

June 7, 2021 – Updated June 15, 2021 (Health District)

TOWN OF BERLIN

PLANNING & ZONING DEPARTMENT - STAFF COMMENTS

APPLICATION: Site Plan and Special Permit Use Applications
APPLICANT: Doug O'Leary/Full Circle Golf Academy
LOCATION: Deming Road Business Park – Building 1
Map 10-1; Block 83; Lot 3A1, 170 Deming Road
AGENDA: June 17, 2021

To the Applicant:

- *These are the comments received to date, additional comments may be forthcoming. Please submit any written response to Maureen Giusti, Acting Town Planner/Zoning Enforcement Officer at mggiusti@town.berlin.ct.us or revised plans directly to the Planning & Zoning Department in Room 121. We will forward your comments or distribute materials to the relevant department.*
-

Berlin Water Control

- This is a Berlin Water Control Commission (BWCC) customer – water and sewer assessment should be paid along with connection and permit fees – for 1st building.
- BWCC staff should observe water and sewer connection
- BWCC should be given the same authority in the easement to maintain, calibrate and/or inspect the meter as the Mattabasset District.

Fire Marshal

- Met with Mr. O'Leary on interior code requirements

Economic Development

- No comment

Building Official

- No comment

Police Chief

- No comment

Board of Police Commissioners

- No comment

Engineering

- No comment

Inland Wetlands

- No comment

Health District

- No comment

Emailed to Applicant: June 15, 2021

THE MATTABASSETT DISTRICT
NEW BRITAIN - BERLIN - CROMWELL - MIDDLETOWN
REGIONAL SEWER AUTHORITY

ARTHUR G. SIMONIAN, P.E., LEED
EXECUTIVE DIRECTOR

245 MAIN STREET
CROMWELL, CT 06416-2302
PHONE: 860-635-5550
FAX: 860-635-7290

May 21, 2021

Mr. Richard Munson
990 Andrews St
Southington, CT 06489

Town of Berlin
Received

JUN 9 2021

Planning & Zoning Department
Berlin, Connecticut

RE: Deming Road Business Park, LLC/ 0 Deming Road, Berlin
Map 10-1, Block 83, Lot 3A 1
Mattabasset District Right-of-Way

Dear Mr. Munson:

We have received the revised Utility Plan and Landscape Plan, to reflect the removal of plantings and utilities (other than the ones required to cross over to the other side of the parcel to feed the back two buildings). Our only comment is that the hydrant shown in the ROW be relocated to outside the ROW. We have also received the projected flows for the pump station.

Attached please find a marked-up Declaration Of Easements document for both the 30-foot access easement and the 10-foot x 20-foot access easement for the District to read and inspect the meter. We are also requesting that you update and resubmit the Declaration Of Easements document, and update and resubmit the easement plan to be consistent with this document (include the word "access" in front of the word "easement"). Please also note that Deming Road Business Park, its successor or the property owner will be responsible for calibrating, maintaining and repairing the meter.

Also attached please find two (2) original License Agreement. Please sign and return both for our signature. Once we sign we will send you one original. Please also notify us when these have been filed in the Town Land Records.

Attached please also find our insurance requirement. Please note that we required pollution liability coverage in the amount of \$3,000,000.00, for all work on the District ROW.

In addition, prior to construction, the District will require the following:

1. Pump station valve pit and meter layout details;

CONDITIONAL LICENSE AGREEMENT

THIS CONDITIONAL LICENSE AGREEMENT (License") made, entered and effective on the ~~C~~lay of June 1, 2021 by and between **THE MATTABASSETT DISTRICT**, (hereinafter called the "District"), a municipal corporation with its office located at 245 Main Street, in the Town of Cromwell, County of Middlesex, and State of Connecticut, and **DEMING ROAD BUSINESS PARK, LLC** a Connecticut limited liability company(hereafter called the "Licensee") with a principal place of business at 990 Andrews Street, Southington, Connecticut 06489.

WITNESSETH

WHEREAS, The District owns and operates a municipal water pollution control facility which provides sanitary sewer services to businesses and residential homes in the town of Berlin;

WHEREAS the District is the owner of a perpetual right of way and easement over real property known and designated as Parcel No. 8 on a certain map entitled Mattabassett District Right-of-Way Plan Superseding Anderson Nichols Map Cahn Engineers - Consulting, New Haven, -New Britain Date: April 1965 Scale: Horz: 1"= 40' Vert: 1" = 5' sheets No. 4 & 5 and which property is more particularly described in the town of Berlin Land Records, Volume 145, Page 194 (hereinafter sometimes called the District's "right-of-way");

WHEREAS the Licensee has acquired, and for some time has held fee simple title to the land within Parcel No. 8, above described, located at 180 Deming Road, Berlin, Connecticut which at all times was and remains subject to the District's right- of- way easement;

WHEREAS, the Licensee has received a special permit and approval from the Town of Berlin ("Berlin") required to build and develop a business park on and across Parcel No. 8 as part of the "Deming Road Business Park, LL., #180 Deming Road, Berlin, Connecticut, dated May 6, 2013, Scale 1"=40' " (the "Approved Site Plan"); and, that requires a sanitary sewer connection to service the business park from the Mattabassett District from a separate location.

