

**Berlin Planning and Zoning Commission Agenda**  
**October 15, 2020 – Revised (Items IIa. – IIIe. – IVc. – Vc.)**

The Berlin Planning and Zoning Commission will hold a Regular Meeting on Thursday, October 15, 2020 at 7:00 P.M. in person in the Town Council Chambers, Berlin Town Hall, 240 Kensington Road, Berlin, CT. The public will also be able to access and participate in the meeting via Webex video conference and conference call as provided below. Therefore, the public may attend the meeting in person, via Webex video conference, or via telephone conference call.

Join by Phone: 1-408-418-9388

Join by Video:

<https://townofberlin.my.webex.com/townofberlin.my/j.php?MTID=m68e52ade9f3aef8fd7ee2a9d2ad82c54>

Meeting number (access code): 132 837 6056

Meeting password: PZCTh700 (79284700 from phones and video systems)

**\*\*\*PLEASE NOTE: The agenda and all meeting materials related to the agenda items which will be distributed to the Commission will be posted on the town's website at: [www.town.berlin.ct.us](http://www.town.berlin.ct.us) and will be available for viewing twenty-four (24) hours prior, during and after the meeting. Members of the public are encouraged to submit materials relevant to the applications no later than 12:00 p.m. on Wednesday, October 14, 2020, for posting prior to, during and after the meeting.**

**I Call to Order**

**II Approval of Minutes**

- a. September 3 ~~16~~, 2020

**III Commission Business**

- a. Request of Carl Ciarcia for a five-year extension for an approved subdivision, Kensington Road, Lots 1-1 through 1-7
- b. Façade Application of Michael and Rosemary Cassetta. Dairy Queen, 806 Farmington Avenue
- c. Façade Application of OCHE, LLC, 817 Farmington Avenue
- d. Discussion of murals
- e. Discussion of crematory uses language **and schedule public hearing**  
**Suggested Date: November 19, 2020**

**IV Public Hearings**

- a. Special Permit Application of Genesis L. Cora Luquis to locate a business, Paradise Nutrition, at 1240 Farmington Avenue, Unit #3
- b. Special Permit/Site Plan Applications of Richard Munson, Deming Road Business Park, LLC for a building on each of four existing lots, and related site improvements.
  - 1. Map 10-1, Block 83, Lot 3A (7,500 sq. ft.) Deming Road, 7,500 sq. ft. building on a rear lot for contractor shop use
  - 2. Map 10-1, Block 83, Lot 3A1 Deming Road, 3,606 sq. ft. building for contractor shop use
  - 3. Map 10-1, Block 83, Lot 3A2 Deming Road, 6,750 sq. ft. building for contractor shop use
  - 4. Map 10-1, Block 83, Lot 3A3 (9,000 sq. ft.) Deming Road, 9,000 sq. ft. building on a rear lot for contractor shop use

*Continued...*

**IV Public Hearings (Continued)**

- c. Special Permit/Site Plan Applications of Thomas O'Rourke, Military Experience Museum Inc. for a Military Experience Museum at 76 Chamberlain Highway (Map 30-2, Block 74, Lot 37 and 0 Chamberlain Highway) and 0 Chamberlain Highway (Map 30-2, Block 74, Lot 39) (*Opened September 3, 2020*) – **POSTPONED** -

**V Old Business**

- a. Special Permit Application of Genesis L. Cora Luquis to locate a business, Paradise Nutrition, at 1240 Farmington Avenue, Unit #3
- b. Special Permit/Site Plan Applications of Richard Munson, Deming Road Business Park, LLC for a building on each of four existing lots, and related site improvements.
  - 1. Map 10-1, Block 83, Lot 3A (7,500 sq. ft.) Deming Road, 7,500 sq. ft. building on a rear lot for contractor shop use
  - 2. Map 10-1, Block 83, Lot 3A1 Deming Road, 3,606 sq. ft. building for contractor shop use
  - 3. Map 10-1, Block 83, Lot 3A2 Deming Road, 6,750 sq. ft. building for contractor shop use
  - 4. Map 10-1, Block 83, Lot 3A3 (9,000 sq. ft.) Deming Road, 9,000 sq. ft. building on a rear lot for contractor shop use
- c. Special Permit/Site Plan Applications of Thomas O'Rourke, Military Experience Museum Inc. for a Military Experience Museum at 76 Chamberlain Highway (Map 30-2, Block 74, Lot 37 and 0 Chamberlain Highway) and 0 Chamberlain Highway (Map 30-2, Block 74, Lot 39) **POSTPONED**

**VI Adjournment**

## **Berlin Planning and Zoning Commission Meeting Minutes September 17, 2020**

The Berlin Planning and Zoning Commission held a Regular Meeting on Thursday, September 17, 2020 at 7:00 P.M. in person at the Board of Education Conference Room, lower level of the Berlin Town Hall, 238 Kensington Road, Berlin, CT.

### **I Call to Order**

Vice Chairwoman Diane Jorsey called the meeting to order at 7:07 p.m.

#### Also in attendance

Commissioners Brian Rogan, Curtis Holtman, Timothy Zigmont  
Alternate Commissioner Steve Biella, Jr. (Joined the meeting at 7:42 p.m. and was seated)  
Acting Town Planner/Zoning Enforcement Officer Maureen Giusti  
Temporary Zoning Enforcement Officer Adam Levitus (via video)  
Excused  
Chairwoman Joan Veley  
Commissioners Jon-Michael O'Brien, Steve Wollman

### **II Approval of Minutes**

#### a. September 3, 2020

Commissioner Zigmont moved to approve the minutes, as presented.  
Commissioner Rogan seconded the motion which carried unanimously.

### **III Schedule Public Hearings**

Special Permit/Site Plan Applications of Richard Munson, Deming Road Business Park, LLC for a building on each of four existing lots, and related site improvements.

