municipality is located, as designated by the Secretary of the Office of Policy and Management under section 16a-4a;

(5) Promote housing choice and economic diversity in housing, including housing for both low and moderate income households;

(6) Expressly allow the development of housing which will meet the housing needs identified in the state's consolidated plan for housing and community development prepared pursuant to section 8-37t and in the housing component and the other components of the state plan of conservation and development prepared pursuant to section 16a-26;

(7) Be made with reasonable consideration for the impact of such regulations on agriculture, as defined in subsection (q) of section 1-1;

(8) Provide that proper provisions be made for soil erosion and sediment control pursuant to section 22a-329;

(9) Be made with reasonable consideration for the protection of existing and potential public surface and ground drinking water supplies; and

(10) In any municipality that is contiguous to or on a navigable waterway draining to Long Island Sound, (A) be made with reasonable consideration for the restoration and protection of the ecosystem and habitat of Long Island Sound; (B) be designed to reduce hypoxia, pathogens, toxic contaminants and floatable debris on Long Island Sound; and (C) provide that such municipality's zoning commission consider the environmental impact on Long Island Sound coastal resources, as defined in section 22a-93, of any proposal for development.

(c) Zoning regulations adopted pursuant to subsection (a) of this section may:

(1) To the extent consistent with soil types, terrain and water, sewer and traffic infrastructure capacity for the community, provide for or require cluster development, as defined in section 8-18;

(2) Be made with reasonable consideration for the protection of historic factors;

(3) Require or promote (A) energy-efficient patterns of development; (B) the use of distributed generation or freestanding solar, wind and other renewable forms of energy; (C) combined heat and power; and (D) energy conservation;

(4) Provide for incentives for developers who use (A) solar and other renewable forms of energy; (B) combined heat and power; (C) water conservation, including demand offsets; and (D) energy conservation techniques, including, but not limited to, cluster development, higher density development and performance standards for roads, sidewalks and underground facilities in the subdivision;

(5) Provide for a municipal system for the creation of development rights and the permanent transfer of such development rights, which may include a system for the variance of density limits in connection with any such transfer;

(6) Provide for notice requirements in addition to those required by this chapter;

(7) Provide for conditions on operations to collect spring water or well water, as defined in section 21a-150, including the time, place and manner of such operations;

(8) Provide for floating zones, overlay zones and planned development districts;

(9) Require estimates of vehicle miles traveled and vehicle trips generated in lieu of, or in addition to, level of service traffic calculations to assess (A) the anticipated traffic impact of proposed developments; and (B) potential mitigation strategies such as reducing the amount of required parking for a development or requiring public sidewalks, crosswalks, bicycle paths, bicycle racks or bus shelters, including off-site; and

(10) In any municipality where a traprock ridge or an amphibolite ridge is located, (A) provide for development restrictions in ridgeline setback areas; and (B) restrict quarrying and clear cutting, except that the following operations and uses shall be permitted in ridgeline setback areas, as of right: (i) Emergency work necessary to protect life and property; (ii) any nonconforming uses that were in existence and that were approved on or before the effective date of regulations adopted pursuant to this section; and (iii) selective timbering, grazing of domesticated animals and passive recreation.

(d) Zoning regulations adopted pursuant to subsection (a) of this section shall not:

(1) Prohibit the operation of any family child care home or group child care home in a residential zone;

(2) (A) Prohibit the use of receptacles for the storage of items designated for recycling in accordance with section 22a-241b or require that such receptacles comply with



provisions for bulk or lot area, or similar provisions, except provisions for side yards, rear yards and front yards; or (B) unreasonably restrict access to or the size of such receptacles for businesses, given the nature of the business and the volume of items designated for recycling in accordance with section 22a-241b, that such business produces in its normal course of business, provided nothing in this section shall be construed to prohibit such regulations from requiring the screening or buffering of such receptacles for aesthetic reasons;

(3) Impose conditions and requirements on manufactured homes, including mobile manufactured homes, having as their narrowest dimension twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards or on lots containing such manufactured homes, including mobile manufactured home parks, if those conditions and requirements are substantially different from conditions and requirements imposed on (A) single-family dwellings; (B) lots containing single-family dwellings; or (C) multifamily dwellings, lots containing multifamily dwellings, cluster developments or planned unit developments;

(4) (A) Prohibit the continuance of any nonconforming use, building or structure existing at the time of the adoption of such regulations; (B) require a special permit or special exception for any such continuance; (C) provide for the termination of any nonconforming use solely as a result of nonuse for a specified period of time without regard to the intent of the property owner to maintain that use; or (D) terminate or deem abandoned a nonconforming use, building or structure unless the property owner of such use, building or structure voluntarily discontinues such use, building or structure and such discontinuance is accompanied by an intent to not reestablish such use, building or structure. The demolition or deconstruction of a nonconforming use, building or structure shall not by itself be evidence of such property owner's intent to not reestablish such use, building or structure;

(5) Prohibit the installation, in accordance with the provisions of section 8-1bb, of temporary health care structures for use by mentally or physically impaired persons if such structures comply with the provisions of said section, unless the municipality opts out in accordance with the provisions of subsection (j) of said section;

(6) Prohibit the operation in a residential zone of any cottage food operation, as defined in section 21a-62b;

(7) Establish for any dwelling unit a minimum floor area that is greater than the minimum floor area set forth in the applicable building, housing or other code;

(8) Place a fixed numerical or percentage cap on the number of dwelling units that constitute multifamily housing over four units, middle housing or mixed-use development that may be permitted in the municipality;

(9) Require more than one parking space for each studio or one-bedroom dwelling unit or more than two parking spaces for each dwelling unit with two or more bedrooms, unless the municipality opts out in accordance with the provisions of section 8-2p; or

(10) Be applied to deny any land use application, including for any site plan approval, special permit, special exception or other zoning approval, on the basis of (A) a district's character, unless such character is expressly articulated in such regulations by clear and explicit physical standards for site work and structures, or (B) the immutable characteristics, source of income or income level of any applicant or end user, other than age or disability whenever age-restricted or disability-restricted housing may be permitted.

(e) Any city, town or borough which adopts the provisions of this chapter may, by vote of its legislative body, exempt municipal property from the regulations prescribed by the zoning commission of such city, town or borough, but unless it is so voted, municipal property shall be subject to such regulations.

(f) Any advertising sign or billboard that is not equipped with the ability to calibrate brightness or illumination shall be exempt from any municipal ordinance or regulation regulating such brightness or illumination that is adopted by a city, town or borough, pursuant to subsection (a) of this section, after the date of installation of such advertising sign or billboard.

(1949 Rev., S. 837; November, 1955, S. N10; 1959, P.A. 614, S. 2; 661; 1961, P.A. 569; 1963, P.A. 133; 1967, P.A. 801; P.A. 77-509, S. 1; P.A. 78-314, S. 1; P.A. 80-327, S. 1; P.A. 81-334, S. 2; P.A. 83-388, S. 6, 9; P.A. 84-263; P.A. 85-91, S. 2, 5; 85-279, S. 3; P.A. 87-215, S. 1, 7; 87-232; 87-474, S. 1; 87-490, S. 1; P.A. 88-105, S. 2; 88-203, S. 1; P.A. 89-277, S. 1; P.A. 91-170, S. 1; 91-392, S. 1; 91-395, S. 1, 11; P.A. 92-50; P.A. 93-385, S. 3; P.A. 95-239, S. 2; 95-335, S. 14, 26; P.A. 97-296, S. 2, 4; P.A. 98-105, S. 3; P.A. 10-87, S. 4; P.A. 11-124, S. 2; 11-188, S. 3; P.A. 15-227, S. 25; P.A. 17-39, S. 1; 17-155, S. 2; P.A. 18-28, S. 1, 2; 18-132, S. 1; P.A. 21-29, S. 4.)



**Sec. 8-2o. Zoning regulations re accessory apartments. Municipal opt-out; exception.** (a) Any zoning regulations adopted pursuant to section 8-2 shall:

(1) Designate locations or zoning districts within the municipality in which accessory apartments are allowed, provided at least one accessory apartment shall be allowed as of right on each lot that contains a single-family dwelling and no such accessory apartment shall be required to be an affordable accessory apartment;

(2) Allow accessory apartments to be attached to or located within the proposed or existing principal dwelling, or detached from the proposed or existing principal dwelling and located on the same lot as such dwelling;

(3) Set a maximum net floor area for an accessory apartment of not less than thirty per cent of the net floor area of the principal dwelling, or one thousand square feet, whichever is less, except that such regulations may allow a larger net floor area for such apartments;

(4) Require setbacks, lot size and building frontage less than or equal to that which is required for the principal dwelling, and require lot coverage greater than or equal to that which is required for the principal dwelling;

(5) Provide for height, landscaping and architectural design standards that do not exceed any such standards as they are applied to single-family dwellings in the municipality;

(6) Be prohibited from requiring (A) a passageway between any such accessory apartment and any such principal dwelling, (B) an exterior door for any such accessory apartment, except as required by the applicable building or fire code, (C) any more than one parking space for any such accessory apartment, or fees in lieu of parking otherwise allowed by section 8-2c, (D) a familial, marital or employment relationship between occupants of the principal dwelling and accessory apartment, (E) a minimum age for occupants of the accessory apartment, (F) separate billing of utilities otherwise connected to, or used by, the principal dwelling unit, or (G) periodic renewals for permits for such accessory apartments; and

(7) Be interpreted and enforced such that nothing in this section shall be in derogation of (A) applicable building code requirements, (B) the ability of a municipality to prohibit or limit the use of accessory apartments for short-term rentals or vacation stays, or (C) other requirements where a well or private sewerage system is being used, provided approval for any such accessory apartment shall not be unreasonably withheld.

(b) The as of right permit application and review process for approval of accessory apartments shall require that a decision on any such application be rendered not later



than sixty-five days after receipt of such application by the applicable zoning commission, except that an applicant may consent to one or more extensions of not more than an additional sixty-five days or may withdraw such application.

(c) A municipality shall not (1) condition the approval of an accessory apartment on the correction of a nonconforming use, structure or lot, or (2) require the installation of fire sprinklers in an accessory apartment if such sprinklers are not required for the principal dwelling located on the same lot or otherwise required by the fire code.

(d) A municipality, special district, sewer or water authority shall not (1) consider an accessory apartment to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless such accessory apartment was constructed with a new single-family dwelling on the same lot, or (2) require the installation of a new or separate utility connection directly to an accessory apartment or impose a related connection fee or capacity charge.

(e) If a municipality fails to adopt new regulations or amend existing regulations by January 1, 2023, for the purpose of complying with the provisions of subsections (a) to (d), inclusive, of this section, and unless such municipality opts out of the provisions of said subsections in accordance with the provisions of subsection (f) of this section, any noncompliant existing regulation shall become null and void and such municipality shall approve or deny applications for accessory apartments in accordance with the requirements for regulations set forth in the provisions of subsections (a) to (d), inclusive, of this section until such municipality adopts or amends a regulation in compliance with said subsections. A municipality may not use or impose additional standards beyond those set forth in subsections (a) to (d), inclusive, of this section.

(f) Notwithstanding the provisions of subsections (a) to (d), inclusive, of this section, the zoning commission or combined planning and zoning commission, as applicable, of a municipality, by a two-thirds vote, may initiate the process by which such municipality opts out of the provisions of said subsections regarding allowance of accessory apartments, provided such commission: (1) First holds a public hearing in accordance with the provisions of section 8-7d on such proposed opt-out, (2) affirmatively decides to opt out of the provisions of said subsections within the period of time permitted under section 8-7d, (3) states upon its records the reasons for such decision, and (4) publishes notice of such decision in a newspaper having a substantial circulation in the municipality not later than fifteen days after such decision has been rendered. Thereafter, the municipality's legislative body or, in a municipality where the legislative body is a town meeting, its board of selectmen, by a two-thirds vote, may complete the process by which such municipality opts out of the provisions of



subsections (a) to (d), inclusive, of this section, except that, on and after January 1, 2023, no municipality may opt out of the provisions of said subsections.

(P.A. 21-29, S. 6.)

**Sec. 8-2p. Municipal opt-out re dwelling unit parking space limitations.** The zoning commission or combined planning and zoning commission, as applicable, of a municipality, by a two-thirds vote, may initiate the process by which such municipality opts out of the provision of subdivision (9) of subsection (d) of section 8-2 regarding limitations on parking spaces for dwelling units, provided such commission: (1) First holds a public hearing in accordance with the provisions of section 8-7d on such proposed opt-out, (2) affirmatively decides to opt out of the provision of said subsection within the period of time permitted under section 8-7d, (3) states upon its records the reasons for such decision, and (4) publishes notice of such decision in a newspaper having a substantial circulation in the municipality not later than fifteen days after such decision has been rendered. Thereafter, the municipality's legislative body or, in a municipality where the legislative body is a town meeting, its board of selectmen, by a two-thirds vote, may complete the process by which such municipality opts out of the provision of subsection (d) of section 8-2.

(P.A. 21-29, S. 5.)



