

DOCKET NO. HHB-CV18-6049166-S	:	SUPERIOR COURT
	:	
COMMERCE STREET HOLDINGS, LLC	:	JUDICIAL DISTRICT OF
	:	NEW BRITAIN
	:	
v.	:	AT NEW BRITAIN
	:	
ZONING BOARD OF APPEALS OF	:	
TOWN OF BERLIN	:	_____ , 2021

STIPULATION FOR JUDGMENT

1. The plaintiff, Commerce Street Holdings, LLC ("Plaintiff") is the owner of the real property known as 30-36 and 86 Commerce Street, East Berlin, Connecticut ("Subject Properties").

2. As alleged in part at paragraphs 5 and 6 of Plaintiff's Complaint, the Zoning Enforcement Officer of the Town of Berlin, Maureen Giusti ("Ms. Giusti"), sent a "Final Notice of Continuing Zoning Violation Cease and Desist Order" on September 4, 2018 ("Final Notice") which Final Notice recited the zoning violations and actions need to correct same as identified in a Cease and Desist Order previously issued against the Subject Properties by Ms. Giusti on October 3, 2016 ("2016 Cease and Desist Order"). A copy of the Final Notice is attached as Exhibit A.

3. The issuance of the 2016 Cease and Desist Order had been previously upheld on appeal to the defendant Zoning Board of Appeals of the Town of Berlin ("ZBA" or "Board") on November 29, 2016. In response to the mailing of the Final Notice, the Plaintiff filed appeal applications with the Board, which were received on September 18, 2018, to appeal the mailing of the "Final Notice." The Board directed Town staff not to schedule a hearing on the Plaintiff's appeal applications because, *inter alia*, it had already heard and decided an appeal of the 2016 Cease and Desist Order. A letter detailing the Board's aforementioned decision was sent to Plaintiff's counsel and is attached as Exhibit B.

4. It is the intent of the Plaintiff and the ZBA to resolve this matter without the time and expense of further litigation and without any admission of liability or fault.

5. The Plaintiff and ZBA may collectively be referred to hereinafter as the "Parties."

6. The Parties stipulate that Judgment should enter in this matter in accordance with the terms and conditions contained herein.

7. The Parties agree that the terms of the Judgment, subject to approval of this Court, shall be as follows:

(a) GENERAL PURPOSE OF TERMS AND CONDITIONS

The general purpose of the specific terms and conditions of the Stipulation is to address the zoning violations recited in the Final Notice.

(b) SPECIFIC TERMS AND CONDITIONS

(1) PERMITTED USES

(a) The Plaintiff shall comply with the ZBA's use variance and automobile uses location approval for the Subject Properties. A copy of the use variance and automobile uses location approval is attached as Exhibit C.

(b) Accordingly, the Plaintiff agrees to remove all vehicles, storage trailers, and equipment that do not meet the parameters of the ZBA's use variance and automobile uses location approval and from areas that were not included as parking on the approved plan.

(c) The Plaintiff acknowledges and agrees that any changes to the use variance and/or automobile uses location approval requires that it apply to and obtain approval from the ZBA.

(2) Parking Area and Vegetative Buffer

(a) To address the violations of an expanded parking area and removal of the vegetative buffer, the Plaintiff has submitted a plan entitled "Vegetative Buffer Restoration Plan" prepared for the Subject Properties of the Plaintiff by to

design, New Britain, CT, dated May 7, 2021 and revised through September 21, 2021 ("Restoration Plan") and a plant list quote from Wygant, East Berlin, CT ("Plant List Quote"). A copy of the Restoration Plan is attached as Exhibit D and a copy of the Plant List Quote is attached as Exhibit E.

(b) The Planning and Zoning Commission of the Town of Berlin ("Commission") has reviewed the Restoration Plan and Plant List Quote and at its regular meeting held on October 7, 2021, the Commission voted to unanimously to approve the Restoration Plan with staff comments which comments include the following:

1. The Plant List Quote be updated to reflect the corrected plant sizes and installation notes shown on the Restoration Plan and cost.
2. Bonding be submitted per Zoning Regulations and held for plant maintenance and viability.
3. Plans be noted with maintenance to include removal of tree anchors once trees established.

A copy of the Notice of Decision is attached as Exhibit F.