*Suggested Date: October 15, 2020 at the request of the applicant*

- a. Map 10-1, Block 83, Lot 3A (7,500 sq. ft.) Deming Road, 7,500 sq. ft. building on a rear lot for contractor shop use
- b. Map 10-1, Block 83, Lot 3A1 Deming Road, 3,606 sq. ft. building for contractor shop use
- c. Map 10-1, Block 83, Lot 3A2 Deming Road, 6,750 sq. ft. building for contractor shop use
- d. Map 10-1, Block 83, Lot 3A3 (9,000 sq. ft.) Deming Road, 9,000 sq. ft. building on a rear lot for contractor shop use

Commissioner Zigmont moved to schedule the public hearings for all four special permits for October 15, 2020.

Commissioner Rogan seconded the motion which carried unanimously.

**IV Commission Business**

- a. Façade Application of Michael and Rosemary Cassetta. Dairy Queen,  
806 Farmington Avenue

Mr. Christopher Edge, Director of Economic Development, Town of Berlin, stated the applicant has not yet submitted a rendition for the proposal.

Commissioner Zigmont moved to continue this agenda item to the October 1, 2020 agenda. Commissioner Holtman seconded the motion which carried unanimously.

- b. Discussion regarding motel properties along the Berlin Turnpike

Mr. Chris Edge, Director of Economic Development, Town of Berlin, stated a developer who has previously developed sites in Berlin is interested in developing a motel on the Berlin Turnpike into cottage style residential units. If the commission is interested in the concept, an amendment could include limiting the development to existing motels and/or those who have been in operation for five years. The advantages would include the use of the property would no longer be a motel; it could provide the opportunity for increased tax revenue; and, it could provide possible housing. He stated many of the motels on the Berlin Turnpike are in disrepair and the change of use would benefit the town.

Commissioner Zigmont stated “mini homes” are popular and he is in favor of the concept; however, design standards would be very important.

Mr. Edge agreed design standards, as well as a maximum size, for example 900 s.f. could be included in the amendment.

Commissioner Rogan stated he would be in favor of the concept, as the motels on the Berlin Turnpike give Berlin a bad image.

Commissioner Holtman stated his support, stating a popular size may be 800 s.f. to 1,000 s.f.

Commissioner Jorsey stated she would be interested in hearing the pros and cons from other towns where the use has been implemented.

Mr. Edge stated he will research information about the size of the units, pictures, and language for the amendment.

Ms. Giusti stated the concept could assist in the elimination of blight and provide another housing option. She recalled the health district had been looking into reuse such as this and it is a topic in the planning community. She said statistics for social and economic issues will need to be included in their consideration.

In response to Commissioner Jorsey's questions, Mr. Edge stated the proposal at this time is only for those motels on the Berlin Turnpike and he will discuss the issue of public transportation with the Department of Transportation.

The commission discussed if other properties being eligible should be studied as well.

Commissioner Zigmont moved to move the next two agenda items to later in the meeting to allow time for Corporation Counsel Jennifer Coppola to arrive at this meeting.

Commissioner Rogan seconded the motion which carried unanimously.

- c. Discussion of required bonding concerning performance of the "Tree Preservation and Vegetation Management Plan", and terms of related Settlement Agreement, Silver Island Homes, LLC

## **V New Business**

- a. Carrier Enterprise Inc. for site plan approval to construct a single-family dwelling on Lot 19, Map 11-3, Block 132 Beckley Road, with an access easement over property identified as Lot B Ledge Drive

*Acting Chair Jorsey announced that the public hearing (V.a.) on this agenda) will be continued to the October 1, 2020 meeting, as requested by the applicant. There will be no discussion at this meeting.*

- b. Site Plan Amendment Application of Jon P. Demko to modify the approved 100-foot Open Space Subdivision buffer on Lot 13-3, for a buffer of 72 feet to allow for the construction of an 18' x 36' in-ground pool on Lot 13-3, 20 Hawks Landing

Mr. James Cassidy, P.E., representing the applicant, stated he had developed the plans for the subdivision of DeCormier Woods where Lot 13-3 is located. Mr. Demko has constructed his ranch style home with ADA compliance in mind. The pool was shown on the building plans and there is no difference regarding setbacks for an in-ground or above-ground pool. Mr. Cassidy noted the commission can waive the setback requirement of 100 feet if natural features allow for sufficient screening. Mr. Cassidy showed renditions and photographs of the site to show there is sufficient vegetation on the site.

Ms. Giusti stated she is in agreement with Mr. Cassidy's statement regarding the buffer use and the plan shows the limit of disturbance with no additional vegetation removed, as the property will stay as shown in the photos. The pool line will be located 22 feet from the back property line, at the proposed buffer line.

Commissioner Zigmont stated he was not opposed to the application, but questioned whether it should be before the Zoning Board of Appeals.

Ms. Giusti stated it is before the Planning and Zoning Commission because the commission is allowed by zoning regulations to modify the buffer during the site plan approval process for the subdivision; therefore, this is a modification to the approved site plan for the subdivision.

Mr. Cassidy stated the open space is defined by monuments and this question is only for a buffer line.

Mr. Jon Demko, applicant and owner of Lot 3-10, Hawks Landing, stated he and his wife have lived in Berlin for 27 years. Due to his arthritis and back surgeries, the pool will be therapeutic. He described some of the ADA features in the house. When his lot was cleared, it was clearly marked to keep trees in place and his neighbor's house is not visible due to the trees in place.

Ms. Giusti read the related Berlin Zoning Regulation §V.A.8.d.iii. stating no structures may be located within the buffer. She reviewed a marked map.

The commissioners agreed that regulations for setbacks for in-ground pool and above-ground pools may need to be reviewed.