**TO:** The Honorable Mayor and Town Council

**FROM:** Aroscha Jayawickrema, Town Manager

**DATE:** September 23, 2022

**SUBJECT:** Accept Library Donations

**SUMMARY:**

Accept donations to the Berlin-Peck Memorial Library

Category	Amount	Description	Purpose	Donor
Cash	3,500.00	Vance Foundation Donation Account	large print books	Vance Foundation
	6,445.00	Cancellarini Trust	purchase of books and other library materials	Paul and Mary Cancellarini Charitable Trust
	9,945.00			
Equip/Merch	10.00	Puzzle	puzzle swap	Noyes family
	10.00			

\*Unless a name is mentioned, donors have requested anonymity.

**ACTION NEEDED:**

Move to accept monetary donations totaling \$9,945.00 and deposit \$3,500.00 into the Vance Foundation Donation Account for the purchase of large print books and deposit \$6,445.00 into the Cancellarini Trust fund for the purchase of books and other library materials.

Move to accept the donation of a puzzle with an approximate value of \$10.00 to be used for the puzzle swap.

**ATTACHMENTS:**

None

**PREPARED BY:**

Kimberly McNally, Director



**Agenda Item No. 2**  
**Request for Town Council Action**

**TO:** The Honorable Mayor and Town Council

**FROM:** Arosha Jayawickrema, Town Manager

**DATE:** September 15, 2022

**SUBJECT:** Hungerford Nature Center Pumpkin Palooza

**Summary of Agenda Item:**

The Hungerford Nature Center is requesting a waiver of Police Fees for the 2022 Pumpkin Palooza. This is a fundraiser event for the non-profit Children's Museum that serves Berlin. The Museum offers programming for both children and adults as volunteer opportunities for special needs groups and school groups in the community. The event will take place on October 14<sup>th</sup> and 15<sup>th</sup> at 191 Farmington Avenue.

**Action Needed:**

Move to approve waiving the Police Traffic Control fees for the Hungerford Nature Center's 2022 Pumpkin Palooza in the approximate amount of \$1000.00.

**Attachments:**

Request for Fee Waiver

**Prepared By:**

Arosha Jayawickrema, Town Manager





## TOWN OF BERLIN Request for Fee Waiver

Requesting Organization: <u>Hungerford Nature Center</u>	Date: <u>Sept. 15, 2022</u>
Contact Name: <u>Donna Veach</u>	
Phone Number: <u>860-225-3020</u>	
Event: <u>Pumpkin Palooza</u>	Date of Event: <u>October 14<sup>th</sup>, 15<sup>th</sup> 2022</u>
Location of the Event: <u>191 Farmington Ave, Kensington, CT 06037</u>	
What fee do you want waived: <u>Town fees / police officers / cruiser - approx. \$1000 -</u> <u>See page 2</u>	
Identify the hardship incurred: <u>This is a fundraiser for a non-profit children's museum that serves Berlin.</u>	
Identify how your organization benefits the Town of Berlin as outlined in the below criteria. Please be specific: <u>We offer programming for both children and adults as well as volunteer opportunities for special needs groups and school groups in the community.</u>	

### Town Manager review:

Does it meet the standards set forth in the "Policy on Fees and Charges?"

Yes

☒

No

☐

If so, which criteria:

- ☐ Raises funds to supplement Town budgeted services.
- ☐ Raises funds for programs normally funded by the Town.
- ☒ Raises funds for Non-Profit groups, which have contributed substantially to the community.
- ☒ Nationally or State affiliated program which provide programs for local youth.
- ☐ Raises funds for scholarships of Berlin students.
- ☐ Raises funds for elderly citizens.

**TOWN OF BERLIN**  
**Request for Fee Waiver**

Name of Non-Profit or Political Organization: Hungerford Nature Center

**Comments:**

2 police officers (1 each night) with cruisers  
for two nights (530-930<sup>pm</sup>) Oct. 14<sup>th</sup> + Oct 15<sup>th</sup>  
Aprx. Cost \$1000 +/- 2022

[Signature]  
Signature

9/15/22  
Date

[Signature]  
Town Manager Signature

9/16/22  
Date

Organizations requesting a waiver of fees **must** complete the Request for Fee Waiver **prior** to the event. The request should be filled out in accordance with Section J, Policy on Fees & Charges, restated below.

1. Fee Waiver Policy

1. Fee waivers will be granted on an ad-hoc basis giving due consideration to the financial needs of the Town and the fiscal impact of the waiver upon the Town.
2. Preference for fee waivers will be given to those private, non-profit organizations that serve Berlin that are proposing events which will raise funds that are intended to supplement Town funds for budgeted items or programs, raise funds for programs that would normally be funded by the Town, raise funds for programs by non-profit groups that have contributed substantially to the community, raise funds for programs for local senior or youth groups with a state or national affiliation or raise funds for scholarships for Berlin students.
3. The Town of Berlin will grant fee waivers sparingly with due consideration given to the costs and benefits derived from the fee waiver.
4. Golf Course charity fees will be set at the 18 hole resident rate.
5. The Town Council will consider waiving fees only when the Town Manager receives in writing a request stating that an undue hardship exists and the overall benefit the community will receive as a result of the program. Such waivers must be submitted at least one month in advance of the event for which the waiver is sought.
6. Any and all fee waivers are at the sole discretion of the Town Council.



**TO: The Honorable Mayor and Town Council**

**FROM: Arosha Jayawickrema, Town Manager**

**DATE: September 26, 2022**

**SUBJECT: Appropriate \$1,100,000 of FY23 General Fund Unassigned Fund Balance to Fund Capital Items**

**Summary of Agenda Item:**

Over the past several months, the Town Council has been asked to consider three projects – Percival Soccer Field renovations, Police Station renovations and a new Highway Wash Bay – with some level of funding undefined. As each of these projects were bid and staff engaged with consultants, more refined cost estimates are now available. Based on current cost estimates and the projected General Fund Unassigned Fund Balance after the FY22 audit is complete, this motion is to appropriate \$1.9 million of the Unassigned Fund Balance for these projects and the purchase of new fire vehicle.

The 6/30/2022 General Fund Unassigned Fund Balance is projected to be \$13.1 million or \$2.4 million above the 11% Town Policy floor. If this motion is approved, the General Fund Unassigned Fund Balance will remain above the 11% floor.

**The specific projects/acquisitions requested are:**

Purchase new fire vehicle (#4 of 4 in FD strategic plan)	\$ 550,000
Percival soccer field renovations (supplemental funding)	\$ 250,000
Police Station detailed drawings	\$ 300,000

**Total funding for each request (including this motion):**

	<u>Fire Vehicle</u>	<u>Percival</u>	<u>Police Station</u>
Current funding	\$0	\$193,774	\$16,167
Requested funding	\$550,000	\$250,000	\$300,000
FEMA reimbursement	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL	\$550,000	\$443,774	\$316,167

**Action Needed:**

Move to approve an FY23 non-budgeted appropriation of \$550,000 from the General Fund Unassigned Fund Balance to the Fire Truck account in the Fire Truck Fund for the purchase of a new fire vehicle.

Move to approve an FY23 non-budgeted appropriation of \$250,000 from the General Fund Unassigned Fund Balance to the Percival Soccer Field Improvements account in the Capital Non-Recurring Fund for field renovations.

Move to approve an FY23 non-budgeted appropriation of \$300,000 from the General Fund Unassigned Fund Balance to the Buildings & Renovations account in the Police Station Construction Fund for the development of detailed architectural plans of the police station renovations.

**Attachments:**

None

**Prepared By:**

Kevin Delaney, Finance Director

A handwritten signature in blue ink, appearing to be 'KD', is written over the printed name 'Kevin Delaney, Finance Director'.



**TO:** The Honorable Mayor and Town Council  
**FROM:** Arosha Jayawickrema, Town Manager  
**DATE:** September 28, 2022  
**SUBJECT:** Public Hearings on Statutory Opt-Outs for Accessory Apartments/Accessory Dwelling Units Regulations Per C.G.S. §§ 8-2o(a) through 8-2o(d) and Dwelling Unit Parking Limitations Per C.G.S. § 8-2(d)(9)

**Summary of Agenda Items:**

As discussed at the September 6, 2022 Town Council meeting, Connecticut General Statutes Section 8-2o(a) requires that municipalities that zone under the Zoning Enabling Act (§ 8-2) adopt new or amend existing regulations to allow accessory apartments/accessory dwelling units (ADUs) as of right on the same lot as single-family homes by January 1, 2023, unless they follow the opt-out procedure contained in § 8-2o(f) by said date. Thereafter, in § 8-2o(a) through § 8-2o(d), there are numerous provisions with which the zoning regulations must comply unless the municipality acts to opt-out. [A copy of § 8-2o is again attached for your review.] Section 8-2o(f) requires that the following procedure must be complied with by the Planning and Zoning Commission to opt-out of said provisions:

1. Hold a public hearing on the proposed opt-out, subject to the standard notice and timeframes for such hearings;
2. Affirmatively decide by a two-thirds vote to opt out within the statutory time limit (generally within 65 days of the hearing's completion);
3. State in the record the reasons for its decision; and
4. Publish notice of the decision within 15 days in a newspaper that has substantial circulation in the municipality.

The statute also requires the opt-out by the zoning authority to be confirmed by a two-thirds vote of the Town Council in accordance with the same procedure.

In addition to the above, Section 8-2(d)(9) provides that zoning regulations "... shall not ... (9) Require more than one parking space for each studio or one-bedroom dwelling unit or more than two parking spaces for each dwelling unit with two or more bedrooms, unless the municipality opts out in accordance with the provisions of Section 8-2p[.]" As previously advised, the opt-out procedure in Section 8-2p is the same as described above and must also be completed by January 1, 2023 to opt-out of the dwelling unit parking limitations. [A copy of § 8-2 is again attached with § 8-2(d)(9) highlighted as well as a copy of § 8-2p].

At its August 4, 2022 regular meeting, the Planning and Zoning Commission held a public

hearing on the proposed opt-out from the accessory apartments/accessory dwelling units (ADs) regulations contained in § 8-2o(a) through § 8-2o(d) and a separate public hearing on the proposed opt-out from the dwelling unit parking limitations contained in § 8-2(d)(9). The Commission voted unanimously (5-0) to opt-out of each and stated the reasons for its decisions on the record. A copy of the minutes from the August 4th meeting of the Commission is attached for your review and the portion of the minutes pertaining to the Commission's discussion of and actions on the statutory opt-outs can be found at pages 4-6 and 9-10 thereof.

Given the actions taken by the Commission on the statutory opt-outs and the requirements that the Town Council, as the Town's legislative body, must also take action, the Council voted to schedule the respective required public hearings for its October 4, 2022 meeting. Corporation Counsel and Ms. Giusti will address the Council and the public at the start of each public hearing to review the statutory provisions and answer any questions. Following the close of each public hearing, if the Council determines that it desires to opt-out of C.G.S. §§ 8-2o(a) through 8-2o(d) and/or § 8-2(d)(9), it must do so by a two-thirds vote and state the reasons for its decision(s) on the record.

**Actions Needed Following Public Hearings:**

Move to opt-out from the provisions of Connecticut General Statutes Sections 8-2o(a) through 8-2o(d) pertaining to accessory apartments or accessory dwelling unit regulations for the reasons stated on the record.

Move to opt-out from the provisions of Connecticut General Statutes Sections 8-2(d)(9) pertaining to dwelling unit parking limitations for the reasons stated on the record.

**Attachments:**

- (1) Connecticut General Statutes Section 8-2o;
- (2) Connecticut General Statutes Section 8-2;
- (3) Connecticut General Statutes Section 8-2p;
- (4) Minutes for August 4, 2022 regular meeting of Planning and Zoning Commission.

**Prepared By:**

Jennifer N. Coppola, Esquire, Ciulla & Donofrio, LLP, Corporation Counsel  
Maureen Giusti, Town Planner and Zoning Enforcement Officer



**Sec. 8-2o. Zoning regulations re accessory apartments. Municipal opt-out; exception.** (a) Any zoning regulations adopted pursuant to section 8-2 shall:

(1) Designate locations or zoning districts within the municipality in which accessory apartments are allowed, provided at least one accessory apartment shall be allowed as of right on each lot that contains a single-family dwelling and no such accessory apartment shall be required to be an affordable accessory apartment;

(2) Allow accessory apartments to be attached to or located within the proposed or existing principal dwelling, or detached from the proposed or existing principal dwelling and located on the same lot as such dwelling;

(3) Set a maximum net floor area for an accessory apartment of not less than thirty per cent of the net floor area of the principal dwelling, or one thousand square feet, whichever is less, except that such regulations may allow a larger net floor area for such apartments;

(4) Require setbacks, lot size and building frontage less than or equal to that which is required for the principal dwelling, and require lot coverage greater than or equal to that which is required for the principal dwelling;

(5) Provide for height, landscaping and architectural design standards that do not exceed any such standards as they are applied to single-family dwellings in the municipality;

(6) Be prohibited from requiring (A) a passageway between any such accessory apartment and any such principal dwelling, (B) an exterior door for any such accessory apartment, except as required by the applicable building or fire code, (C) any more than one parking space for any such accessory apartment, or fees in lieu of parking otherwise allowed by section 8-2c, (D) a familial, marital or employment relationship between occupants of the principal dwelling and accessory apartment, (E) a minimum age for occupants of the accessory apartment, (F) separate billing of utilities otherwise connected to, or used by, the principal dwelling unit, or (G) periodic renewals for permits for such accessory apartments; and

(7) Be interpreted and enforced such that nothing in this section shall be in derogation of (A) applicable building code requirements, (B) the ability of a municipality to prohibit or limit the use of accessory apartments for short-term rentals or vacation stays, or (C) other requirements where a well or private sewerage system is being used, provided approval for any such accessory apartment shall not be unreasonably withheld.