(c) The Plaintiff shall submit a revised Restoration Plan and Plant List Quote to the Town Planner for approval within thirty (30) days of an order of the Court approving this Stipulation for Judgment in compliance with the aforementioned staff comments ("Revised Restoration Plan and Plant List Quote").

(d) The Plaintiff shall submit a full bond estimate in accordance with the Zoning Regulations to the Town Engineer and Town Planner for approval within thirty (30) days of an order of the Court approving this Stipulation for Judgment in compliance with the aforementioned staff comments.

(e) The Plaintiff shall complete all site improvements and install all plantings in accordance with the Revised Restoration Plan and Plant List Quote by no later than April 29, 2022 unless such deadline is extended by mutual agreement of the Parties and a performance bond is posted by the Plaintiff for any and all incomplete site improvements

and plantings by no later than the aforementioned completion deadline of April 29, 2022..

- (f) The Plaintiff shall post the maintenance bond in the amount approved by the Town Engineer and Town Planner at the time of completion of all site improvements and installation of all plantings or by no later than April 29, 2022 unless such deadline is extended by mutual agreement of the Parties as provided in paragraph 7(b)(2)(e) above.

8. In the event that it is necessary for any Party to file a Motion to Enforce any provision of this Stipulation, said Party shall be entitled to recover all costs incurred in connection with enforcement, including reasonable attorney's fees.

9. This Stipulation for Judgment will be recorded on the Berlin land records following entry of judgment in accordance therewith by the Court in the above-captioned action.

10. This Court shall maintain continuing jurisdiction over this matter for purposes of enforcing the rights and obligations of the Parties as set forth herein.

11. The terms and provisions of this Stipulation shall inure to the benefit of and be binding upon the Parties and their respective heirs, legal representatives, successors, and assigns.

12. This Stipulation is absolute and unconditional and constitutes the full, complete and entire understanding and agreement between the Parties with respect to the subject matter hereof and supersedes any prior negotiations, commitments, agreements, representations, promises, statements, warranties, covenants, or understandings, whether oral or in writing, that any party hereto may claim exists, all of which negotiations, commitments, agreements, representations, promises, statements, warranties, covenants, or understandings are expressly merged herein. No other representations, promises, statements, warranties, covenants, or understandings or other prior or contemporaneous negotiations, commitments, or agreements, oral or written, respecting such matters that are not specifically incorporated herein shall be deemed in any way to exist or to bind

any of the Parties hereto. Each of the Parties hereto acknowledges and affirms that it has not executed this Stipulation in reliance upon any representations, promises, statements, warranties, covenants, or undertakings not contained within this Stipulation. The Parties acknowledges that they were represented by legal counsel of their choice in connection with the review and negotiation of this Stipulation. This Stipulation may not be amended, modified, altered, changed, limited or terminated, except by a writing signed by all of the Parties hereto. This Stipulation contains the entire agreement between the Parties with respect to the matters set forth herein, and may not be changed or terminated orally.

13. In accordance with the Rules of Practice, the ZBA published notice of its consideration of this Stipulation in a newspaper of general circulation on October _____, 2021 advising interested members of the public that they could appear and offer public comment on same at its regular meeting held on October _____, 2021. After review and consideration of the Stipulation at said meeting, the ZBA voted to authorize undersigned counsel for the ZBA to execute the Stipulation on its behalf.

14. This Stipulation may be executed by signature transmitted via facsimile or by e-mail in PDF format, each of which shall be an original signature. The Stipulation may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original, but all of which together shall constitute one agreement binding upon all of the Parties hereto.

THE PLAINTIFF –
COMMERCE STREET HOLDINGS, LLC

THE DEFENDANT –
ZONING BOARD OF APPEALS OF
TOWN OF BERLIN

By _____

Jonathan Kaplan
jkaplan@pullcom.com
Pullman & Comley LLC
90 State House Square
Hartford, CT 06103
Tel. (860) 424-4379

By _____

Jennifer N. Coppola
JCoppola@CD-LLP.com
Ciulla & Donofrio, LLP
127 Washington Avenue
P.O. Box 219
North Haven, CT 06473
Tel. (203) 239-9828