Commissioner Zigmont moved to approve the application, subject to Ms. Giusti's following staff comments (eliminating #4 and #5) being addressed:

1. A mylar be recorded showing any approved change to the required buffer that was indicated on the previously recorded subdivision map with a title indicating that the purpose of the map is only to modify the buffer.
2. A note be added along the buffer line on the final as-built plan for the property indicating the Berlin Zoning Regulations §V.A.8.d.iii. no structures shall be located within the buffer.
3. Any setback lines that are invalid due to a greater buffer requirement be eliminated from the plot plans.
4. The conditions of the original approval remain valid.
5. Any pending staff comments be addressed.

Commissioner Holtman seconded the motion which carried unanimously.

## **VI Public Hearings**

- a. Special Permit/Site Plan Applications of Thomas O'Rourke, Military Experience Museum Inc. for a Military Experience Museum at 76 Chamberlain Highway (Map 30-2, Block 74, Lot 37 and 0 Chamberlain Highway) and 0 Chamberlain Highway (Map 30-2, Block 74, Lot 39) (Continued from September 3, 2020)

*Attorney Coppola joined the meeting. The meeting continued with the agenda items moved from the beginning of this meeting.*

- c. Discussion of required bonding concerning performance of the "Tree Preservation and Vegetation Management Plan", and terms of related Settlement Agreement, Silver Island Homes, LLC

Attorney Jennifer Coppola, Ciulla & Donofrio, LLP, North Haven, CT, Corporation Counsel for the Town of Berlin, stated she had prepared a memo for the record. The original approval date of the development was 2004. She, Acting Town Planner/Zoning Enforcement Officer Maureen Giusti, Mr. Armand DiMatteo, principal for Silver Island Homes, LLC, Mr. DiMatteo's attorney Attorney Mangiafico, Attorney Richard Pentore had recently participated in a telephone conference held in the conference room at Berlin Town Hall. She stated there was a Settlement Agreement and an appeal was filed against the Commission. The town has received notification that the bond will be terminated. She stated it is not appropriate for staff or counsel to modify the terms of the settlement agreement. Approvals for the special permit and site plan had expired and last year, the Brescia's received new approvals and agreed to be bound by the conditions of the settlement. She stated she had recently become involved in the history of the site. She noted Ms. Giusti was not involved in the original approval.

*Acting Chair Jorsey stated for the record that Alternate Steve Biella had arrived prior to the beginning of Attorney Coppola's testimony and was seated at that time.*

Mr. Armand DiMatteo, principal for Silver Island Homes, LLC, stated when the development was approved there was a stipulation that no trees would be cut between the houses and lake. He stated he agreed to keep the trees and cutting them would only be allowed if an arborist's approval was received. Trees were trimmed and cabled and as the project proceeded, Town Planner Riggins and Chairman Bruce Moore, Planning and Zoning Commission, allowed them to switch the original arborist to Total Tree Care which was approved by both Hellyn Riggins and Bruce Moore. He stated extra care was always taken when a house was constructed on the side of the development where the lake was. Ms. Riggins would conduct site visits and received assessments of the condition of the trees. The bylaws specifically stated cutting of trees in the conservation area was prohibited; however, those bylaws were ignored by some homeowners about three or four times. Although the bond was in place, he took care of the restoration after those incidents. He stated the project was not completed in three years and the issues with trees have been ongoing for sixteen years. He asked that the tree preservation bond be eliminated. Remaining work includes some sidewalks and landscaping.

Attorney Coppola stated an inspection of the conservation area should be conducted to see what work remains.

Ms. Giusti stated the bond is allocated for various items. The bond for paving has been released. The minimal bonding amounts which remain relate to the sidewalks and landscaping trees in the center island. She stated some sidewalks have just recently been installed (yesterday or today) and a site walk hasn't been done. The subject before the commission is the \$45,000 bond for trees.

Acting Chair Jorsey asked if the new licensee has revised the plan.

Mr. DiMatteo responded Total Tree Care has not revised the plan. He stated when he had met with Ms. Riggins and Mr. Moore it was known the arborist was certified and capable of completing the plan. Both Ms. Riggins and Mr. Moore had approved his working on the project.

### Speakers

Ms. Jean Hotchkiss, former resident of Silver Island and former president of its Homeowners Association, stated she currently lives in West Hartford. She stated she felt there was a lack of supervision as some homeowners did not pay their dues and were cutting the trees. She believes those residents no longer live in Silver Island or have become compliant with the bylaws.

Mr. John Angelillo, 142 Silver Island Way, and president of the Silver Island Homeowners Association, read his three-page letter which provided a history of the development of the Silver Island residential units and stated support for the commission's not holding Mr. Joseph Brescia responsible for assuming the bond and or obligations of the court settlement provisions.

Attorney Coppola stated it appears from the record that there had been a hearing as there are some court notices in the file. When a case is settled either by settlement agreement or stipulated judgment, there will be a notice about the settlement; however, there is no subsequent notice that the hearing was held. When a case is settled either by a settlement agreement or stipulated judgement, it has to appear on the agenda of the administrative agency to allow the public to come and provide testimony and nothing in the file reflects that was done. Subsequently, there was a hearing in the court. She stated she suspects that this issue is too old and not on the docket.

In terms of calling the bond, she stated both she and Attorney Jeffrey Donofrio reviewed the bond and it is their opinion that it is not appropriate for town staff to certify to the bank the work was not done based upon the available information. Therefore, calling of the bond was not found to be appropriate. There was some question about the injection of the trees and a couple of line items that didn't specifically coordinate with the documents in the terms of the performance. With regard to Mr. Joseph Brescia's receiving re-approval of the site and special permits for the development, he had agreed all conditions are carried over.

Mr. DiMatteo stated the first two or three years of the condition of the trees is critical. He stated Mr. Brescia should not have to post a bond for issues that happened over a decade ago and for what happens on the site which is a natural occurrence in the life of a tree. Items which may remain for bonding include a small section of sidewalks and some landscaping.

Ms. Giusti stated perhaps two or three items remain to be bond and perhaps, after an inspection, the focus of whether the commission is still requiring a bond of \$45,000 or a modification can be discussed at a future meeting.