(b) The as of right permit application and review process for approval of accessory apartments shall require that a decision on any such application be rendered not later than sixty-five days after receipt of such application by the applicable zoning commission, except that an applicant may consent to one or more extensions of not more than an additional sixty-five days or may withdraw such application.

(c) A municipality shall not (1) condition the approval of an accessory apartment on the correction of a nonconforming use, structure or lot, or (2) require the installation of fire sprinklers in an accessory apartment if such sprinklers are not required for the principal dwelling located on the same lot or otherwise required by the fire code.

(d) A municipality, special district, sewer or water authority shall not (1) consider an accessory apartment to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless such accessory apartment was constructed with a new single-family dwelling on the same lot, or (2) require the installation of a new or separate utility connection directly to an accessory apartment or impose a related connection fee or capacity charge.

(e) If a municipality fails to adopt new regulations or amend existing regulations by January 1, 2023, for the purpose of complying with the provisions of subsections (a) to (d), inclusive, of this section, and unless such municipality opts out of the provisions of said subsections in accordance with the provisions of subsection (f) of this section, any noncompliant existing regulation shall become null and void and such municipality shall approve or deny applications for accessory apartments in accordance with the requirements for regulations set forth in the provisions of subsections (a) to (d), inclusive, of this section until such municipality adopts or amends a regulation in compliance with said subsections. A municipality may not use or impose additional standards beyond those set forth in subsections (a) to (d), inclusive, of this section.

(f) Notwithstanding the provisions of subsections (a) to (d), inclusive, of this section, the zoning commission or combined planning and zoning commission, as applicable, of a municipality, by a two-thirds vote, may initiate the process by which such municipality opts out of the provisions of said subsections regarding allowance of accessory apartments, provided such commission: (1) First holds a public hearing in accordance with the provisions of section 8-7d on such proposed opt-out, (2) affirmatively decides to opt out of the provisions of said subsections within the period of time permitted under section 8-7d, (3) states upon its records the reasons for such decision, and (4) publishes notice of such decision in a newspaper having a substantial circulation in the municipality not later than fifteen days after such decision has been rendered. Thereafter, the municipality's legislative body or, in a municipality where the legislative body is a town meeting, its board of selectmen, by a two-thirds vote, may



complete the process by which such municipality opts out of the provisions of subsections (a) to (d), inclusive, of this section, except that, on and after January 1, 2023, no municipality may opt out of the provisions of said subsections.

(P.A. 21-29, S. 6.)

History: P.A. 21-29 effective January 1, 2022.

**Sec. 8-2. Regulations.** (a)(1) The zoning commission of each city, town or borough is authorized to regulate, within the limits of such municipality: (A) The height, number of stories and size of buildings and other structures; (B) the percentage of the area of the lot that may be occupied; (C) the size of yards, courts and other open spaces; (D) the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes, including water-dependent uses, as defined in section 22a-93; and (E) the height, size, location, brightness and illumination of advertising signs and billboards, except as provided in subsection (f) of this section.

(2) Such zoning commission may divide the municipality into districts of such number, shape and area as may be best suited to carry out the purposes of this chapter; and, within such districts, it may regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land. All zoning regulations shall be uniform for each class or kind of buildings, structures or use of land throughout each district, but the regulations in one district may differ from those in another district.

(3) Such zoning regulations may provide that certain classes or kinds of buildings, structures or use of land are permitted only after obtaining a special permit or special exception from a zoning commission, planning commission, combined planning and zoning commission or zoning board of appeals, whichever commission or board the regulations may, notwithstanding any special act to the contrary, designate, subject to standards set forth in the regulations and to conditions necessary to protect the public health, safety, convenience and property values.

(b) Zoning regulations adopted pursuant to subsection (a) of this section shall:

(1) Be made in accordance with a comprehensive plan and in consideration of the plan of conservation and development adopted under section 8-23;

(2) Be designed to (A) lessen congestion in the streets; (B) secure safety from fire, panic, flood and other dangers; (C) promote health and the general welfare; (D) provide adequate light and air; (E) protect the state's historic, tribal, cultural and environmental resources; (F) facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements; (G) consider the impact of permitted land uses on contiguous municipalities and on the planning region, as defined in section 4-124i, in which such municipality is located; (H) address significant disparities in housing needs and access to educational, occupational and other opportunities; (I) promote efficient review of proposals and applications; and (J) affirmatively further the purposes of the federal Fair Housing Act, 42 USC 3601 et seq., as amended from time to time;



(3) Be drafted with reasonable consideration as to the physical site characteristics of the district and its peculiar suitability for particular uses and with a view to encouraging the most appropriate use of land throughout a municipality;

(4) Provide for the development of housing opportunities, including opportunities for multifamily dwellings, consistent with soil types, terrain and infrastructure capacity, for all residents of the municipality and the planning region in which the municipality is located, as designated by the Secretary of the Office of Policy and Management under section 16a-4a;

(5) Promote housing choice and economic diversity in housing, including housing for both low and moderate income households;

(6) Expressly allow the development of housing which will meet the housing needs identified in the state's consolidated plan for housing and community development prepared pursuant to section 8-37t and in the housing component and the other components of the state plan of conservation and development prepared pursuant to section 16a-26;

(7) Be made with reasonable consideration for the impact of such regulations on agriculture, as defined in subsection (q) of section 1-1;

(8) Provide that proper provisions be made for soil erosion and sediment control pursuant to section 22a-329;

(9) Be made with reasonable consideration for the protection of existing and potential public surface and ground drinking water supplies; and

(10) In any municipality that is contiguous to or on a navigable waterway draining to Long Island Sound, (A) be made with reasonable consideration for the restoration and protection of the ecosystem and habitat of Long Island Sound; (B) be designed to reduce hypoxia, pathogens, toxic contaminants and floatable debris on Long Island Sound; and (C) provide that such municipality's zoning commission consider the environmental impact on Long Island Sound coastal resources, as defined in section 22a-93, of any proposal for development.

(c) Zoning regulations adopted pursuant to subsection (a) of this section may:

(1) To the extent consistent with soil types, terrain and water, sewer and traffic infrastructure capacity for the community, provide for or require cluster development, as defined in section 8-18;

(2) Be made with reasonable consideration for the protection of historic factors;

(3) Require or promote (A) energy-efficient patterns of development; (B) the use of distributed generation or freestanding solar, wind and other renewable forms of energy; (C) combined heat and power; and (D) energy conservation;

(4) Provide for incentives for developers who use (A) solar and other renewable forms of energy; (B) combined heat and power; (C) water conservation, including demand offsets; and (D) energy conservation techniques, including, but not limited to, cluster development, higher density development and performance standards for roads, sidewalks and underground facilities in the subdivision;

(5) Provide for a municipal system for the creation of development rights and the permanent transfer of such development rights, which may include a system for the variance of density limits in connection with any such transfer;

(6) Provide for notice requirements in addition to those required by this chapter;

(7) Provide for conditions on operations to collect spring water or well water, as defined in section 21a-150, including the time, place and manner of such operations;

(8) Provide for floating zones, overlay zones and planned development districts;

(9) Require estimates of vehicle miles traveled and vehicle trips generated in lieu of, or in addition to, level of service traffic calculations to assess (A) the anticipated traffic impact of proposed developments; and (B) potential mitigation strategies such as reducing the amount of required parking for a development or requiring public sidewalks, crosswalks, bicycle paths, bicycle racks or bus shelters, including off-site; and

(10) In any municipality where a traprock ridge or an amphibolite ridge is located, (A) provide for development restrictions in ridgeline setback areas; and (B) restrict quarrying and clear cutting, except that the following operations and uses shall be permitted in ridgeline setback areas, as of right: (i) Emergency work necessary to protect life and property; (ii) any nonconforming uses that were in existence and that were approved on or before the effective date of regulations adopted pursuant to this section; and (iii) selective timbering, grazing of domesticated animals and passive recreation.

**(d) Zoning regulations adopted pursuant to subsection (a) of this section shall not:**

(1) Prohibit the operation of any family child care home or group child care home in a residential zone;

(2) (A) Prohibit the use of receptacles for the storage of items designated for recycling in accordance with section 22a-241b or require that such receptacles comply with



provisions for bulk or lot area, or similar provisions, except provisions for side yards, rear yards and front yards; or (B) unreasonably restrict access to or the size of such receptacles for businesses, given the nature of the business and the volume of items designated for recycling in accordance with section 22a-241b, that such business produces in its normal course of business, provided nothing in this section shall be construed to prohibit such regulations from requiring the screening or buffering of such receptacles for aesthetic reasons;

(3) Impose conditions and requirements on manufactured homes, including mobile manufactured homes, having as their narrowest dimension twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards or on lots containing such manufactured homes, including mobile manufactured home parks, if those conditions and requirements are substantially different from conditions and requirements imposed on (A) single-family dwellings; (B) lots containing single-family dwellings; or (C) multifamily dwellings, lots containing multifamily dwellings, cluster developments or planned unit developments;

(4) (A) Prohibit the continuance of any nonconforming use, building or structure existing at the time of the adoption of such regulations; (B) require a special permit or special exception for any such continuance; (C) provide for the termination of any nonconforming use solely as a result of nonuse for a specified period of time without regard to the intent of the property owner to maintain that use; or (D) terminate or deem abandoned a nonconforming use, building or structure unless the property owner of such use, building or structure voluntarily discontinues such use, building or structure and such discontinuance is accompanied by an intent to not reestablish such use, building or structure. The demolition or deconstruction of a nonconforming use, building or structure shall not by itself be evidence of such property owner's intent to not reestablish such use, building or structure;

(5) Prohibit the installation, in accordance with the provisions of section 8-1bb, of temporary health care structures for use by mentally or physically impaired persons if such structures comply with the provisions of said section, unless the municipality opts out in accordance with the provisions of subsection (j) of said section;

(6) Prohibit the operation in a residential zone of any cottage food operation, as defined in section 21a-62b;

(7) Establish for any dwelling unit a minimum floor area that is greater than the minimum floor area set forth in the applicable building, housing or other code;

(8) Place a fixed numerical or percentage cap on the number of dwelling units that constitute multifamily housing over four units, middle housing or mixed-use development that may be permitted in the municipality;



(9) Require more than one parking space for each studio or one-bedroom dwelling unit or more than two parking spaces for each dwelling unit with two or more bedrooms, unless the municipality opts out in accordance with the provisions of section 8-2p; or

(10) Be applied to deny any land use application, including for any site plan approval, special permit, special exception or other zoning approval, on the basis of (A) a district's character, unless such character is expressly articulated in such regulations by clear and explicit physical standards for site work and structures, or (B) the immutable characteristics, source of income or income level of any applicant or end user, other than age or disability whenever age-restricted or disability-restricted housing may be permitted.

(e) Any city, town or borough which adopts the provisions of this chapter may, by vote of its legislative body, exempt municipal property from the regulations prescribed by the zoning commission of such city, town or borough, but unless it is so voted, municipal property shall be subject to such regulations.

(f) Any advertising sign or billboard that is not equipped with the ability to calibrate brightness or illumination shall be exempt from any municipal ordinance or regulation regulating such brightness or illumination that is adopted by a city, town or borough, pursuant to subsection (a) of this section, after the date of installation of such advertising sign or billboard.

(1949 Rev., S. 837; November, 1955, S. N10; 1959, P.A. 614, S. 2; 661; 1961, P.A. 569; 1963, P.A. 133; 1967, P.A. 801; P.A. 77-509, S. 1; P.A. 78-314, S. 1; P.A. 80-327, S. 1; P.A. 81-334, S. 2; P.A. 83-388, S. 6, 9; P.A. 84-263; P.A. 85-91, S. 2, 5; 85-279, S. 3; P.A. 87-215, S. 1, 7; 87-232; 87-474, S. 1; 87-490, S. 1; P.A. 88-105, S. 2; 88-203, S. 1; P.A. 89-277, S. 1; P.A. 91-170, S. 1; 91-392, S. 1; 91-395, S. 1, 11; P.A. 92-50; P.A. 93-385, S. 3; P.A. 95-239, S. 2; 95-335, S. 14, 26; P.A. 97-296, S. 2, 4; P.A. 98-105, S. 3; P.A. 10-87, S. 4; P.A. 11-124, S. 2; 11-188, S. 3; P.A. 15-227, S. 25; P.A. 17-39, S. 1; 17-155, S. 2; P.A. 18-28, S. 1, 2; 18-132, S. 1; P.A. 21-29, S. 4.)

