



Town of Berlin

Planning and Zoning Department

240 Kensington Road
Berlin, Connecticut 06037
www.town.berlin.ct.us

Zip # _____ - _____

Address: _____

CERTIFICATE OF ZONING COMPLIANCE FOR RESIDENTIAL FENCING (including REQUIRED POOL FENCING)

In accordance with Connecticut General Statutes:

Notice is hereby given to the applicant that under CGS 8-3(f) ☐ No building permit or occupancy shall be issued for a building, use or structure subject to the zoning regulations of a municipality without certification in writing by the official charged with the enforcement of such regulations that such building, use or structure is in conformity with such regulations or is a valid nonconforming use under such regulations. Such official shall inform the applicant for any such certification that such applicant may provide notice of such certification by either (1) publication in a newspaper having substantial circulation in such municipality stating that the certification has been issued, or (2) any other method provided for by local ordinance. Any such notice shall contain (A) a description of the building, use or structure, (B) the location of the building, use or structure, (C) the identity of the applicant, and (D) a statement that an aggrieved person may appeal to the zoning board of appeals in accordance with the provisions of section 8-7. ☐

And

CGS 8-7 ☐ ..An Appeal may be taken to the zoning board of appeals by any person aggrieved or by any officer, department, board or bureau of any municipality aggrieved and shall be taken within such time as is prescribed by a rule adopted by said board, or, if no such rule is adopted by the board, within thirty days, by filing with the zoning commission or the officer from whom the appeal has been taken and with said board a notice of appeal specifying the grounds thereof. Such appeal period shall commence for an aggrieved person at the earliest of the following: (1) Upon receipt of the order, requirement or decision from which such person may appeal, (2) upon the publication of a notice in accordance with subsection (f) of section 8-3, or (3) upon actual or constructive notice of such order, requirement or decision ☐ ☐ ☐

Property Owner(s)*: _____

Project Address: _____

Map: _____ Block: _____ Lot: _____ Zone(s): _____ Lot Area: _____

Applicant Information

Name: _____ Firm Name: _____

Street Address: _____ City: _____ ST: _____ Zip: _____

Email: _____ Phone: _____

Signature: _____ Date: _____

Property Owner(s) Information (If Not the Applicant)

Name: _____ Principal: _____

Street Address: _____ City: _____ ST: _____ Zip: _____

Email: _____ Phone: _____

*Letter of Authorization Required

***Any town official and/or employee that the town deems necessary may enter the property to verify information submitted with this application.**

Description of Proposed Fence and Location: _____

ADDRESS: _____

ZONING STATISTICS

ZONE: _____

It is the responsibility of the property owner to locate the property lines. IF a location survey or staking of the structure has been waived for this proposal, and a subsequent survey shows the regulations have not been met; the owner is responsible to remove or relocate the fence in conformance with the requirements and approval.

	<u>REQUIRED/ALLOWED</u>	<u>PROPOSED</u>	<u>Dept. Initials</u> Staff use only
Distance from property line(s)	---		
Length along right side of lot	---		
Length along rear of lot	---		
Length along left side of lot	---		
Length along front	---		

Height of fencing in required front yard	3 feet		
Height in required side & rear yard	6 feet		

Is the property a corner lot?	Yes	No	
Easement or right-of-way on the property? ¹	Yes	No	
Wetlands on the property or within 50'?	Yes	No	
Septic system and/or well on the property?	Yes	No	

1. By initialing this statement, you are certifying that all applicable records, including Town Land Records, have been checked and to the best of your knowledge no rights-of-way, easements or other encumbrances are identified that would prevent the location as shown on this application and attached plan. Should an encumbrance be identified after construction, I will hold harmless the Town of Berlin and remove/relocate the structure to remedy the situation. _____
(applicant/owner initial)
2. All municipal property taxes are paid in full at this location in accordance with Article 5, §4-40 local ordinance of the Town of Berlin.

Collector of Revenue

Date

NOTE: This form is for zoning compliance ONLY. The owner &/or applicant is responsible to obtain any other agency's authorization in relation to the proposal.

To be completed by P&Z staff only:

This application is approved for compliance with the Berlin Zoning Regulations as proposed; the applicant is responsible to obtain any other approvals necessary for its installation and install the fencing as approved.