Mr. Angelillo added the homeowners are monitoring the conservation easement and the trees falling is just a natural occurring event.

Attorney Coppola stated discussion about a bond modification will need to be properly noticed for the upcoming agenda after an inspection has been done.

A motion was not needed nor was the specific agenda date discussed.

**V New Business**

- a. Carrier Enterprise Inc. for site plan approval to construct a single-family dwelling on Lot 19, Map 11-3, Block 132 Beckley Road, with an access easement over property identified as Lot B Ledge Drive

Attorney Robert Ziegler, on behalf of the applicant, stated a building department application has been submitted and he has been in communication with Attorney Coppola. He stated the lot pre-dates zoning and a permit was granted in 1995. The easement was litigated by Attorney John Matulis and had an unfavorable outcome for his client. Currently, Mr. Carrier's son wants to build a home on the lot. He stated the applicant can comply with staff comments dated September 13, 2020. Any outstanding issues can be resolved with Attorney Coppola; an outstanding engineering report is due; and the bond amount for the driveway will need to be determined.

Attorney Coppola stated staff and counsel do concur that this is a pre-existing, non-conforming lot. There is no issue with the access piece and the proposed lot line adjustment map, referenced in the statutory deed, was not recorded which will be resolved.

Ms. Giusti stated the lot will function as a rear lot and the home's location will be site specific.

Commissioner Zigmont stated the driveway has a 10 percent grade which is higher than is permitted in the zoning regulations. He also stated the parcel is not owned to the street.

Attorney Coppola stated Lot B is going to be transferred and will be resolved with Attorney Ziegler.

Attorney Ziegler stated the legal details of ownership will be resolved. With regard to the grade, the engineer will re-work the grade to comply with the regulations. He stated this is a lot record, exactly the same with the exception of the easement when the permit was granted in 1995.

Commissioner Rogan moved to approve the application, subject to compliance with staff comments.

Commissioner Holtman seconded the motion which carried four in favor to one opposed.

Voting in favor: Commissioners Biella, Holtman, Jorsey, Rogan

Voting opposition: Commissioner Zigmont

**VII Old Business**

- a. Special Permit/Site Plan Applications of Thomas O'Rourke, Military Experience Museum Inc. for a Military Experience Museum at 76 Chamberlain Highway (Map 30-2, Block 74, Lot 37 and 0 Chamberlain Highway) and 0 Chamberlain Highway (Map 30-2, Block 74, Lot 39)

No action or discussion – this agenda item is continued to the October 1, 2020 agenda.

At 8:59 p.m. Commissioner Holtman moved to go into Executive Session, inviting Attorney Coppola and Ms. Giusti to join them.

The motion was seconded by Commissioner Rogan and carried unanimously.

**VIII Executive Session**

- a. Discuss the status of pending litigation of Rio Vista Associates, LLC v. Berlin Planning and Zoning Commission and Town of Berlin and possible action relating to same.
- b. Consider whether to convene in executive session to discuss the status of the pending litigation of Rio Vista Associates, LLC v. Berlin Planning & Zoning Commission and Town of Berlin.

**IX Adjournment**

At 9:43 p.m., Commissioner Zigmont moved to come out of Executive Session and adjourn. The motion was seconded by Commissioner Rogan and carried unanimously.

The time was 9:43 p.m.

Respectfully submitted,

Frances M. Semnoski  
Recording Secretary

## Subdivision Approval Permit – Extension Request

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<b>Application:</b>	Subdivision Approval – Extension Request
<b>Address:</b>	Kensington Road, Map 20-2, Block 72, Lots 1-1 through 1-7
<b>Zone:</b>	R-43
<b>Applicant/Owner:</b>	Carl Ciarcia
<b>Proposal:</b>	Five-year extension to complete the subdivision

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### PROPOSAL

Request of Carl Ciarcia for a five extension for his subdivision approval of Lot 1-1 through 1- 7, Block 72, Kensington Road.

### STAFF COMMENTS

1. The Commission note that the action is an extension to the existing approval and including all related conditions from that approval.

### BACKGROUND / APPLICABLE REGULATION

The Connecticut General Statutes §8-26c provides that a subdivision is to be completed withing 5 years and (b) that the subdivider may apply and the Commission grant one or more extensions to complete all the work up to a total of ten years from original approval.

An associated Excavation Permit was also approved. The applicant has received extensions for the excavation permit to December 17, 2021.

The subdivision for seven (7) building lots was approved with conditions on December 17, 2015. The subdivision was filed as Map #4254 on the Berlin Land Records.

### EXISTING CONDITIONS

To the best of staff knowledge, no work has begun on the land related to the excavation permit.

# Town of Berlin

Department of Development Services

TOWN OF BERLIN

## NOTICE OF DECISION

FILE COPY

December 30, 2015

COPY

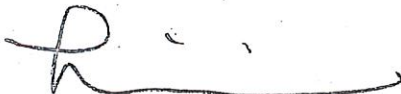
APPLICATION: Seven Lot Subdivision

APPLICANT: CRC Homebuilders, LLC

LOCATION: Lot 1, Block 72, Kensington Road

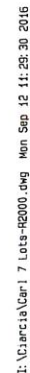
At its Regular Meeting of December 17, 2015, the Berlin Planning and Zoning Commission voted unanimously to approve, with conditions, the Subdivision Application of CRC Homebuilders, LLC for 7 building lots at Lot 1, Block 72, Kensington Road. The conditions this approval are:

1. Approved according to all staff notes including Peer Review Engineer.
2. Bond to be set by staff.
3. Fee in lieu of to be submitted. Applicant must submit appraisal and Town must agree to it, before filing mylar. Once agreed fee is accepted, the applicant can divide the fee due into the number of lots and pay when lot is sold or when building permit is issued, whichever comes first.
4. All utilities to be underground.
5. Conservation Easement language to be agreed upon with Wetlands Commission since that is the Commission that required it but must be as shown on plan. The language must be filed and signs posted prior to building permits.
6. Street trees to be worked out with planner on an as needed basis.
7. Sewer is to be coordinated with the Berlin Water/Sewer Department. However the PZC does not anticipate that this sewer will allow for additional tie ins any time in the future.
8. Each lot must have a well approved by the health department.
9. Revise plans for final comments of Town's Peer Review Consulting Engineer.
10. No building permit will be issued until town staff is satisfied that well and sewer are available.
11. Sidewalks are not required.