History: 1959 acts required that regulations be uniform for use of land in district and authorized requirement of special permits or exceptions; 1961 act deleted provision authorizing reconstruction of nonconforming structure destroyed or damaged by fire or casualty provided cost be less than 50% of fair market value of property and reconstruction be commenced within six months; 1963 act allowed municipality to exempt municipal property from zoning regulations; 1967 act specified that special acts contrary to provision re special permits or special exceptions have no bearing; P.A. 77-509 allowed considerations of historic factors, sedimentation control and erosion in zoning regulations; P.A. 78-314 allowed regulations to encourage energy-efficient development, energy conservation and use of renewable forms of energy; P.A. 80-327



allowed consideration of water supply protection; P.A. 81-334 authorized regulations to provide for incentives for developers using passive solar energy techniques; P.A. 83-388 required provision be made for soil erosion and sediment control, effective July 1, 1985; P.A. 84-263 provided the regulations shall encourage the development of housing opportunities for all citizens of the municipality consistent with soil types, terrain and infrastructure capacity (Revisor's note: P.A. 84-263, which took effect on October 1, 1984, incorporated the amendment enacted by P.A. 83-388, but the Revisors are of the opinion that (1) this in no way changed the July 1, 1985, effective date of the 1983 act, and (2) the further amendment in the 1984 act took effect on October 1, 1984); P.A. 85-91 specified the date by which provision for soil erosion and sediment control is required; P.A. 85-279 made consideration of the protection of surface water and groundwater mandatory where before it had been discretionary; P.A. 87-215 authorized regulations to provide for additional notice requirements; P.A. 87-232 provided that no regulations shall prohibit the operation of any family day care home or group day care home in a residential zone; P.A. 87-474 clarified authority to regulate water-dependent uses; P.A. 87-490 inserted provisions concerning creation and transfer of development rights; P.A. 88-105 required zoning regulations to be made with reasonable consideration for their impact on agriculture; P.A. 88-203 added provisions re imposition of conditions and requirements on certain manufactured homes and developments to be occupied by certain manufactured homes; P.A. 89-277 added provision specifying that the regulations shall not provide for the termination of a nonconforming use solely as a result of nonuse without regard to intent; P.A. 91-170 designated existing language as Subsec. (a) and added Subsec. (b) re regulations in municipalities contiguous to Long Island Sound; P.A. 91-392 required regulations to encourage opportunities for multifamily dwellings for residents of municipality and planning region, to promote housing choice and economic diversity in housing and to encourage housing development consistent with the state housing plan and the state plan of conservation and development; P.A. 91-395 authorized adoption of regulations under this section to provide for cluster development; P.A. 92-50 amended Subsec. (a) to eliminate reference to adoption of regulations in accordance with the comprehensive plan and substituted consideration of the plan of development in lieu thereof; P.A. 93-385 amended Subsec. (a) by requiring that regulations be made in accordance with a comprehensive plan; P.A. 95-239 added Subsec. (c) re development restrictions in ridgeline setback areas (Revisor's note: Uppercase alphabetic Subdiv. indicators were replaced editorially by the Revisors with numeric indicators for consistency with customary statutory usage); P.A. 95-335 amended Subsec. (a) to change "plan of development" to "plan of conservation and development", effective July 1, 1995; P.A. 97-296 amended Subsec. (a) to allow regulations to provide for conditions on operations to collect spring or well water, effective July 8, 1997; P.A. 98-105 amended Subsec. (c) to provide for protection of amphibolite ridgelines; P.A. 10-87 amended Subsec. (a) by making technical changes and adding provision prohibiting regulations from



prohibiting use of receptacles for storage of items designated for recycling or requiring such receptacles to comply with provisions for bulk or lot area and prohibiting regulations from unreasonably restricting access to or size of such receptacles for businesses; P.A. 11-124 amended Subsec. (a) by replacing "housing plan" with "state's consolidated plan for housing and community development"; P.A. 11-188 amended Subsec. (a) by adding reference to Sec. 1-1(q) re definition of "agriculture"; pursuant to P.A. 15-227, "group day care home" and "family day care home" were changed editorially by the Revisors to "group child care home" and "family child care home", respectively, in Subsec. (a), effective July 1, 2015; P.A. 17-39 amended Subsec. (a) to add provision re regulations not terminating or deeming abandoned nonconforming use, building or structure, effective July 1, 2017; P.A. 17-155 amended Subsec. (a) to add provision re town opt out and installation of temporary health care structures; P.A. 18-28 amended Subsec. (a) by adding provision re zoning commission may regulate brightness and illumination of advertising signs and billboards, and added Subsec. (d) exempting certain advertising signs or billboards from municipal ordinance or regulation re brightness or illumination when installed prior to adoption of ordinance or regulation, effective July 1, 2018; P.A. 18-132 amended Subsec. (a) by adding provision re regulations that require special permit or special exception for continuance, effective July 1, 2018; P.A. 21-29 substantially revised section, including by restructuring existing Subsec. (a) into new Subsecs. (a) to (e), moving provision re Long Island Sound from former Subsec. (b) to Subsec. (b)(10), moving provision re traprock ridge from former Subsec. (d) to Subsec. (c)(10), redesignating existing Subsec. (d) as Subsec. (f), in Subsec. (b)(2) adding Subpara. (E) re state's resources, Subpara. (G) re contiguous municipalities, Subpara. (H) re significant disparities, Subpara. (I) re efficient proposal and application review and Subpara. (J) re federal Fair Housing Act, deleting provisions re land overcrowding and undue population concentration, in Subsec. (b)(3) changing "character" to "physical site characteristics" and deleting reference to conserving building value, in Subsec. (b)(6) changing "encourage" to "expressly allow", in Subsec. (c)(3)(B) adding "distributed generation or freestanding" and "wind", in Subsec. (c)(4) deleting "passive solar energy techniques", adding Subpara. (B) re combined heat and power, Subpara. (C) re water conservation and Subpara. (D) re energy conservation techniques, in Subsec. (c) adding Subdiv. (8) re floating and overlay zones and Subdiv. (9) re traffic impacts and mitigation strategies, in Subsec. (d)(3) adding "mobile manufactured homes" and "mobile manufactured home parks" and deleting provision re manufactured homes, in Subsec. (d) by adding Subdiv. (6) re cottage food operations, Subdiv. (7) re minimum floor area, Subdiv. (8) re cap on dwelling units, Subdiv. (9) re parking spaces and Subdiv. (10) re land use application denials and making technical changes.



**Sec. 8-2p. Municipal opt-out re dwelling unit parking space limitations.** The zoning commission or combined planning and zoning commission, as applicable, of a municipality, by a two-thirds vote, may initiate the process by which such municipality opts out of the provision of subdivision (9) of subsection (d) of section 8-2 regarding limitations on parking spaces for dwelling units, provided such commission: (1) First holds a public hearing in accordance with the provisions of section 8-7d on such proposed opt-out, (2) affirmatively decides to opt out of the provision of said subsection within the period of time permitted under section 8-7d, (3) states upon its records the reasons for such decision, and (4) publishes notice of such decision in a newspaper having a substantial circulation in the municipality not later than fifteen days after such decision has been rendered. Thereafter, the municipality's legislative body or, in a municipality where the legislative body is a town meeting, its board of selectmen, by a two-thirds vote, may complete the process by which such municipality opts out of the provision of subsection (d) of section 8-2.

**(P.A. 21-29, S. 5.)**

**BERLIN PLANNING AND ZONING COMMISSION MEETING MINUTES  
AUGUST 4, 2022**

**I Call to Order**

The Town of Berlin, CT Planning and Zoning Commission held a Regular Meeting in-person and by remote video conference call on Thursday, August 4, 2022 in the Town Council Chambers, Berlin Town Hall, 240 Kensington Road, Berlin, CT. The meeting was called to order at 7:05 p.m.

Ms. Giusti introduced Dylan Willette, the newly hired Assistant Town Planner. Mr. Willette then left the meeting.

In attendance

Chairwoman Joan Veley

Commissioners Sandra Coppola, Brian Rogan, Timothy Zigmont

Alternate Commissioner Steve Biella, Jr. (via remote; seated)

Town Planner Maureen Giusti, AICP

Corporation Counsel Jennifer Coppola

Excused

Commissioner Diane Jorsey

Absent

Commissioners Jon-Michael O'Brien; Scott Hamel

Alternate Commissioner Andrew Legnani

**II Pledge of Allegiance**

The commissioners stood for the Pledge of Allegiance.

**III Review and Approval of Minutes**

a. July 14, 2022 Special Meeting

Commissioner Zigmont moved to approve the minutes, as presented.

Commissioner Rogan seconded the motion which carried unanimously.

b. July 21, 2022 Regular Meeting

Commissioner Coppola moved to approve the minutes, as presented.

Commissioner Zigmont seconded the motion which carried unanimously.

**IV Continued Old Business**

- a. Fill Permit Application of The Southington-Cheshire Community YMCA's Inc. to fill +/- 90,000 cubic yards, +/- 8.7 acres at Lot 5, Block 15, Southington Road (213 Southington Road) (Continued from July 21, 2022)



Mr. Bart Bovee, P.E. HE Cole, Plantsville, stated Mr. Mark Pooler, CEO from the Southington YMCA, was also present. Mr. Bovee provided a summary of the proposal as he had stated at the July 21<sup>st</sup> meeting. He stated he had met with Mr. Boyd, the contractor of the company who will be dredging Sloper Pond. The contractor had told Mr. Bovee that he will create a written transport plan before any material is moved; some of their trucks are relatively new and each of the ones to be used will be filled with to 75 percent capacity; the trucks are water tight; any dewatering will be done on dredge site; there will be 35 trips per day on average, some days would have 50 trips. The contractor does not tolerate speeding; any evidence of speeding will be followed up with the employee; a full Department of Transportation signage package will be used; hours of operation will be between 7 a.m. and 5 p.m.; no hauling on the week-ends unless necessary; grading and site work will occur on Saturdays; there will be on site response to address any issue that may occur.

Mr. Bovee reviewed site lines and two photographs showing the road conditions around the entrance/exit to the site. He stated that the site lines show there is “more than adequate stopping distance”, 660 feet to the east and 670 feet to the west. He noted these distances are greater than those at Edgewood Road and Stockings Brook Road/Timberlin entrance. Mr. Bovee quoted State DOT traffic data from its website. The count for the road of 3600 vehicles, broken down per hour, with the busiest hour of 4-5- p.m. range with 323 vehicles. He noted that even 50 trips a day equates to 1.4%.that 96 percent of the vehicles on the road travel less than 50 mph and the average speed is 33 mph. Approximately 420 c.y. of material will be moved each day which would take about 215 days; therefore completion is possible within 1-1/2 years. Mr. Bovee stated the contractor has assured the applicant that the project will be “done the right way”. He stated his opinion the signage will be adequate and a flagman wouldn’t be necessary.

Mr. Mark Pooler, YMCA, applicant for fill permit, provided a brief history of the project, noting the Sloper property was willed to the Town of Southington in 1949. He stated twenty years of work have been dedicated to the project for the preservation of the pond. He stated the Micacci property [site of the fill] is vital to this effort. He stated the proposal will benefit children and families using the Sloper Pond. He stated the project is a legacy project for the health of the pond and camp. Approximately 2000 families use YMCA Camp Sloper each summer with approximately ten percent from Berlin. Plus there are other uses and functions at the property. He noted the YMCA is willing to make reasonable accommodations to minimize interruptions.

Chairwoman Veley stated a letter regarding this application has been received. The application before the commission is not a public hearing.

Ms. Giusti noted the commissioners, including Commissioner Biella who is attending this meeting remotely, had received a copy of the letter in the meeting materials package.

Attorney Coppola clarified correspondence can always be accepted and it is not necessary to read into the record.

Mr. Bovee stated they had not received a copy of that letter. Mr. Bovee was provided a copy of the letter to review. After he reviewed the letter, Mr. Bovee stated Mr. Macacci can’t use the

property for anything, although the property may look fine from a distance, and Mr. Maccaci's hope is to farm the site.

In response to Chairwoman Veley's questions, Mr. Bovee described the method of dredging. The fill will be moist, but not leaking water. He stated the trucks have covers. An area will be available at the fill site if some drying is needed. He stated the contractor is not anticipating hauling on week-ends. If that does occur, the contractor will come back to the town. The goal is to move 420 c.y. a day. Consideration of less hauling when holidays are approaching may be considered.

In response to Commissioner Rogan's question, Mr. Bovee stated the estimated 5,000 trucks may be closer to 6,000 because less fill per truck is anticipated.

In response to Commissioner Biella's question, Mr. Bovee stated 16,000 c.y. trucks will be used and tail gate liners will be used. He did not know if vibrators for the tailgates will be used, but the condition could be added.

Chairwoman Veley stated the project has a good cause but the impact for the neighbors must be considered.

Commissioner Coppola stated concern for the braking noise from the trucks which may be a concern for the neighbors. She questioned the starting time of 7:00 a.m. and said school bus traffic needs to be considered.