WHEREAS, the District's sanitary sewer system has a trunk line located under the right- of-way to which the Licensee requests to connect its sewage system;

NOW, THEREFORE, for good, valuable and sufficient consideration, the District does hereby grant permission to the Licensee to connect to the District's sanitary sewer trunk line, at a separate location, by way of connecting to an existing 4-inch CI Force main which is connected to the District's trunk sewer effective the date written above, and further to conduct the construction and installation of the infrastructure and utilities to service the buildings of the business park on the District's right- of--way; for as long as Licensee remains in compliance with the conditions of this License and Approved Site Plan of record. Upon and subject to continuing compliance with the following terms and conditions, the License shall remain in force:

7. In the further event Licensee repairs and/or improvements are required and accepted and approved by the District to be made in the location allowed by this Agreement, the Licensee shall pay for the cost of installing the repairs and/or improvements on the subject right-of-way.

8. The Licensee shall indemnify, save and hold the District harmless from and against any and all claims, demands, suits, judgments, administrative proceedings, injury, loss, damages, and expenses, including attorney's fees, to which District may be subjected as a result of any work or construction by the Licensee, its agents, servants, or contractors upon the right-of-way or upon any land adjacent thereto, or by reason of the future use of such right-of-way or adjacent land by the Licensee (including without limitation any damage caused to District related to any settlement of the ground or infiltration), or by the acts or omissions of any party or parties acting with the authority or consent of the Licensee. Licensee further agrees that during the term of the License it will not sue or bring legal action against District for any matters relating to the license granted hereunder or the Berlin approved plan and any such legal suit or action will result in immediate termination of this License at the sole option of District. It shall be presumed that the activity of the Licensee is the cause of any damage during the term of this License or Licensee continued activity. In no event shall District be liable to Licensee or its agents, employees or assigns for any act or omission on the part of District in connection with or relating to this License.

9. Throughout the term of this License, in furtherance of the obligations of the Licensee as described in this Agreement, the Licensee shall procure, pay the premiums and keep in effect all risk liability insurance and property damage liability insurance, with environmental/pollution liability coverage protecting and naming the District, its servants, agents, and employees as additionally insured, which policy or policies of insurance shall be in the amount of \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate. A certificate or certificates evidencing that such insurance is in effect, or has been renewed, will be furnished to District at the time of the execution of this License and copies of subsequent renewals shall be timely furnished to District thereafter.

10. In the event the Licensee shall sell, transfer, assign the property or otherwise dispose of the property, the License and any rights and privileges granted hereunder shall be transferable, as long as no default has occurred and Licensee obtains advance approval from the District. Transfer shall not relieve Licensee of its duties hereunder. In the event the Licensee shall fail to fulfill any of its obligations pursuant to the terms of this License District shall notify the Licensee in writing and if the Licensee shall fail to timely cure any such failure, then upon action of the District Board of Directors, District may terminate this License and any rights of Licensee hereunder by filing a notice of termination on the land records of the Town of Berlin. In the event of termination of the license as provided herein, the Licensee shall be liable for restoration of the right-of-way to the same or better condition as existed before Licensee engaged in any construction or related activity on the right-of-way, as determined by the District, or in the alternative, shall timely reimburse District for any expense the District incurs in making such restoration.

11. Upon completion of the work permitted by the approved plan of record, Licensee will deliver to District, as soon as available, and in no event more than two (2) months following the date of construction completion, one complete set of the as-built plans, which plans shall be the property of District. In the event that the proposed planned activity within the right-of-way shown on the drawing referred to as the "approved plan of record", differs from the as-built plan without the prior written approval of District; or, in the event that the Licensee is otherwise in material breach of this Agreement, it is hereby understood and agreed by all parties that this License Agreement shall immediately be terminated in the manner set forth in Paragraph 1H.