Hellyn R. Riggins, AICP  
Director of Development Services

Visit our Web Site: [www.town.berlin.ct.us](http://www.town.berlin.ct.us)



## fsemnosk

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**From:** Carl Ciarcia <Carl@absoluteautocenter.com>  
**Sent:** Wednesday, September 16, 2020 7:59 PM  
**To:** mgiusti  
**Cc:** fsemnosk  
**Subject:** Re: Kensington Road lot # 1-1 thru # 1-7

Thank you very much!

Sent from my Verizon, Samsung Galaxy smartphone  
Get [Outlook for Android](#)

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**From:** mgiusti <mgiusti@town.berlin.ct.us>  
**Sent:** Wednesday, September 16, 2020 7:32:24 PM  
**To:** Carl Ciarcia <Carl@absoluteautocenter.com>  
**Cc:** fsemnosk <fsemnosk@town.berlin.ct.us>  
**Subject:** RE: Kensington Road lot # 1-1 thru # 1-7

Carl,  
Thank you for your request. I have copied Fran on this response for putting on the October agenda.  
Maureen

Maureen K. Giusti, AICP  
Acting Town Planner / ZEO  
Town of Berlin, CT

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**From:** Carl Ciarcia <Carl@absoluteautocenter.com>  
**Sent:** Wednesday, September 16, 2020 6:28 PM  
**To:** mgiusti <mgiusti@town.berlin.ct.us>  
**Cc:** Facebook <notification@facebookmail.com>  
**Subject:** Kensington Road lot # 1-1 thru # 1-7

Planning & Zoning

Do to circumstances beyond my control [ serious illness in the family] I have not been able to start work on my sub division. Actually I have it listed for sale at this time. I am requesting to be put on the October agenda in order to request a five year extension.

Thank you for your consideration in this matter.

Carl Ciarcia

# DAIRY QUEEN - BEFORE AND AFTER (1 OF 2)



# DAIRY QUEEN - BEFORE AND AFTER (2 OF 2)



Mr. Chris Edge, Director of Economic Development, stated the building currently has a dental office and an insurance office. The applicant has worked with Architect Brian Humes concerning the improvements.

Commissioner Zigmont moved to approve the application.  
Commissioner Holtman seconded the motion.

Ms. Giusti polled the commission:

Commissioner Holtman:	Aye
Commissioner Zigmont:	Aye
Commissioner Jorsey:	Aye
Commissioner Biella:	Aye
Chairwoman Veley:	Aye

The motion carried unanimously.

Commissioner Rogan was re-seated.

c. Façade Application of Michael and Rosemary Cassetta, Dairy Queen,  
806 Farmington Avenue

Mr. Chris Edge, Director of Economic Development, stated the Cassetta's purchased the Dairy Queen business approximately a year ago. The proposal is for "re-do" of the Dairy Queen.

Chairwoman Veley stated the approach is very modern. She stated she is disappointed in the proposed changes by the corporation. She stated she could not imagine the look in Berlin's center. It should be more in line with the "village feel" instead of "corporate America".

Mr. Cassetta stated they hope to find a compromise regarding the look. He stated Dairy Queen has a nationwide prototype which possibly could be adjusted.

Mr. Edge suggested meeting with the town's consultant, Architect Brian Humes, to assist in finding a design more fitting in character with the village area. The Cassetta's agreed.

Chairwoman Veley suggested waiting for a revised plan to be submitted.

Commissioner Zigmont motioned to table this application.  
Commissioner Jorsey seconded the motion.

Ms. Giusti polled the commission:

Commissioner Holtman:	Aye/no comment
Commissioner Jorsey:	Aye/no comment
Commissioner Zigmont:	Aye/no comment

Commissioner Rogan: Aye/no comment  
Commissioner Biella: Aye/no comment  
Chairwoman Veley: Aye/no comment

d. Façade Application of Newport Center@Farmington Avenue, 848 Farmington Avenue

Mr. Chris Edge, Director of Economic Development, stated the building is the former “Depot Crossing” building. Stairs from Farmington Avenue will be repaired and an outside patio installed.

Mr. Tony Valenti and Mr. Mark Lovley, Newport Realty Group, were present. Mr. Valenti stated the apartments on the second floor are fully occupied and a lease has been signed for a hair salon. The patio will be completed in two phases.

Commissioner Zigmont stated the electrical panel should be covered and that there are pipes by the underpass that should be considered during design.

Ms. Giusti stated the engineered plan should show easements and rights of way.

Ms. Giusti polled the commission for questions/comments.

Commissioner Holtman: No comment  
Commissioner Jorsey: Agrees with Commissioner Zigmont’s comments  
Commissioner Rogan: No comment  
Commissioner Biella: No comment  
Chairwoman Veley: Agrees with Commissioner Zigmont’s comments; she would support the project’s going forward

Commissioner Jorsey moved to approve the application.  
Commissioner Rogan seconded the motion.

Ms. Giusti polled the commission:

Commissioner Holtman: Aye  
Commissioner Jorsey: Aye  
Commissioner Zigmont: Aye  
Commissioner Rogan: Aye  
Commissioner Biella: Aye  
Chairman Veley: Aye

The motion carried unanimously.

e. Façade Application of Italian Political Independent Club, 16 Harding Street



Proposed May 21, 2020 PZC mtg



Proposed May 21, 2020 PZC mtg.