Mr. Bovee stated braking shouldn't be an issue due to the cubic yards of material in the trucks and their lower speed. Mr. Bovee stated he was aware of only two school buses on that route.

Commissioner Rogan stated the noise is a concern, including banging tailgates and back up alarm noise. He suggested having a muffled back up sound on the trucks and bulldozer which will be on site. Fifty trucks for a year and a half is a concern. 7:00 a.m. is too early – 8:00 a.m. to 4:00 p.m. may be more appropriate.

Ms. Giusti stated her comments have been distributed to the commission. She highlighted there should be coordination regarding the school bus traffic; there should be coordination with the Town regarding large events which may occur at the Timberlin golf course across from the site; coordination regarding any road projects will be needed; the commission may consider an update of conditions after a certain time period of the permit; finished grades had been discussed; she added that some of the conditions are reiterated from the application narrative; de-watering and testing for hazardous materials will be done; certification will be required for the suitability of materials for the end use of the property which may be agriculture or residential.

She noted the Town Engineer's comments include addressing a compaction plan. All necessary permits will be obtained. Site lines have been discussed. Any other fill is prohibited. At the end of the project, a final grading plan will be submitted prior to the release of any bonding in place. She stated she has also made notes of the commissioners' comments.



Commissioner Zigmont stated the back- up alarms and coverings for the loaded trucks are DOT requirements. He suggested a 6 month requirement to review the grades.

Commissioner Rogan suggested a one month evaluation regarding truck vibrators and prohibiting jake brakes on Southington Road.

Commissioner Biella recommended full body liners be used, if the tailgate banging becomes an issue.

Mr. Bovee stated he would like to speak with contractor and then work with staff to hopefully check off some of a long list of potential conditions of an approval.

Commissioner Zigmont moved to continue consideration of this application to the August 18, 2022 meeting.

Commissioner Biella seconded the motion which carried unanimously.

## **V Public Hearings**

*Commissioner Rogan read the Call of the Hearings.*

- a. A Public Hearing and possible action on, including an opt-out from, provisions of Public Act No. 21-29 “An Act Concerning the Zoning Enabling Act, Accessory Apartments, Training for Certain Land Use Officials, Municipal Affordable Housing Plans and A Commission on Connecticut’s Development and Future” (codified at Connecticut General Statutes Section 8-20) pertaining to accessory apartments or accessory dwelling units. A copy of said Public Act will be posted with this Notice in the Town Clerk’s Office and available on the Planning and Zoning Commission’s page on the Town website at <https://www.berlinct.gov>.

Attorney Coppola stated the commissioners are well versed in the content of the statute and its requirements. She stated if the commission does not opt out, the commission will be compelled to revise or amend regulations to be in compliant with the statute so Berlin’s regulatory provisions would match what the statute provisions are in this area. If the commission decides to opt out, reasons must be provided. The commission’s decision will be published in the newspaper and filed in the Town Clerk’s office.

Commissioner Veley stated this commission has been very receptive and pro-active with regard to this issue. She stated public hearings have been held and the subject has been handled well with applicants. She stated the commission doesn’t need to “fall in line” with state requirements.

Commissioner Zigmont stated we have regulations for accessory units. He asked for clarification regarding the training.

Attorney Coppola described various opportunities for training commissioners. She noted for the record that Ms. Giusti has prepared some suggestions for reasons for your decision.

Referring to her prepared document, Ms. Giusti clarified the title of the Act includes training, for this item. The commissioners are not opting out of training, just considering opting out of the topic discussed in the Zoning Enabling Act, Accessory Apartments. The reasons are:

1. The Town of Berlin has had Zoning Regulation provisions pertaining to Accessory Dwelling units for several decades discarding existing regulations in lieu of new would not serve a needed benefit regarding accessory units;
2. The Town has completed its Affordable Housing Plan (AHP) which includes recommendations regarding housing needs that will be considered in development of a related implementation plan with the pending Plan of Conservation and Development (POCD) 2023 Update that should be considered when determining any accessory dwelling unit provisions;
3. The Commission staff, at its direction, are working on potential updates to the existing Accessory Dwelling Unit provisions responsive to study findings and public input during the AHP and POCD update process.
4. It is highly unlikely that adoption of an accessory apartment regulation(s) in compliance with § 8-2o(a) through (d) would assist the Town in reaching the 10% affordable housing threshold contained in C.G.S. § 8-30g; and/or
5. The statute imposes limitations on the ability of the Planning and Zoning Commission and the Town to take action/implement controls to address zoning and building enforcement issues.

She stated the 2023 Plan of Conservation and Development is pending. The town adopted its Affordable Housing Plan in May and the result of these studies will be an implementation plan that may include recommendations for modifying the existing regulation. Adopting the state requirement would not assist the town in reaching its affordable housing ten percent goal. The statute and adoption would limit the commission's ability to respond to issues within the town.

Commissioner Coppola stated the current regulations have worked for the town for a long period of time, and the town can keep control to make adjustments at the town's level, rather than those of the state.

There were no other speakers.

Commissioner Zigmont moved to close the hearing.

Commissioner Coppola seconded the motion which carried unanimously.

- b. A Public Hearing and possible action on, including an opt-out from, provisions of Public Act No. 21-29 "An Act Concerning the Zoning Enabling Act, Accessory Apartments, Training for Certain Land Use Officials, Municipal Affordable Housing Plans and A Commission on Connecticut's Development and Future" (codified at Connecticut General Statutes Section 8-2(d)(9) and 8-2p) pertaining to parking. A copy of said Public Act will be posted with this Notice in the Town Clerk's Office and available on the Planning and Zoning Commission's page on the Town website at <https://www.berlinct.gov>.



Chairwoman Veley stated the community would best served by keeping town regulations in place as the commission has experience with this topic to the benefit of the town and the applicant.

Commissioner Zigmont stated the commission has addressed the parking issues throughout the years and made changes when needed.

Commissioner Rogan agreed with Chairwoman Veley and Commissioner Zigmont and stated he sees no reason to proceed with this public act.

Commissioner Coppola agreed with the other commissioners and stated Berlin has done well with regard to this subject.

Referring to her staff report, Ms. Giusti reviewed the following reasoning:

1. The Town of Berlin has heard several applications for multi-family developments in the recent past and at those hearings has received expert testimony regarding required parking that conflicts with the parking limitations/requirements contained in C.G.S. §8-2(d)(9)
2. The parking limitations/requirements contained in C.G.S. §8-2(d)(9) conflict with existing regulations;
3. The parking limitations contained in C.G.S. § 8-2(d)(9) has the potential to significantly impact neighborhoods, single-family residential and otherwise, in a negative way;
4. Insufficient on-premise parking for residential lots/uses will result in increased, possibly excessive on-street parking which is likely to impact pedestrian safety, particularly in areas without sidewalks;
5. Insufficient on-premise parking for residential lots/uses will result in increased, possibly excessive on-street parking which is likely to negatively affect provision of emergency services and access; and/or
6. Insufficient on-premise parking for residential lots/uses will result in increased, possibly excessive on-street parking which is likely to negatively affect traffic and pedestrian safety particularly where older roads with narrow widths do not support on-street parking.

Attorney Coppola stated the conflicts are well known by the commissioners. This public act conflicts with Berlin regulations and expert testimony that has been received.

There were no other speakers.

Commissioner Rogan moved to close the hearing.

Commissioner Biella seconded the motion which carried unanimously.

- c. A Public Hearing and possible action on a Text Amendment to Berlin Zoning Regulations §IV.A.2.b., Acting Town Planner Maureen Giusti, for extension of the Moratorium on Cannabis Uses

Ms. Giusti stated this item is on the agenda, at the commission's direction. The extension of the moratorium, adopted at its November, 2021 meeting, will allow time for the commission to study impacts and repercussions of cannabis uses in other municipalities and how the Berlin regulations should be handled.

Commissioner Zigmont stated discussion or a vote could happen earlier than the moratorium date.

Attorney Coppola stated she understands from discussions the commission wants to wait and see issues regarding effects on municipalities concerning the retail use and not as much as the cultivation.

Chairwoman Veley stated that was correct; however, the commission does want to speak with those who have participation in the cultivation of cannabis. She suggested a longer moratorium to allow adequate study time and impact seen in other communities.

Commissioner Zigmont stated the longer discussion will be the retail uses.

Commissioner Coppola clarified the moratorium will be for both the retail and cultivation of cannabis.

Attorney Coppola stated both uses would be part of the moratorium.

The commission discussed a draft document with both the retail and the cultivation aspects for the Town Attorney to review at a possible combined meeting with the Planning and Zoning Commission and Town Council.

Commissioner Biella stated the commission should not prolong and "shy away" from the issue each time the subject is brought up. He said the town doesn't want to lose an opportunity for a business venture.

Chairwoman Veley stated an earlier decision could be made ahead of the moratorium's date.

Commissioner Coppola stated she is favor of a 9 month moratorium which will allow time to further study and speak with other towns who have gone forward with cannabis regulations.

Attorney Coppola stated a prohibition of the retail would need to be a text amendment which have a public hearing.

Commissioner Rogan stated he would like nine more months to further study both the cultivation and retail aspects of cannabis.



Ms. Giusti stated Economic Director Chris Edge has submitted a letter dated June 9, 2022 which addresses several issues before the commission. She read the portion related to this agenda item which discussed a possible business opportunity.

There was discussion of holding a special meeting regarding this topic, perhaps in October.

Ms Giusti stated it could also be included on a regular meeting agenda. Ms. Giusti stated she is understanding the commission would be in favor of a nine month extension, with an expiration date of May 31, 2023.

Commissioner Biella stated the moratorium a six month extension is preferable.

Commissioner Rogan stated the commission is being proactive and the nine month extension would give the commission time to determine to consider the matter.

There were no other speakers.

Commissioner Zigmont moved to close the public hearing.

Commissioner Rogan seconded the motion which carried unanimously.

- d. A public hearing and possible action on a proposed text amendment of Maureen Giusti, Town Planner to Berlin Zoning Regulations §IV.A.2.b., for a moratorium on Multi-family housing development applications.

Chairwoman Veley stated the 2023 Plan of Conservation Development is in progress and approved multi-family projects are also being constructed. She stated the commission could consider “stepping back” and reanalyze where development stands regarding the ten percent of affordable housing. She stated the proposed amendment is based on feedback from the commission and staff input.

Commissioner Coppola stated the draft text amendment references six months which she thinks is an appropriate time.

Commissioner Zigmont stated he would like more time in the extension. Retail and multifamily development, which also addresses the affordable housing issue, is taking place for the revitalization of the Berlin Turnpike.

Chairwoman Veley stated numerous projects have been approved and are being constructed at a “wild fire” pace.

Commissioner Coppola suggested slowing the pace regarding multi-family housing applications.

Commissioner Rogan stated his support for the six month moratorium, noting the consultant who was hired for the Plan of Conservation and Development will also provide additional information.

Commissioner Biella stated his agreement with the six month moratorium.

Ms. Giusti stated many applications with multi-family/retail approvals are in process. Two additional applications have also been received and will be processed with current regulations. She read a portion of Christopher Edge letter dated June 9<sup>th</sup>, requesting a portion of the town remain with regulations in place, specifically the TOD zone, an area around the railroad station.

Chairwoman Veley stated she could not be in favor of a partial moratorium.

Commissioner Rogan and Commissioner Biella agreed they could not approve a partial moratorium area.

Ms. Giusti stated the consultant has advised the draft plan of the Plan of Conservation and Development which should be ready in the later fall months of this year.

Attorney Coppola stated the commission is waiting for the consultant to provide expert information with regard to this issue. The commission will need time to consider the information, as well as if additional revisions will be needed.

There were no other speakers.

Commissioner Coppola moved to close the public hearing.

Commissioner Rogan seconded the motion which carried unanimously.

## **VI Old Business**

- a. A Public Hearing and possible action on, including an opt-out from, provisions of Public Act No. 21-29 “An Act Concerning the Zoning Enabling Act, Accessory Apartments, Training for Certain Land Use Officials, Municipal Affordable Housing Plans and A Commission on Connecticut’s Development and Future” (codified at Connecticut General Statutes Section 8-2o) pertaining to accessory apartments or accessory dwelling units. A copy of said Public Act will be posted with this Notice in the Town Clerk’s Office and available on the Planning and Zoning Commission’s page on the Town website at <https://www.berlinct.gov>.

Commissioner Zigmont moved to opt-out.

Commissioner Rogan seconded the motion.

### Discussion

Attorney Coppola stated reasons must be provided.

Commissioner Zigmont amended his motion and to opt-out with reasons read into the record by staff during the hearing and as noted by the commission.

Commissioner Rogan seconded the amended motion.

The motion carried unanimously.

- b. A Public Hearing and possible action on, including an opt-out from, provisions of Public Act No. 21-29 “An Act Concerning the Zoning Enabling Act, Accessory



Apartments, Training for Certain Land Use Officials, Municipal Affordable Housing Plans and A Commission on Connecticut's Development and Future" (codified at Connecticut General Statutes Section 8-2(d)(9) and 8-2p) pertaining to parking. A copy of said Public Act will be posted with this Notice in the Town Clerk's Office and available on the Planning and Zoning Commission's page on the Town website at <https://www.berlinct.gov>.