DRAFT FOR 10/26/2021 REGULAR MEETING

EXHIBIT A



Town of Berlin

Planning and Zoning Department

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

Planning and Zoning Commission
Zoning Board of Appeals
Conservation Commission
Historic District Commission

September 4, 2018

CERTIFIED MAIL # 70121010000269913040

And Regular Mail

FINAL NOTICE OF CONTINUING ZONING VIOLATION CEASE AND DESIST ORDER

Joseph B. Casey and Carl A. Jasmin
Commerce Street Holdings, LLC
1601 Page Boulevard
Springfield, MA 01104

RE: 36 and 86 Commerce Street, East Berlin, CT

Dear Mr. Casey and Mr. Jasmin:

As you are aware, since the Town's December 12, 2017 meeting with Mr. Jasmin and Attorney Ceccorulli, the violations at Climate Engineering Truck and Trailer at 36 and 86 Commerce Street, East Berlin, CT, remain unresolved.

This serves as a final Notice of Violation of the Berlin Zoning Regulations as stated in the original Order dated October 3, 2016 and identified below at said property of 86 and 36 Commerce Street, East Berlin, CT, Map 17-2 Block 133 Lots 17A and 17B ("Property"). This Office has found through research, meetings with the property owners, and inspections that the Property remains in violation.

Violations of the Zoning Regulations include:

- Non-compliance with the Zoning Board of Appeals Use Variance and automobile uses location approval and
- Site work, including expanded parking area and removal of vegetative buffer, without Planning and Zoning Commission site plan approval which is in violation of Berlin Zoning Regulations Section XIV.D. and required in accordance with Berlin Zoning Regulations Section XIII.A.

The following corrective actions must be taken to remedy the violations:

- Remove all vehicles, storage trailers, and equipment that do not meet the parameters of the Zoning Board of Appeals approval and from areas that were not included as parking on the

Marek Kozikowski, AICP, Town Planner. 860-828-7060. mkozikowski@town.berlin.ct.us
Maureen Giusti, Assistant Town Planner/ZEO. 860-828-7008. mgusti@town.berlin.ct.us
Frances Semnoski, Land Use Administrator. 860-828-7066. fsemnoski@town.berlin.ct.us

approved plan within fifteen (15) days of the date hereof or on or before Wednesday, September 19, 2018; and

- Submit a complete site plan amendment application package for Planning and Zoning Commission review of the changes to the parcels, including expansion of the parking area, grading, installed retaining wall, and landscaping by the next PZC deadline of September 27, 2018 which is the submittal date for the meeting scheduled for October 25, 2018.
- Changes to the use variance and/or automobile uses location approval would also require application to the Zoning Board of Appeals.

Note that failure to comply with this Order will result in further enforcement that would include legal action by Corporation Counsel.



Maureen K. Giusti

Zoning Enforcement Officer / Assistant Town Planner

cc:

Climate Engineering Truck & Trailer Refrigeration, Inc., 86 Commerce Street, East Berlin, CT 06023

Michael Ceccorulli, Esq., Pullman and Comley LLC Attorneys, 90 State House Square, Hartford, CT.

06103-3702

Jennifer Coppola, Esq., Town of Berlin Corporation Counsel

Marek Kozikowski, AICP, Town Planner. 860-828-7060. mkozikowski@town.berlin.ct.us

Maureen Giusti, Assistant Town Planner/ZEO. 860-828-7008. mgiusti@town.berlin.ct.us

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

EXHIBIT B



Town of Berlin

Planning and Zoning Department

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

Planning and Zoning Commission
Zoning Board of Appeals
Conservation Commission
Historic District Commission

September 27, 2018

CERTIFIED MAIL #70121010000269913125

Michael A. Ceccorulli, Esquire
Pullman and Comley, LLC.
90 State House Square
Hartford, CT 06103

**RE: Appeal Applications to the Zoning Board of Appeals for 36 and 86 Commerce Street,
Berlin, Commerce Street Holdings, LLC, Property Owner**

Dear Attorney Ceccorulli:

Please be advised that at the regular meeting of the Berlin Zoning Board of Appeals ("ZBA") held on September 25, 2018, the Board discussed the facts that:

1. ZBA Application #2016-11-18 was an Appeal of the Zoning Violation Cease and Desist Order issued October 3, 2016 ("Order") regarding violations at Climate Engineering and
2. The Appeal was heard by the ZBA on November 29, 2016 and was unanimously denied.