STATE OF CONNECTICUT)
COUNTY OF HARTFORD)

ss: Berlin

June 1, 2021

Personally appeared Arthur G. Simonian, P.E., Executive Director of the Mattabassett District hereunto duly authorized, signer and sealer of the foregoing License Agreement and acknowledged the same to be his free act and deed and the free act and deed of the District before me.

Commissioner of the Superior Court
Notary Public

STATE OF CONNECTICUT)
COUNTY OF HARTFORD)

ss: Berlin

June 1, 2021

Personally appeared Richard Munson, the sole member of DEMING ROAD BUSINESS PARK, LLC, hereunto duly authorized, signer and sealer of the foregoing License Agreement and acknowledged the same to be his free acts and deed and the free act and deed of DEMING ROAD BUSINESS PARK, LLC, before me.

Commissioner of the Superior Court
Notary Public



Town of Berlin

Planning and Zoning Department

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

MAY 06 2021

Planning & Zoning Department
Berlin, Connecticut

SPECIAL PERMIT APPLICATION

(Any Special Permit Application shall be submitted simultaneously with a Site Plan Application)

Project Name: Full Circle Golf Academy

Property Owner(s): Deming Road Business Park, LLC

Project Address*: Deming Road, Berlin, CT

Map: 10-1 Block: 83 Lot: 3A1 Zone(s): G12 Lot Area: .55 acres

Applicant Information

Name: Doug O'Leary

Firm Name: 170 Deming, LLC

Street Address: 126 Aspen Way

City: Southington ST: CT Zip: 06489

Email: doug@olearyagency.com

Phone: 860-919-4806

Signature: _____

Date: _____

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

Name: Deming Road Business Park, LLC Principal: Richard Munson

Street Address: 990 Andrews Street

City: Southington ST: CT Zip: 06489

Email: N/A

Phone: 860-919-6912

*Letter of Authorization Required

Special Permit required pursuant to section(s):

VII C.3.f Indoor Sports Complex

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

To be completed by P&Z staff only:

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

Received by: _____

MAY 06 2021

Planning & Zoning Department
Berlin, Connecticut

Special Permit Application Written Narrative

PROPERTY ADDRESS: **Deming Road, Berlin, CT**
 Map 10-1, Block 83, Lot 3A1

Deming Road Business Park is a four (4) lot subdivision which was unanimously approved by the Berlin Planning and Zoning Commission on February 15, 2015. The four (4) lots also received Special Permit and Site Plan Approval for use as contractor shops pursuant to Berlin Zoning Regulations Section VII C.3.e on November 19, 2020.

Lot 1, as depicted on the Layout & Landscape Plan submitted pursuant to item number 2 of the Special Permit Application Checklist (A/K/A Map 10-1, Map 83, Lot 3A1 in the Town of Berlin Assessor Records) is the subject of this Special Permit Application. The Applicant is seeking to use a portion of the building Lot 1 for an Insurance Agency office, as permitted by Section VII C.2.g of the Berlin Zoning Regulations, and a portion of the building for a Golf Teaching Academy, as permitted by Special Permit pursuant to Section VII C.3.f of the Berlin Zoning Regulations.

Building 1 on Lot 1 is 3,606 square feet and the proposal is to use 750 square feet for the insurance office and 2,856 square feet for the Golf teaching Academy. The parking and Loading Requirements are met as indicated on the Layout and Landscape Plan, as supplemented by the Site Plan approved by the Commission on November 19, 2020, which the Applicant and Owner respectfully requests be incorporated by reference and made a part of this Application. In, addition, compliance with the parking and loading requirements will be further demonstrated by the Traffic and parking Report to be filed in support of this Application which will include estimated of the expected daily occupants and entrants and exits of daily motor vehicle traffic during a normal day.

The Golf Teaching Academy will be owned by Full Circle Golf, LLC, d/b/a, Full Circle Golf Academy, of which Doug O'Leary is the Managing Member. Hours of operation will be from 8AM to 8PM with no more than two (2) staff / pros on at a time. The facility will be a full-service teaching facility by staggered appointment only with four (4) bays, equipped with state-of-the-art technology including cameras and club data. It is anticipated that there will be no more than six (6) or seven (7) people within the facility at a time. The facility may offer some virtual golf limited to two (2) people per bay with one (1) staff / pro to monitor the facility.