Chairwoman Veley stated the commission has no problem with the current regulations and the commission has worked well with applicants when waivers are requested.

Commissioner Zigmont motion to opt-out with reasons read into the record by staff during the hearing and as noted by the commission.

Commissioner Rogan seconded the amended motion.

The motion carried unanimously.

- c. A Public Hearing and possible action on a Text Amendment to Berlin Zoning Regulations §IV.A.2.b., Acting Town Planner Maureen Giusti, for extension of the Moratorium on Cannabis Uses

Commissioner Coppola moved to extend the moratorium on Cannabis use for a nine month period. [The expiration date will be May 31, 2023]

Commissioner Rogan stated, as the town is being proactive in this matter, he seconds the motion which carried four in favor to one opposed.

Voting in favor: Coppola, Rogan, Veley, Zigmont

Voting in opposition: Biella

- d. A public hearing and possible action on a proposed text amendment of Maureen Giusti, Town Planner to Berlin Zoning Regulations §IV.A.2.b., for a moratorium on Multi-family housing development applications.

Chairwoman Veley stated, if approved, the date will be six months from the effective date which will be after the legal notice for this action has been published in the New Britain Herald and filed in the Town Clerk's office. [The expiration date will be February 11, 2023]

Commissioner Rogan moved to approve the text amendment for a moratorium on on Multi-family applications.

Commissioner Biella seconded the motion which carried unanimously.

- Commissioner Comments

There was discussion of re-instating deadlines for submittal of application materials.

- Planner Comments

Ms. Giusti provided some updates, including Metro Realty's new workforce housing name change from Deming Ridge to "The Flats at Little Brook"; pavement markings for drop-off of

the YMCA day care project at McGee School; evaluation of the tree line for the D'Addeo project on the Berlin Turnpike; required plantings along the fence at the Berlin Fair.

**VII Adjournment**

Commissioner Rogan moved to adjourn.

Commissioner Biella seconded the motion which carried unanimously.

The time was 9:44 p.m.

Respectfully submitted,

Frances M. Semnoski

Recording Secretary

Received on 8/29/2022  
at 9:14:02 AM by Town Clerk  
Kathryn J Wall





**TO:** The Honorable Mayor and Town Council  
**FROM:** Arosha Jayawickrema, Town Manager  
**DATE:** September 28, 2022  
**SUBJECT:** Public Golf Course Commission

**Summary of Agenda Item:**

The Golf Course Commission has prepared a presentation updating the Town Council on Timberlin Golf Course.

**Action Needed:**

Presentation on Timberlin Golf Course.

**Attachments:**

PowerPoint Presentation

**Prepared By:** Kate Wall, Town Clerk





# Timberlin Golf Commission Report

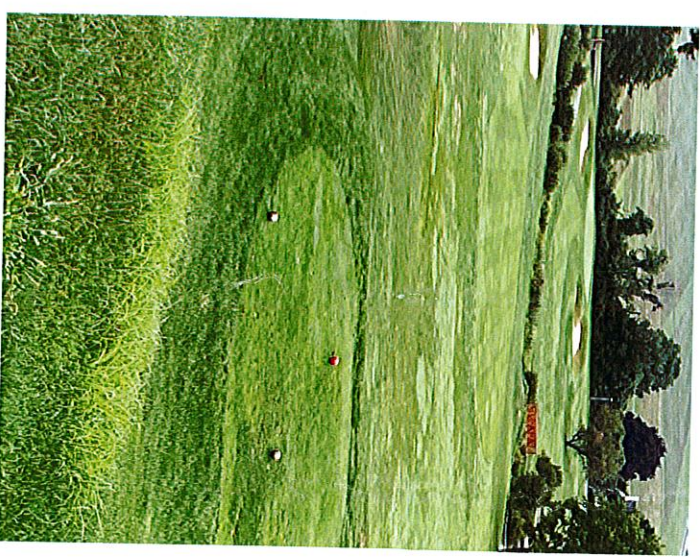
October 4, 2022



## The Public Golf Course Commission was formed in September 2017 to:

- Make and ensure enforcement policies approved by the Town Council
- Provide input and recommendations in the negotiations of all proposed contracts
- Work with the Director of Golf to develop and prioritize alteration plans, renovations and capital improvements

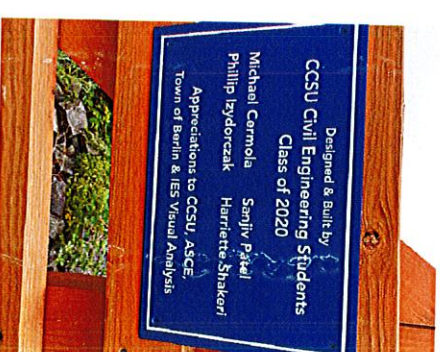
**2022 Commission members:** Nancy Berger, Jim Bugella, Peter DeFazio, Jim Green, Gale Lemieux, Jim Norton, Joe Pulcini, Seb Senia





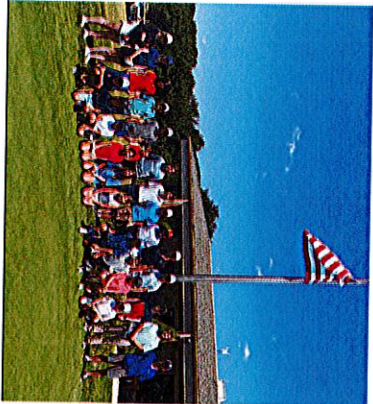
## Major Initiatives:

- Installation of new tee signs paid for by sponsors
- Resurfaced existing tee signs
- Utilization of Golf Now
- Installation of new bridge on # 17 hole
- Significant expansion of golf participation at every level and reaching all segments of the population
- Opportunity to support high school boys and girls golf teams
- Golf Pro with statewide recognition
- Improved social media presence
- Profitability



Significant expansion of golf participation at every level and reaching all segments of the population: “We have programs and organizations for everyone.”

- One of the top juniors' programs in the state, serving over 300 juniors this past year
- Men's & Women's Clubs, Seniors, Lady Niners with 575 members
- Women and Wine
- 21 Leagues, including a league for Veterans
- Host to Connecticut Section Golf Association, Southern New England Women's Golf Association events, and numerous charitable tournaments
- CCARC tournament has been at Timberlin for 53 years



Annual # of Starts		
2018	42,460	
2019	45,035	
2020	48,048	
2021	43,778	
2022	45,639	(proj)

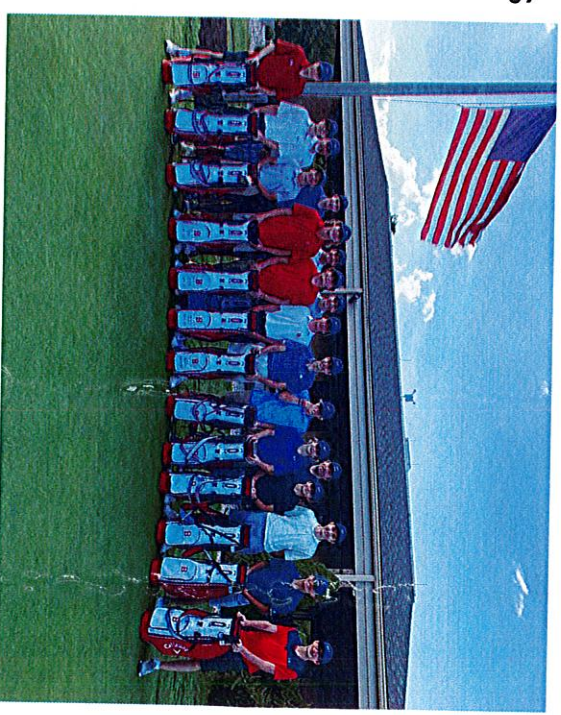


# Opportunity to support high school boys & girls golf teams

**Berlin High School Boys Golf Teams have  
11 D2 State Championships**



**Berlin High School Girls Golf Teams have  
5 D2 State Championships**



**New Britain Herald Published on Friday, 24 April 2020  
Written by RYAN CHICHESTER**

You can't talk about local high school golf without talking about Berlin, which has been far and away the cream of the crop on the links among area schools.

Between the boys and girls teams, the Redcoats have combined for more than a dozen state titles, with nearly half of them coming in the past decade. Both the boys and girls teams have won three straight state titles some point in their history, and have to be considered one of the top golf programs in the state



**Marc S. Bayram, PGA,  
Head Golf  
Professional**

- 2020 Teacher of the Year –  
CT Section PGA
- 2021 US Kids Top 50 Coach
- 2015 Youth Player  
Development Award – CT  
Section PGA
- 2012 Merchandiser of the  
Year – CT Section PGA







# Capital Improvement Fund

## CIP

### Date Amount

**FY18**    \$57 k

**FY19**    \$61 k

**FY20**    \$67 k

**FY21**    \$71 k

**FY22**    \$63 k



## Timberlin Golf Course

Fiscal Year	Revenue	Profit / Loss
2018	\$1.1 M	\$51 K
2019	\$1.1 M	-\$1,500
2020	\$1.2 M	\$31 K
2021	\$1.3 M	\$166 K
2022	\$1.3 M	\$118 K

## Profitability



## Short Term Goals:

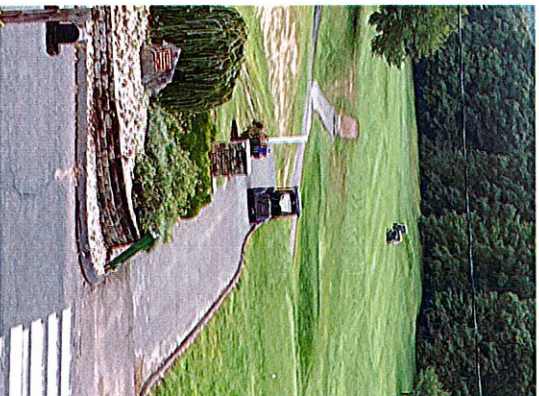
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- Improve cart paths
- Reconstruct bunkers
- Relocate cart corral
- Replace tent with more permanent structure (phased)
- Improve range
- Replace carpeted interiors of club house
- Install clock commemorating 50<sup>th</sup> Anniversary
- Acceptance of Statement of Need & establish exploratory committee for long term strategy



### Donations for the 50th Anniversary Celebration

Amco Precision Tool	\$1,500
Ferry Law	\$1,500
Hartford Distributors	\$1,500
Manzi Foundation	\$1,500
Ryan Lee Foundation	\$1,500
Timberlin's Men's Club	\$1,500
Marc Bayram	\$750
Martin Rosols Inc	\$750
Meriden Hyundai	\$750
Lady Niners	\$500
Town of Berlin Economic Development	\$500
Berlin High School Athletic Hall of Fame, Inc.	\$250
The Dunn Family	\$100
Dynasty Jewelers	\$100
Joey B's	\$100
Ken's Cards	\$100
Matson Rugs	\$100
Rich's Ctgo	\$100
	<b>\$13,100</b>



### Proposed Budget for Clock

8' ft Clock with manual reset	\$5,000
Shipping	\$550
Installation: Electrical /	
Landscaping	\$13,400
Donor recognition (i.e plaque, bricks)	\$2,000
	<b>\$20,950</b>
Unspent donations	\$9,400
Request for funding	<b>\$11,550</b>





## Long Term Goals:

- Full permanent structure to replace tent
- Improved facilities (dining, pro shop, locker rooms)
- Improved cart paths (on-going)
- Explore funding opportunities
- Review and Implement agreed upon recommendations from exploratory committee

- Questions / Comments





Agenda Item No. 6  
Request for Town Council Action

**TO:** The Honorable Mayor and Town Council

**FROM:** Arosha Jayawickrema, Town Manager

**DATE:** September 27, 2022

**SUBJECT:** Authorization for the Town Manager to Apply for and Enter Into Brownfields Grant Agreements Related to the 889 Farmington Avenue Property and to Appropriate the Grant, to enter into a Contract with B and W Paving for the 889 Farmington Avenue Engineered Control Project, to enter into a Contract Amendment with Loureiro Engineering for Construction Administration and Other Services and to Enter into an Shared Cost Agreement with Newport Realty Group LLC for the Engineered Control Project

**Summary of Agenda Item:**

The Town recently bid the engineered control work at 889 Farmington Avenue that is to be funded by the Municipal Brownfields grant and by a brownfields grant from the Capitol Region Council of Governments. The existing funds are insufficient to allow awarding of the contract for this work. We received 2 bids for the engineered control project. The low bidder is B&W Paving at \$860,000. We have vetted B&W and would like to award them the bid subject to securing the needed funds. In addition, staff received a proposal from Loureiro Engineering for construction administration and other consulting services at a cost of \$101,845 related to the Engineered Control project.