## COLES ROAD / OCHE

The Economic Development Commission approved \$26,015.64 at their March 2, 2020 meeting. Due to COVID and the meeting schedules through the summer of 2020, we did not bring this forward to this body. This project will enhance the building, and give an additional outside patio for patrons and to enjoy the Kensington Village area.

<b>Project Name:</b>	<b>COLES ROAD BREWING</b>	
<b>Project Address:</b>	<b>817 FARMINGTON AVENUE</b>	
<i><b>Item</b></i>	<i><b>Liberty Builders</b></i>	<i><b>Tedone Building</b></i>
Deck and Arbor	\$26,374.00	\$60,794.27
Entry Doors to Farmington Avenue	\$7,134.27	
Three New Awnings and Installation	\$11,394.00	
Exterior Lighting	\$7,129.00	
<b>TOTAL</b>	<b>\$52,031.27</b>	<b>\$60,794.27</b>
<p>The Economic Development Commission looked at this application at their March 2, 2020 meeting. They approved Coles Road Brewing and OCHE LLC for a matching grant of \$26,015.63.</p>		

\* Project is to add an outside patio, gooseneck lighting, awnings, as well as as double doors facing Farmington Avenue

\*\* Both figures include doors which were previously done, so they not included in these quotes.

TOWN OF BERLIN  
Economic Development  
240 Kensington Road  
Berlin CT 06037  
Tel: (860) 828-7005

FAÇADE IMPROVEMENT PROGRAM APPLICATION

Instruction: Please complete all items carefully and accurately to the best of your knowledge.

I. Owner Information

Property Owner(s) Name (Titleholder): OCHÉ, LLC

Owner Type: (Check One)

Corporation ☐ Individual ☐ LLC ☒ Partnership ☐ Proprietorship ☐

Mailing Address: PO Box

City: Rocky Hill State: CT Zip Code: 06067

Email: all.41@sbcegbal.net

Telephone: 860-838-8255 Ext: \_\_\_\_\_ Fax: \_\_\_\_\_

II. Property Information (to be given as security for Façade Loan)

Address of Subject Property: 817 Farmington Ave, Berlin

Name of Current Business(es) and Business Owner(s) or Merchants(s):

Paul J. Marchinkoski  
Lea-Beth Marchinkoski  
Coles Road Brewing LLC

Total amount of outstanding debt on subject property:

Type	To Whom	Amount	Maturity Date	Balance
1 <sup>st</sup> Mortgage Holder				
2 <sup>nd</sup> Mortgage Holder				
Other liens				

III. Principal(s)/Guarantor Information

Name(s): OCHÉ, LLC Jeffrey Aindi Jamie Enmano

Address(es): PO Box 613 Rocky Hill CT 06067

IV. Type of Improvements Proposed:

☒ Awning    ☐ Canopy    ☒ Doors    ☐ Gutters  
☐ Landscaping    ☒ Lighting    ☐ New Sign    ☐ Painting  
☐ Paving    ☐ Sign Removal    ☐ Sidewalk    ☐ Siding    ☐ Windows

Exterior 52,031.27 Signage \_\_\_\_\_

Other \_\_\_\_\_

TOTAL 52,031.27

AMOUNT OF GRANT REQUEST: 26,015.64 (Maximum \$50,000)

Sources of Funding for Total Project:

Owner: \_\_\_\_\_

Bank: 26,015.64

Other: \_\_\_\_\_

BERLIN FAÇADE GRANT: 26,015.64

Total Project Cost: 52,031.27

V. PLEASE ATTACH THE FOLLOWING AS PART OF THIS APPLICATION:

- Description of improvements (exterior, signage, landscaping) and how work will be accomplished.
- Brief company profile.
- If the property owner and business owner are not the same, a letter of support from the property owner is required.
- Copy of lease for current or proposed business location (if applicant is lessee).
- Estimates for all renovations including itemized material and labor costs.
- ~~Copy of deed to real property.~~

VI. Façade Improvement(s) Request

Give a brief general description of the type of improvement(s) being requested and an explanation of how the project will meet the program objectives in the Program's Policies and Procedures:

A patio will be built along the front of the building which is along Farmington Ave. Awnings will be installed along left side which is at the entrance with the lighting.





**Liberty Builders LLC**

4 Grimes Rd  
Rocky Hill, CT 06067  
(860)916-3859  
libertybuildersllc@att.net

## Estimate

**ADDRESS**

Coles Road Brewing  
817 Farmington Ave  
Berlin, Ct

**ESTIMATE # 1044****DATE 08/11/2019****ACTIVITY****AMOUNT****Brewery deck with arbor**

26,374.00

Install pressure treated wood deck on street side of building. Deck will come out from building approximately 20' and will span the length of the building on this side. There will be an emergency exit ramp out to the parking lot next to existing ramp from building. Install black aluminum railings along entire area. The black railing will tie in the business with the street scape theme. Install Pressure treated arbor over entire deck area as a partial sun block for the deck and entry. All fixtures and hardware will be black in color so they tie in with the theme on the adjacent train bridge and street scape. Permits, materials and labor included

**Brewery entry doors**

13,321.00

Install glass double door entry in garage door opening. Glass doors will be in front of existing garage door so that the garage door can be closed for security and privacy if needed. ~~Replace two entrance doors facing parking lot.~~ These door will be glass doors that match double doors to deck. All glass doors will be black anodized aluminum with clear glass. Rework main entrance floor and parking lot to comply with ADA standards. Replace back room exit door (exits onto deck).

**Brewery awnings**

11,394.00

Install three new awnings along parking lot side to cover entries and shade windows.

**Brewery exterior lighting**

7,129.00

Replace Exterior building lights with a black fixture to illuminate parking lot side of building. Install two outdoor ceiling fans and multiple rows of outdoor led string lights on underside of arbor.