MAY 06 2021

Planning & Zoning Department
Berlin, Connecticut



Town of Berlin

Planning and Zoning Department

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

SITE PLAN APPLICATION

☐ Site Plan

☒ Site Plan Amendment

Project Name: Full Circle Golf Academy

Property Owner(s): Deming Road Business Park, LLC

Project Address*: Deming Road, Berlin, CT

Map: 10-1 Block: 83 Lot: 3A1 Zone(s): GI2 Lot Area: .55 acres

Please select all relevant items below:

- ☒ Special Permit – Also complete special permit application form
- ☐ Property is within 500 feet of a Municipal Boundary of _____
- ☐ Amendment to Zoning Regulations – Section(s) _____
- ☐ Amendment to Zoning Map – Zone(s) affected _____
- ☐ Zoning Board of Appeals review needed
- ☐ Inland Wetlands and Water Course Commission review needed

Applicant Information

Name: Doug O'Leary

Firm Name: 170 Deming, LLC

Street Address: 126 Aspen Way

City: Southington ST: CT Zip: 06489

Email: doug@olearyagency.com

Phone: 860-919-4806

Signature: _____

Date: _____

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

Name: Deming Road Business Park, LLC Principal: Richard Munson

Street Address: 990 Andrews St

City: Southington ST: CT Zip: 06489

Email: N/A

Phone: 860-9196912

*Letter of Authorization Required

*Any town official and/or employee that the town deems necessary may enter the property to verify.

MAY 06 2021

Planning & Zoning Department
Berlin, Connecticut

This Site Plan Involves:

☐ Additions ☐ Alterations ☐ Demolition ☐ New Construction

Description of Project*: See Addendum Attached

*If more space is needed, then please provide separate narrative document.

SITE PLAN ZONING STATISTICS

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED</u>
USE(S)	NONE	SEE ADDENDUM	- ATTACHED
COMMERCIAL			
Gross Floor Area			
Parking Spaces			
INDUSTRIAL			
Gross Floor Area	NONE	SEE ADDENDUM	ATTACHED
Parking Spaces	NONE	SEE ADDENDUM	ATTACHED
RESIDENTIAL			
Number of Units			
Number of Bedrooms			
Gross Floor Area			
Parking Spaces			
OTHER USES			
Gross Floor Area			
Parking Spaces			

To be completed by P&Z staff only:

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

Received by: _____

MAY 06 2021

Planning & Zoning Department
Berlin, Connecticut

SITE PLAN APPLICATION ADDENDUM

APPLICANT: Deming Road Business Park, LLC

PROPERTY ADDRESS: Deming Road, Map 10-1, Block 83, Lot 3A1 .55 acres

DESCRIPTION OF PROJECT:

Deming Road Business Park is a four (4) lot subdivision which was unanimously approved by the Berlin Planning and Zoning Commission on February 15, 2015. The four (4) lots also received Special Permit and Site Plan Approval for use as contractor shops pursuant to Berlin Zoning Regulations Section VII C.3.e on November 19, 2020.

Lot 1, as depicted on the Layout & Landscape Plan submitted pursuant to item number 2 of the Special Permit Application Checklist (A/K/A Map 10-1, Map 83, Lot 3A1 in the Town of Berlin Assessor Records) is the subject of this Special Permit Application. The Applicant is seeking to use a portion of the building Lot 1 for an Insurance Agency office, as permitted by Section VII C.2.g of the Berlin Zoning Regulations, and a portion of the building for a Golf Teaching Academy, as permitted by Special Permit pursuant to Section VII C.3.f of the Berlin Zoning Regulations.

Building 1 on Lot 1 is 3,606 square feet and the proposal is to use 750 square feet for the insurance office and 2,856 square feet for the Golf teaching Academy. The parking and Loading Requirements are met as indicated on the Layout and Landscape Plan, as supplemented by the Site Plan approved by the Commission on November 19, 2020, which the Applicant and Owner respectfully requests be incorporated by reference and made a part of this Application. In addition, compliance with the parking and loading requirements will be further demonstrated by the Traffic and parking Report to be filed in support of this Application which will include estimated of the expected daily occupants and entrants and exits of daily motor vehicle traffic during a normal day.

The Golf Teaching Academy will be owned by Full Circle Golf, LLC, d/b/a, Full Circle Golf Academy, of which Doug O'Leary is the Managing Member. Hours of operation will be from 8AM to 8PM with no more than two (2) staff / pros on at a time. The facility will be a full-service teaching facility by staggered appointment only with four (4) bays, equipped with state-of-the-art technology including cameras and club data. It is anticipated that there will be no more than six (6) or seven (7) people within the facility at a time. The facility may offer some virtual golf limited to two (2) people per bay with one (1) staff / pro to monitor the facility.

SITE PLAN STATISTICS:

Industrial

A. Gross Floor Area Lot 10-1-83-3A1: 3606 sq. ft.

B. Parking

The total number of parking spaces is 60 which shall be shared by the individual lots.

~~JUN 09 2021~~

Town of Berlin
Received