The bids for the project are greater than the Town consultant's bid estimate. The reasons that we believe that the project bid is higher than the estimate include:

- Dewatering and partial fiberboard cover were not included in the estimate because it is likely that these items will not be needed.
- The job is complicated due to the necessary coordination between the Town's contractor and the developer's contractor that will install sub liner improvements including utilities, footings, and foundations.
- It is late in the calendar year and the project has an aggressive time schedule.
- The bidding climate is generally unfavorable, and prices are rising.
- There are a limited number of contractors with the expertise to do the work.

The Town had a reasonable bidding period of over 30 days, and we received few requests for information, so we believe that the bid period was adequate and that the bidding package was complete. Four contractors acquired plans for the bid but only 2 of these contractors submitted bids.

The existing sources of funding for this project are the DECD Municipal Brownfields Grant and a CRCOG/EPA brownfields grant. Based on staff analysis there is \$292,111 unencumbered in



the CRCOG grant account for the project and \$427,608 in the DECD brownfields grant account for a total of \$719,719 unencumbered and available to fund the bid award. We estimate that to award the bid we will need \$1,032,000 (the low bid amount of \$860,000 plus a 20% contingency \$172,000). In addition, Loureiro has submitted a proposal for additional environmental consulting and construction administration costs of \$101,845. Therefore, we expect to need about \$1,133,845 for the engineered control project and other grant related work not already under contract. Since we have \$719,719 in unencumbered funds, the projected funding shortfall is \$414,126.

The Municipal Brownfields grants for the 889 Farmington Avenue/55 Steele Boulevard project total \$788,557. Pursuant to the Municipal Brownfields grant program policies of the Connecticut Department of Economic and Community Development, the Town has requested supplemental brownfields grant funding for the project of 50% of the original grant amount (\$394,278). If awarded, the supplemental Municipal Brownfields grant would be appropriated to the Municipal Brownfields account #540.10.1017.0.53961.00000.

The Department of Economic and Community Development requested a match for the supplemental grant. We are proposing an \$80,000 match with \$40,000 coming from the Town and \$40,000 from Newport Realty Group LLC. The Town match of \$40,000 is proposed to come from the Farmington Ave Development non-grant account # 504.10.1017.0.54000.01624 (\$37,677) and from the Contractual Services account # 001.10.1017.0.53814.00000 (\$2,323). The match from Newport Realty Group LLC would be provided through a shared cost agreement and would be appropriated to the Farmington Ave Development non-grant account # 504.10.1017.0.54000.01624. Together the supplemental grant and added match and cost share equal \$474,278, which is more than the projected shortfall.

The supplemental grant application and added funding is needed and will be sufficient to award the Engineered Control project contracts. The Engineered control is the essential next step to the advancement of the 60-unit apartment building to be constructed by Newport on 55 Steele Boulevard (formerly 889 Farmington Avenue). Newport has already invested in the preparation of full building plans for the 55 Steele Boulevard site, and it has applied for a building permit for the project. This project component is a major part of the Steele Center redevelopment project that is a public/private partnership between the Town of Berlin, State of Connecticut, and Newport Realty Group. The private sector portion of the Steele Center development project is comprised of 1 commercial building, 1 residential building and 2 mixed-use buildings totaling approximately 99,000 square feet including 80 market-rate apartments, plus and the renovation of the 2,800 square foot building at 861 Farmington Avenue. Newport completed the 861 Farmington Avenue renovation, and that building is fully occupied. In August, a certificate of occupancy was granted for 9 Steele Boulevard and residential tenants are starting to move in. 9 Steele Boulevard will have 16 upper levels apartments and first floor commercial space. A lease has been signed with a restaurant (Hop Haus) that will be the anchor first floor tenant. Given the lack of demand for medical space, Newport redesigned its plan for 10 Steele Boulevard, and it has now received approval for a revised site plan for smaller first floor plus a limited second floor with 4 apartments. Newport expects to submit a building permit application for the 10 Steele Boulevard building soon and to start construction in the autumn. As required to advance the 55 Steele project, Newport prepared its site plans detailing all subterranean work including utilities, footings, and foundations. Newport has applied for a foundation and site plan building permit for this 55 Steele Boulevard work and is prepared to go forward with its work in coordination with the Town's engineered control contractor. Newport will be doing this site work before it



takes title to the property because the Town agreed to construct the engineered control before transferring title. Newport's work will be done pursuant to a license agreement that has been executed by the parties.

**Actions Needed:**

Move to approve the attached resolution to authorize the Town Manager to apply to the CT DECD for a \$394,278 supplemental municipal brownfields grant for the 889 Farmington Avenue and, if a grant is offered, to accept the grant, execute a grant proposal, grant agreement and other documents as necessary to secure and carry out the purposes of the grant and to appropriate the grant of up to the amount awarded to the Municipal Brownfields grant account for 889 Farmington Avenue, subject to approval of Corporation Counsel and to appropriate said funds to the Municipal Brownfields Grant account and to refer the appropriation to the Board of Finance.

Move to provide a Town match of \$40,000 for the supplemental Municipal Brownfields grant for 55 Steele Boulevard from the Farmington Ave Development non-grant account (\$37,677) and the Contractual Services account (\$2,323).

Move to authorize to enter into a shared cost agreement with Newport Realty Group LLC to provide \$40,000 in matching funds for the 55 Steele Boulevard Engineered Control Project, subject to review and approval of Corporation Counsel and to appropriate said funds to the Farmington Avenue (non-grant) account and to refer the appropriation to the Board of Finance.

Move to authorize the Town Manager to enter into a contract with B and W Paving for an amount not to exceed \$860,000 and for the Town to establish an Owner Contingency not to exceed 20% of the bid amount (i.e., \$172,000), both of which to be funded through the Municipal Brownfields Grant for 55 Steele Boulevard and Town and Newport matches, subject to award of additional grant and shared cost funds, to appropriation of said funds by the Board of Finance and to review and approval of Corporation Counsel.

Move to authorize the Town Manager to enter into a contract amendment with Loureiro Engineering for additional environmental and construction administration services for the 55 Steele Boulevard Engineered Control project in an amount not to exceed \$101,845, to be funded through the Municipal Brownfields Grant for 55 Steele Boulevard and Town and Newport matches, subject to award of additional grant and shared cost funds, to appropriation of said funds by the Board of Finance and to review and approval of Corporation Counsel.

**Attachments:**

1. Brownfields Grant resolution.
2. Bid tabulation.
3. Engineers' recommendation for bid award.
4. Consulting services proposal from Loureiro Engineering.

**Prepared By:**

Jim Mahoney, Economic Development Coordinator  
Chris Edge, Economic Development Director

C E

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT  
STATE OF CONNECTICUT  
(AN EQUAL OPPORTUNITY EMPLOYER)  
**CERTIFIED RESOLUTION OF THE GOVERNING BODY**

I, \_\_\_\_\_, \_\_\_\_\_, certify that below is a true and correct copy of a  
(Name of Official) (Title of Official)

resolution duly adopted by \_\_\_\_\_  
(Name of the Applicant)

at a meeting of its \_\_\_\_\_  
(Governing Body)

duly convened on \_\_\_\_\_ and which has not been rescinded or modified in  
(Meeting Date)  
any way whatsoever and is at present in full force and effect.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature and Title of Official)

**SEAL**

**WHEREAS**, pursuant to Connecticut General Statutes ("C.G.S.") Sec. 32-763 (for Brownfield Grant) the Connecticut Department of Economic and Community Development is authorized to extend financial assistance for economic development projects; and **WHEREAS**, it is desirable and in the public interest that the Town of Berlin make an application to the State for a supplemental grant of \$394,278 in order to undertake the 889 Farmington Avenue Municipal Brownfields Project per the Town's Grant Application and to execute an Assistance Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE BERLIN TOWN COUNCIL

1. That it is cognizant of the conditions and prerequisites for the state financial assistance imposed by Connecticut General Statutes ("C.G.S.") Sec. 32-763 (for Brownfield Grants),
2. That the filing of an application for State financial assistance by THE TOWN OF BERLIN in an amount not to exceed \$ 394,278 is hereby approved and that Arosha Jayawickrema, Town Manager, is directed to execute and file such application with the Connecticut Department of Economic and Community Development, to provide such additional information, to execute such other documents as may be required, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an agreement is offered, to execute any amendments, decisions, and revisions thereto, and to act as the authorized representative of THE TOWN OF BERLIN.



COPY



TOWN OF BERLIN, CONNECTICUT  
ATTACHMENT B: BID FORM

Installation of Engineered Control at 55 Steele Boulevard

Bid # 2023-01  
Revised August 23, 2022

Pursuant to and in full compliance with the RFP, the undersigned certifies this proposal is submitted without collusion and all responses are true and accurate. If awarded this proposal, it is agreed this will form a contractual obligation to provide services at fees specified in this Proposal Form, subject to and in accordance with all instructions, conditions, requirements contained in the documents, including addenda, which are made part of this proposal.

Item No.	*Item of Work Unit Price/Lump Sum	Estimated Quantities	**Total Amount
1	Furnish and install, maintain and remove all Soil Erosion and Sediment Control measures and provide dust control throughout contract period.	LS	22,500.00
2a	Removal and processing of existing concrete slab and foundation and proper stockpiling on site in accordance with Specification 01300, including removal and recycling of all associated rebar (assume 6-inch slab thickness).	LS	106,000.00
2b	Removal and processing of each additional inch of slab thickness above 6-inches, if applicable.	LS	5,100.00
3	01300-Excavation of trench for utilities and structures to be placed under liner, in collaboration and coordination with Alternate Contractor, including: <ul style="list-style-type: none"> <li>• Electric</li> <li>• Water</li> <li>• Gas</li> <li>• Telecom</li> <li>• Sanitary sewer</li> <li>• Stormwater drainage</li> </ul> Final backfill of material to subgrade elevations including trenching for intermediate drains. Compact in accordance with specifications.	LS	151,000.00
4	01300-Excavate foundations for buildings. After Alternate Contractor has formed and poured footings, walls, slabs and foundations, backfill around foundation and bring to subgrade elevation based on spot grades included in the drawing package. Compact in accordance with specifications.	LS	145,000.00
5a	Coordinate MEP installations with Alternate Contractor within all at grade occupied building slabs and furnish and install five separate sub-slab ventilation systems (SSVS) and overlying geomembrane liner.	LS	29,000.00
5b	Fiberboard covering for geomembrane if slab is not poured immediately	LS	50,000.00

ATT L/1

Item No.	*Item of Work Unit Price/Lump Sum	Estimated Quantities	**Total Amount
6	Furnish and install 10 oz. non-woven geotextile overlain by 40 mil HDPE geomembrane. Furnish and install drainage pipes. Furnish and install single sided geo-composite drainage layer with integral non-woven 10 oz. geotextile. Attach geomembrane to foundations and all accessory structures and penetrations using specified battens or boots.	LS	380,000.00
7	Furnish and install process aggregate to within 3-inches (after compaction) of final grades under parking areas, 8-inches under concrete walks or patios and install common fill to within 18-inches (after compaction) under landscaped areas.	LS	110,000.00
8	Load contaminated material into owner furnished vehicles for off-site disposal.	LS	5,000.00
9a	01320-Contaminated Groundwater Treatment and Disposal. Provision of a groundwater and/or surface water treatment system or an on-site storage system.	LS	45,000.00
9b	01320-Characterization and permitting for a water treatment system or characterization and profiling for contaminated water disposal.	LS	10,000.00
9c	01320- Treatment or disposal of contaminated surface or groundwater.	Allowance	\$7,500

Please attach any additional/related services or prices.

TOTAL BASE BID: \$1,066,100.00

**NOTE:** This document, in order to be considered valid it must be signed by a principal officer or owner of the business entity that is submitting the proposal. Such signature constitutes the proposer's representations that is has read, understood and fully accepted each and every provision of each document comprising the RFP, unless an exception is described above.

08/29/23

Date

Signature

JOSEPH A. GUERRERA, JR. - PRESIDENT

Printed Name, Title

GUERRERA CONSTRUCTION CO., INC.

Company Name

154 CHRISTIAN STREET, OXFORD, CT 06478

Address

203-888-5069

Telephone

DEBS@GUERRERA CONSTRUCTION.COM

E-mail address

ATT L/2



B&W Paving



**TOWN OF BERLIN, CONNECTICUT  
ATTACHMENT B: BID FORM**

**Installation of Engineered Control at 55 Steele Boulevard**

**Bid # 2023-01  
Revised August 23, 2022**

Pursuant to and in full compliance with the RFP, the undersigned certifies this proposal is submitted without collusion and all responses are true and accurate. If awarded this proposal, it is agreed this will form a contractual obligation to provide services at fees specified in this Proposal Form, subject to and in accordance with all instructions, conditions, requirements contained in the documents, including addenda, which are made part of this proposal.