Approved By: _____ Date: _____

Fee Paid \$ _____ (Refer to current Fee Schedule)

Received by: _____



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Zoning Board of Appeals

Conservation Commission

Historic District Commission

INSTRUCTION / CHECKLIST

Residential Fencing** Certificate of Zoning Compliance

**Fence installations which are not single or two-family and in a residential zone are subject to Planning and Zoning Commission review and should be discussed with staff prior to submission.

1. Obtain a copy of the As-Built, most recent plot plan/survey for your property (the Building Department may have one in its files).
2. Indicate with colored highlighter, colored pencil or marker the proposed location of the fence. The fence must be entirely on the applicant property. The distance from the property lines is required and the fence should be accurately scaled and labeled on the plan. A survey may be able to be waived by staff after receiving an accurate drawing showing the fence with dimensions to other structures & property lines on a copied plot plan/ site plan. You must indicate in the description on the form, how property lines will be identified in the field (Has the proposed location been staked? Have the property corner pins been found? Are there structures located on the plan to use for a fixed distance?...).
3. Submit the completed Certificate of Zoning Compliance Application Form. Make sure to:
 - Specifically describe the fencing; including length and height
 - Obtain Tax Collector sign-off in the space provided on the Certificate of Zoning Compliance in accordance with the requirements of Municipal Code Article 5, §4-40.
 - Research & initial the waiver that the location of the structure will not impede a ROW or other encumbrance on the property.
 - If there are wetlands on the property, encumbrances or septic near the proposed fencing, discuss the proposal with public works and/or the health district prior to submittal.
4. Submit the required documents to the Planning and Zoning Department with the fee for review by Town staff. Be aware that it may take a few weeks to complete the review. You will be contacted by Town staff should additional information be required. If approved, a copy of the compliance certificate will be mailed back to the applicant at the address provided.

Maureen Giusti, AICP, Acting Town Planner/ZEO. 860-828-7008. mgusti@town.berlin.ct.us

Frances Semnoski, Land Use Administrator. 860-828-7066. fsemnoski@town.berlin.ct.us



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Berlin Zoning Regulations Section References for Residential Fencing:

II. Definitions: Fence: A structure designed of any material or combination of materials erected to enclose, separate, screen or buffer areas of land.

IV.A. 11. Corner lots. On a corner lot in any district there shall be provided a yard on each street equal in depth to the required front yard on such street. A rear yard shall be provided on each corner lot and the owner shall have the privilege of electing which yard is the rear yard. When a corner lot is bordered by a limited access highway and a "non-access line" established by the state, the yard fronting said highway shall be considered a side yard unless access is proposed therefrom.

IV.A.12. Visibility at intersections. On a corner lot in any district no fence, wall, hedge or other structure, or planting, more than three feet in height, shall be erected, placed or maintained within a triangular area formed by the intersecting street lines and a straight line joining said street lines at points which are 30 feet distant from the point of intersection, measured along said street line, except that in a retail business zone the 30 feet distance may be reduced to ten feet. The height of three feet shall be measured above the road surface at the nearest edge of the road. For land that has been deemed Agriculture Land by these regulations, the triangular area may be waived or reduced by Planning and Zoning Staff, in consult with Town Police and Engineering, if it is determined that no safety hazard exists. Additionally, the fence height may be increased provided adequate sight distance is still available, but not to exceed the height limit set in Section XI C. Agriculture.

IV.B.7. Walls and fences. The yard requirements of these regulations shall not be deemed to prohibit any necessary retaining wall nor to prohibit any fence or wall, provided that in any residential district no wall or fence shall exceed six feet in height, measured above the natural grade except that no fence erected in the front yard between the street line and the applicable setback line shall exceed three feet in height in any residential district. On corner lots or curves the provisions of Section IV.A.12 *Visibility at intersections*, shall also apply. A certificate of zoning compliance shall be required for the construction of all walls and fences that are located between the setback line and the property lines. Fences shall be a good neighbor type with the more attractive side facing outwards. Any retaining wall over four feet tall must be designed and certified by a licensed engineer and plans submitted to the Planning and Zoning Commission for review and approval.