**TOTAL****\$58,218.00**

- 6186.73  
**52,031.27**

Accepted By

Accepted Date



## Brookside Crematory - Our Story

Our family owns a licensed funeral home in New Britain (Luddy-Peterson Funeral Home) and a licensed crematory in Berlin (Brookside Crematory); together, we specialize in offering affordable, low-cost direct cremation services that covers the entire state of Connecticut. We pride ourselves in helping families with affordability and care through these difficult times.

In March, April, and May of this year, the Corona Virus peaked here in our state. Due to this, we were hit extremely hard at both our crematory and funeral home. WE are asking for the Town of Berlin to approve our crematory (Brookside Crematory on Christian Lane) with a license that will allow us to bring decedents/ infectious bodies from place of death directly to Brookside Crematory. Until Brookside obtains a funeral home license, we must transport bodies from place of death to Luddy-Peterson funeral home in New Britain only to be transported in a day or two again to Brookside. As you can see, granting our request will help us eliminate a lot of unnecessary work and time to unload and reload a body and transport to two locations only to comply with a technicality. Granting our request will make us more efficient as a business, which allows us to help families more cost-effectively and affordably. Again, most importantly, bodies with infectious diseases that are destined for cremation will not have to go to unnecessary locations (Luddy-Peterson Funeral home) and can go directly to the location of cremation (Brookside Crematory). This will limit exposure to only one facility, so as you can see, this request is both for our staff's safety during these uncertain times and to make our business more efficient for the future.

Our intentions with having Brookside crematory licensed as a funeral home is to solely be more efficient with direct cremation services. We are fully aware of the town's concerns with having public calling hours at Brookside Crematory. So, we have provided an initial draft of a proposed text amendment to the Berlin zoning regulations that will prohibit us or future owners from conducting calling hours at this location.

Now let's examine what exactly what our request will change as far as the public is concerned... really, nothing. The only thing that changes with this license is transporting deceased back directly to the crematory. This is a very low impact request of the town but very important to the safety of our staff by limiting exposure to this highly infectious disease.

When the State shut down because of COVID 19 my staff and I kept working day and night . We were on the front lines picking up Covid deceased all over the state, and even helped out NY when their crematories where over run. Our team stepped up and had our communities back, now we are asking the same in return. We are a small-town crematory with huge a responsibility. The news and media cover COVID 19 and first responders such as doctors and nurses on the front lines every day, we are considered the last responders and our job is a necessary part of this fight against this disease. I would like everyone on the board to take a moment and think about how important this decision is in relation to this infectious disease that is devastating the world as we speak. This decision directly effects the safety of our staff by limiting unnecessary exposure . Another wave of COVID19 and the flu season is around the

corner. This is what keeps me up at night. This is our story , as a small-town crematory facing up against a vary dangerous , highly contagious disease. Its why we are here today asking the Berlin town counsel to help our small business with this huge responsibility to be done safer and more effectively.

Thank you in advance for your prompt consideration.

Best regards,

Eric and Ben Peterson

September 21, 2020

c. Discussion of Certificate of Zoning Compliance, Luddy Cremation Care,  
453 Christian Lane

Attorney Steve Bonafonte, on behalf of Luddy Cremation Care, stated they were not proposing a change in use of the building, but only allowing human remains to be brought directly to the crematory. Currently, the remains have to first go to a funeral home which causes a burden on crematory operations. The change would allow the crematory to be a “funeral home” but without having wakes or funerals being held there.

Mr. Ben Peterson stated he is the owner of Luddy Cremation Care and also a funeral home at 205 South Main Street, New Britain, CT. He stated the change would make their workload easier. He noted other cities in Connecticut where bodies are allowed to be directly to crematories. He stated there would be no changes to the services at Luddy Cremation Care.

Attorney Bonafonte stated if the change is permitted, there would be no need for bodies to be held at a funeral home to wait for required permits. The change would also mean lower costs for families. At this time because the Luddy Cremation Care does not have a funeral home license.

There was discussion of statutory requirements of funeral homes and types of licenses.

Ms. Giusti stated she had had discussions with Corporation Counsel and a text amendment may be appropriate.

Chairwoman Veley suggested the amendment should consider a change of hands of the business.

Commissioner Wollman suggested a two-year renewal period.

Commissioner Rogan suggested limiting the number of people to perhaps four or five participating in the transfer of the body to the crematory

Attorney Bonafonte stated there would be no calling hours and no change in the use.

Commissioner Zigmont stated it is not feasible to side step state regulations.

Attorney Bonafonte stated they would be in compliance with state regulations.

Commissioner Zigmont stated state regulations are specific to the uses allowed in a funeral home and those in a crematory. He stated his opinion it is not in the power of this commission to change those regulations.

Attorney Coppola stated a text amendment is appropriate and should be pursued. Restrictions could be placed on it, should the commission decide to do that. She stated she is uncomfortable

in having the Certificate of Appropriateness signed for this request. She stated the industry has changed considerably since this business received a use variance.

Ms. Giusti stated currently funeral homes are allowed in commercial zone; crematories are allowed in industrial zones.

Commissioner Jorsey agreed that a Certificate of Zoning Compliance is not appropriate as it leaves too much latitude. A text amendment with Special Permit approval is preferable.

Commissioner Rogan stated a text amendment with a Special Permit use is preferable. There should be no calling houses allowed. He said the text amendment would protect the town and help business.

Commissioner Jorsey discussed definitions for state regulations, noting the definitions are inadequate.

Attorney Coppola stated the commission has shown it is agreeable to consider a proposed amendment to its regulation and a Certificate of Zoning Compliance would not be signed at this time.

Ms. Giusti agreed with Attorney Coppola's conclusion.

Commissioner Wollman moved to have the applicant and town staff work together to develop an amendment.

The motion was seconded by Commissioner Jorsey.

#### Discussion

Attorney Bonafonte stated he had met with the Funeral Directors Association and the state laws are ambiguous and outdated. He stated he is agreeable to continue working with Attorney Coppola and town staff to develop a proposed amendment.

Ms. Giusti polled the commission to determine if they are in favor of the process of the applicant's continuing to work with Attorney Coppola and town staff to create a text amendment.