Item No.	*Item of Work Unit Price/Lump Sum	Estimated Quantities	**Total Amount
1	Furnish and install, maintain and remove all Soil Erosion and Sediment Control measures and provide dust control throughout contract period.	LS 15000.00	15000.00
2a	Removal and processing of existing concrete slab and foundation and proper stockpiling on site in accordance with Specification 01300, including removal and recycling of all associated rebar (assume 6-inch slab thickness).	LS 107000.00	107000.00
2b	Removal and processing of each additional inch of slab thickness above 6-inches, if applicable.	LS 8000.00	8000.00
3	01300-Excavation of trench for utilities and structures to be placed under liner, in collaboration and coordination with Alternate Contractor, including: <ul style="list-style-type: none"> <li>• Electric</li> <li>• Water</li> <li>• Gas</li> <li>• Telecom</li> <li>• Sanitary sewer</li> <li>• Stormwater drainage</li> </ul> Final backfill of material to subgrade elevations including trenching for intermediate drains. Compact in accordance with specifications.	LS 25000.00	25000.00
4	01300-Excavate foundations for buildings. After Alternate Contractor has formed and poured footings, walls, slabs and foundations, backfill around foundation and bring to subgrade elevation based on spot grades included in the drawing package. Compact in accordance with specifications.	LS 29000.00	29000.00
5a	Coordinate MEP installations with Alternate Contractor within all at grade occupied building slabs and furnish and install five separate sub-slab ventilation systems (SSVS) and overlying geomembrane liner.	LS 25000.00	25000.00
5b	Fiberboard covering for geomembrane if slab is not poured immediately	LS 43000.00	43000.00

ATT L/1

Item No.	*Item of Work Unit Price/Lump Sum	Estimated Quantities	**Total Amount
6	Furnish and install 10 oz. non-woven geotextile overlain by 40 mil HDPE geomembrane. Furnish and install drainage pipes. Furnish and install single sided geo-composite drainage layer with integral non-woven 10 oz. geotextile. Attach geomembrane to foundations and all accessory structures and penetrations using specified battens or boots.	LS 375000.00	375000.00
7	Furnish and install process aggregate to within 3-inches (after compaction) of final grades under parking areas, 8-inches under concrete walks or patios and install common fill to within 18-inches (after compaction) under landscaped areas.	LS 117000.00	117000.00
8	Load contaminated material into owner furnished vehicles for off-site disposal.	LS 25000.00	25000.00
9a	01320-Contaminated Groundwater Treatment and Disposal. Provision of a groundwater and/or surface water treatment system or an on-site storage system.	LS 75000.00	75000.00
9b	01320-Characterization and permitting for a water treatment system or characterization and profiling for contaminated water disposal.	LS 8500.00	8500.00
9c	01320- Treatment or disposal of contaminated surface or groundwater.	Allowance	\$7,500

Please attach any additional/related services or prices.

Total \$860,000.00

Addendum 1; 8/22/22, Addendum 2; 8/25/22

**NOTE:** This document, in order to be considered valid it must be signed by a principal officer or owner of the business entity that is submitting the proposal. Such signature constitutes the proposer's representations that is has read, understood and fully accepted each and every provision of each document comprising the RFP, unless an exception is described above.

8/29/22

Date

Signature

James Wray, Member

Printed Name, Title

B&W Paving & Landscaping LLC

Company Name

305 Butlertown Road, Oakdale, CT 06370

Address

860-572-9942

Telephone

betty@bandwpaving.com

E-mail address

ATT L/2





September 26, 2022

**Town of Berlin**

Town Manager's Office, Room 1  
240 Kensington Road  
Berlin, Connecticut 06037

Attn: Mr. Jim Mahoney

**RE: Revised Proposal for Additional Construction Administration Services**  
55 Steele Boulevard Engineered Control

Dear Mr. Mahoney:

In response to your request, Loureiro Engineering Associates, Inc. ("Loureiro") is pleased to submit this revised proposal to the Town of Berlin ("Town") to provide additional construction administration services for the above referenced project. Our scope services will include the following:

- Preparation of a schedule of values.
- Participation in job meetings.
- Field observation during construction of the engineered control.
- Periodic inspections of civil site work (removal and crushing of existing concrete pads, excavation and backfilling of trenches for underground utilities, excavation of building foundations, and dewatering activities) preceding the engineered control linear installation.
- Collection and analysis of up to five samples of pulverized concrete to facilitate reuse of the existing slabs as processed aggregate base material.
- Responses to contractor requests for information (RFIs) and review of change order (CO) requests
- Miscellaneous technical support and general consulting services.
- Preparation of Record Documents.
- Certification of Completion (AIA Form G704).
- Preparation of engineered control construction completion report (CCR).
- Notice of engineered control completion and posting of financial assurance for long term inspections, maintenance and monitoring.

A summary of our proposed fees for additional construction administration services is presented in the table below. All labor will be invoiced in accordance with the hourly rate schedule under our existing contract with the Connecticut Department of Administrative Services (DAS). Loureiro agrees to honor current DAS labor rates for two years from the date of a signed contract with the Town of Berlin for the services described herein.

**Loureiro Engineering Associates, Inc.**

100 Northwest Drive • Plainville, CT 06062 • 860.747.6181 • Fax 860.747.8822 • [www.Loureiro.com](http://www.Loureiro.com)

**AN EMPLOYEE-OWNED COMPANY**



Description	Cost Basis	Cost
Schedule of Values	T&M	\$675
Job Meetings <sup>1</sup>	T&M	\$9,535
RFI/CO Review and Response	T&M	\$2,000
Monthly Payment Processing	T&M	\$2,775
Miscellaneous Technical Support and Environmental Consulting Services	T&M	\$5,000
Preparation of Record Documents	T&M	\$850
Certificate of Completion	T&M	\$550
Engineered Control Construction Observation – 18 days @ \$1,720 / day	Unit	\$30,960
Concrete Slab Waste Characterization <sup>2</sup>	T&M	\$5,000
Notification of Engineered Control Completion and Posting of Financial Assurance <sup>3</sup>	T&M	\$2,000
Engineered Control CCR <sup>4</sup>	T&M	\$8,500
Civil Site Work Periodic Inspections <sup>5</sup> – 136 hours @ \$250 / hour	T&M	\$34,000
<b>Total Estimate</b>		<b>\$101,845</b>

Notes:

1. One preconstruction meeting, nine biweekly project team meetings, and two punch list meetings.
2. Concrete composite samples will be analyzed by a Connecticut DAS approved laboratory for volatile organic compounds (VOCs), polychlorinated biphenyls, semi-volatile organic compounds, extractable total petroleum hydrocarbons, and RCRA 8 metals (plus copper, nickel and zinc). Each sample will be additionally analyzed for RCRA 8 metals and VOCs following extraction by the Toxicity Characteristic Leaching Procedure.
3. Fees for bonding or irrevocable standby letter or credit will be paid directly by the Town and are not included in cost estimate. Posting of a financial assurance instrument (Irrevocable Standby Letter of Credit, Performance or Payment Bond, Trust Fund and Insurance) is required within one year after construction of the engineered control.
4. Final engineered control as-built survey drawings will be prepared by a licensed land surveyor for Town.
5. Estimate of hours is based on the 17 week civil site work schedule and assumes 8 hours per week on average to inspect the progress of work and verify compliance with the project specifications. Hourly rate is inclusive of all travel expenses, labor, and project administration.

We look forward to the opportunity to continue working with you on this project. Should you have any questions concerning this proposal, please feel free to contact me at (860) 410-2904.

Sincerely,

**LOUREIRO ENGINEERING ASSOCIATES, INC.**

Kevin J. Bitjeman, L.E.P.  
Senior Project Manager





September 9, 2022  
Revised September 26, 2022

**Town of Berlin**  
240 Kensington Rd  
Berlin, CT 06037

Attn: Mike Ahern, Town Engineer/Public Works Director

**RE: Evaluation of Bid Proposals – Recommendation of Award**  
**Installation of Engineered Control at 55 Steele Boulevard, Berlin, Connecticut**  
**Project No 2023-01**  
**Commission Number: 006BW9.02**

Dear Mr. Ahern:

In response to your request, we have reviewed and evaluated the two bid proposals received by the Town of Berlin for the above referenced project on August 29, 2022 which have been summarized on the attached Bid Tabulation.

The lowest total base bid contract price of \$860,000 was submitted by B&W Paving & Landscaping, LLC (B&W).

In general, it appears that both bids received, acknowledged the receipt of the two addenda and were fairly competitive and in order with the required submittals. Based on our review of the bids received, both bid proposals were mathematically correct as presented on the Bid Forms and as indicated on the Bid Tabulation. Our routine check of the work references provided with the Bid Form by B&W indicate that they have completed various projects within this price point and have performed their work well including handling of environmentally impacted materials. The information provided in the low bidder's Qualifications Statement indicates that the company is Department of Administrative Services (DAS) qualified and employs experienced staff to handle the work anticipated for this project.

The total bid price received from the second lowest bidder, Guerrera Construction Co., was higher than the lowest bidder by \$206,100. An evaluation of their work performance similarly verified that they are capable of handling this project as well.

Assuming that the Town of Berlin and the Department of Economic and Community Development have no objections to the bid proposal submitted by the low bidder, we herein recommend that the above referenced project be awarded to B&W for the total base bid price of \$860,000.

**Loureiro Engineering Associates, Inc.**

100 Northwest Drive • Plainville, CT 06062 • 860.747.6181 • Fax 860.747.8822 • [www.Loureiro.com](http://www.Loureiro.com)

**AN EMPLOYEE-OWNED COMPANY**

**Affirmative Action / Equal Opportunity Employer**



If you should have any questions or concerns regarding our recommendations in this letter or any other related matter, please contact me at your convenience.

Sincerely,

**LOUREIRO ENGINEERING ASSOCIATES, INC.**

A handwritten signature in blue ink, appearing to read "G. F. Andrews Jr.", is written over a faint, larger blue outline of the same signature.

**George F. Andrews Jr., P.E., L.E.P.**  
Principal Engineer, Civil Engineering

Attachment



Bid Tabulation

Item No.	*Item of Work Unit Price/Lump Sum	Estimated Quantities	B&W Paving	Guerrera Const.	Guerrera Variance	% Difference
1	Furnish and install, maintain and remove all Soil Erosion and Sediment Control measures and provide dust control throughout contract period.	LS	\$ 15,000.00	\$ 22,500.00	\$ 7,500.00	50%
2a	Removal and processing of existing concrete slab and foundation and proper stockpiling on site in accordance with Specification 01300, including removal and recycling of all associated rebar (assume 6-inch slab thickness).	LS	\$ 107,000.00	\$ 106,000.00	\$ (1,000.00)	-1%
2b	Removal and processing of each additional inch of slab thickness above 6-inches, if applicable.	LS	\$ 8,000.00	\$ 5,100.00	\$ (2,900.00)	-36%
3	01300-Excavation of trench for utilities and structures to be placed under liner, in collaboration and coordination with Alternate Contractor, including:  Electric Water Gas Telecom Sanitary sewer Stormwater drainage Final backfill of material to subgrade elevations including trenching for intermediate drains. Compact in accordance with specifications.	LS	\$ 25,000.00	\$ 151,000.00	\$ 126,000.00	504%
4	01300-Excavate foundations for buildings. After Alternate Contractor has formed and poured footings, walls, slabs and foundations, backfill around foundation and bring to subgrade elevation based on spot grades included in the drawing package. Compact in accordance with specifications.	LS	\$ 29,000.00	\$ 145,000.00	\$ 116,000.00	400%
5a	Coordinate MEP installations with Alternate Contractor within all at grade occupied building slabs and furnish and install five separate sub-slab ventilation systems (SSVS) and overlying geomembrane liner.	LS	\$ 25,000.00	\$ 29,000.00	\$ 4,000.00	16%
5b	Fiberboard covering for geomembrane if slab is not poured immediately	LS	\$ 43,000.00	\$ 50,000.00	\$ 7,000.00	16%
6	Furnish and install 10 oz. non-woven geotextile overlain by 40 mil HDPE geomembrane. Furnish and install drainage pipes. Furnish and install single sided geo-composite drainage layer with integral non-woven 10 oz. geotextile. Attach geomembrane to foundations and all accessory structures and penetrations using specified battens or boots.	LS	\$ 375,000.00	\$ 380,000.00	\$ 5,000.00	1%
7	Furnish and install process aggregate to within 3-inches (after compaction) of final grades under parking areas, 8-inches under concrete walks or patios and install common fill to within 18-inches (after compaction) under landscaped areas.	LS	\$ 117,000.00	\$ 110,000.00	\$ (7,000.00)	-6%
8	Load contaminated material into owner furnished vehicles for off-site disposal.	LS	\$ 25,000.00	\$ 5,000.00	\$ (20,000.00)	-80%
9a	01320-Contaminated Groundwater Treatment and Disposal. Provision of a groundwater and/or surface water treatment system or an on-site storage system.	LS	\$ 75,000.00	\$ 45,000.00	\$ (30,000.00)	-40%
9b	01320-Characterization and permitting for a water treatment system or characterization and profiling for contaminated water disposal.	LS	\$ 8,500.00	\$ 10,000.00	\$ 1,500.00	18%
9c	01320- Treatment or disposal of contaminated surface or groundwater.	Allowance	\$ 7,500.00	\$ 7,500.00	\$ -	0%
Totals			\$ 860,000.00	\$ 1,066,100.00		