Commissioner Curtis Holtman:	aye
Commissioner Diane Jorsey:	aye
Commissioner Tim Zigmont:	aye
Commissioner Brian Rogan:	aye
Commissioner Steve Wollman:	aye
Alternate Commissioner Steve Biella, Jr.:	aye
Chairwoman Joan Veley:	aye

#### d. Discussion of Outside Food Service

Ms. Giusti stated the zoning regulations limit hours of food truck services to four hours; however due to the COVID-19 virus and the Governor's Executive Order, hours may be extended as modified by the Zoning Enforcement Officer. She asked if the commissioners will convey the authority to her for that matter. She stated breweries have food trucks at their locations and are eager to open. She stated due to the COVID-19 virus, the Recreation Department will have no concession stands at this time, and in case the fields open for recreational activity, mobile food vendors will approach the town.

Commissioner Wollman moved to give Ms. Giusti the authority to extend the hours of food truck services due to the COVID-19 virus and the Governor's Executive Order.  
Commissioner Jorsey seconded the motion.

Ms. Giusti polled the commission:

Commissioner Curtis Holtman:	aye
Commissioner Diane Jorsey:	aye
Commissioner Tim Zigmont:	aye
Commissioner Brian Rogan:	aye
Commissioner Steve Wollman:	aye
Alternate Commissioner Steve Biella, Jr.:	aye
Chairwoman Joan Veley:	aye

The motion carried unanimously.

#### **IV Public Hearing**

Chairwoman Veley read the Call of the Hearing.

- a. Special Permit/Site Plan Amendment Applications of Superior Heating and Cooling Inc for a contractor's shop at 600 Four Rod Road – Building 9

Mr. Richard Solek, Superior Heating and Cooling, Inc., stated his business will be moving into the building. No changes are proposed. The office will be the same location. Some sheet metal work will be done, as well as service and repair work. He stated he and an administrative staff person will be the only employees.

Ms. Giusti stated there will be no outside storage and the ten parking spaces are adequate. The use and square footage meet the regulations.

Ms. Giusti read a letter of support from Mr. Chris Edge, Director of Economic Development, into the record.

Mr. Chris Edge, Director of Economic Development, spoke in favor of the application.

**10/15/2020 PLANNING & ZONING COMMISSION REGULAR MEETING**  
**DISCUSSION ITEM ON POTENTIAL AMENDMENTS TO**  
**BERLIN ZONING REGULATIONS**  
**TO PERMIT CREMATORY USE AND**  
**LIMITED RELATED ACCESSORY USE REGARDING TRANSPORT**

- I. Discussion of Zone(s) in Which Use To Be Permitted**
- II. Discussion of Procedure – Special Permit and/or Site Plan**
- III. Example of Potential Regulatory Language As Special Regulation at Section XI.M. (See below.)**

**M. Crematories:** A crematory where permitted shall be subject to special permit and site plan approvals by the Commission in accordance with the requirements of Sections XII and XIII and the following conditions:

- 1. No new crematory shall be located within fifteen hundred (1,500) feet of any residential structure or land for residential purposes.
- 2. The crematory shall operate solely for the purpose of receipt of remains/bodies and cremation thereof.
- 3. No embalming shall be permitted.
- 4. A viewing of the body lasting up to thirty (30) minutes with no more than three (3) persons to say their last goodbyes prior to commencement of cremation may occur. However, no other funeral services of any kind may be conducted on the crematory site, inside or outside the premises, including but not limited to funerals, wakes, calling hours, memorial services, religious or prayer services, ceremonies, or any other viewings or displays of the remains/body(ies).
- 5. No contract negotiations or transactions shall occur on the crematory site.

6. No retail sales of any kind, including but not limited to the sale of urns, containers, and prayer cards shall occur on the crematory site.
7. There shall be no places for members of the public or business invitees to gather on the crematory site.
8. A funeral home may be an accessory use to a crematory in that said funeral home may identify its location as the situs of an existing and permitted crematory for the purpose of receiving remains/bodies thereat.
9. Nothing in this Regulation shall be deemed to negate, overall, or replace any applicable state law and the property owner(s), any leasee or tenant or other interest holder in a crematory site must comply with all federal, state, and local laws, codes, regulations, and ordinances at all times.

## Adam Levitus

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**From:** Thomas O'Rourke <torourke@milexpmuseum.org>  
**Sent:** Tuesday, October 13, 2020 2:20 PM  
**To:** mgiusti  
**Cc:** Adam Levitus; cedge; fsemnosk; Thomas O'Rourke  
**Subject:** Re: Military Experience Museum Special Permit application extension

Maureen,

If it is allowed within extension time we would request that we be allowed a 2+ week extension (Does that put it at Nov 5th? . One of our key people had some health issues which has delayed some of the requested additional information for the town.

Thank you for checking in and the information regarding the extension time.

Best regards  
Tom

On Tue, Oct 13, 2020 at 12:04 PM mgiusti <[mgiusti@town.berlin.ct.us](mailto:mgiusti@town.berlin.ct.us)> wrote:

Tom,

I am checking in again regarding the upcoming Planning and Zoning Commission meeting on Thursday 10/15. The Public hearing is scheduled to continue and be closed.

We were expecting detailed information per our meeting on September 28, to review and disseminate to the Commission prior to the item continuing at the PZC meeting. The hearing is scheduled to be closed on Thursday in accordance with Statutory deadlines. Once closed, no new information can be received into the record.

Please let me know if you plan to proceed with your hearing on Thursday and provide the discussed information by end of today for our review and posting with the meeting materials. Alternatively, as previously discussed, the Statute and Governor's COVID-19 Executive orders do allow for extension time. There are currently 58 days of regular extension time available without utilizing extension time allotted by executive order. Please reply to this email if you wish to extend the open public hearing and use extension time.

Thank you in advance for your prompt reply.

Be well, stay safe,

Maureen