The ZBA determined that the right to appeal within fifteen (15) days of the Order was exercised by the property owner and appropriately acted on in 2016 and furthermore notes the following:

3. The violator was afforded the opportunity to work with staff to rectify the continuing violations;
4. Staff sent only a final notice of continuing zoning violation cease and desist order, not a new cease and desist order, on September 4, 2018 which prompted appeal applications received on September 18, 2018; and,
5. The applicant had already exhausted the right to appeal the Order in 2016.

For the foregoing reasons, the ZBA has directed Staff to not schedule public hearings on the appeal applications submitted on September 18, 2018.

Sincerely,

Maureen K. Giusti
Assistant Town Planner
Zoning Enforcement Officer

Marek Kozikowski, AICP, Town Planner. 860-828-7060. mkozikowski@town.berlin.ct.us
Maureen Giusti, Assistant Town Planner/ZEO. 860-828-7008. mgiusti@town.berlin.ct.us
Frances Semnoski, Land Use Administrator. 860-828-7066. fsemnoski@town.berlin.ct.us

EXHIBIT C

The Town of Berlin

ZONING BOARD OF APPEALS



TOWN HALL
240 KENSINGTON RD.
BERLIN, CONN. 06037

October 28, 2009

Climate Engineering Truck & Trailer Refrigeration Inc.
Attn: Joseph Casey
86 Commerce Street
East Berlin, CT 06023

Re: ZBA Application #2009-10-26 A
86 Commerce Street, East Berlin, CT

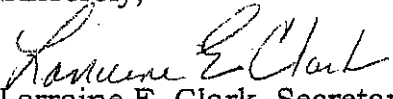
Dear Mr. Casey:

At its regular meeting of October 27, 2009, the Zoning Board of Appeals Commission voted unanimously to approve a use variance for dealer's and repairs license, at 86 Commerce Street, Map 17-2, Block 133, Lot 17A, per Section XV.A.4 of the Berlin Zoning Regulations. The property is owned by K-Realty Inc. and is zoned PI.

In accordance with Connecticut General Statutes, the enclosed notice must be filed on the Berlin Land Records in the Office of the Town Clerk. The filing fee will be fifty three (\$53) dollars. A copy of the filed approval shall be required to accompany any building permit application.

Any variance granted by the ZBA which is not recorded within one year from its effective date shall be null and void.

Sincerely,


Lorraine E. Clark, Secretary
Zoning Board of Appeals

mh

Ret. to: Carrier Transcold
Page 1 of 1
86 Commerce St.
E. Berlin, CT 06023

VOL 625 PAGE 0456
The Town of Berlin

ZONING BOARD OF APPEALS



TOWN HALL
240 KENSINGTON RD.
BERLIN, CONN. 06037



Doc ID: 000478750001 Type: LAN
Book 825 Page 456
File# 3822

**NOTICE OF GRANTING VARIANCE
SPECIAL EXCEMPTION**

At its regular meeting of October 27, 2009, the Zoning Board of Appeals Commission voted unanimously to approve a use variance for dealer's and repairs license, at 86 Commerce Street, Map 17-2, Block 133, Lot 17A, per Section XV.A.4 of the Berlin Zoning Regulations. The property is owned by K-Reality Inc. and is zoned P1.

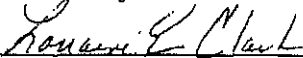
K-Reality Inc.
Owner of Record

03822

The nature of the Variance is as follows: a use variance for dealer's and repairs license

The Section of the Zoning Ordinance, which is varied or permits the Variance is Berlin Zoning Regulation Section XV.A.4

Dated at Berlin, Connecticut this 28th day of October 2009.


Lorraine E. Clark, Secretary
Zoning Board of Appeals

Received for record in Berlin _____ 20_____
At _____ (am/pm) and recorded in Volume _____, Page _____
by _____

RECEIVED FOR RECORD
BERLIN TOWN CLERK

2009 NOV 10 A 11:31


BERLIN, CT.

Berlin Town Clerk

The Town of Berlin

ZONING BOARD OF APPEALS



TOWN HALL
240 KENSINGTON RD.
BERLIN, CONN. 06037

October 28, 2009

Climate Engineering Truck & Trailer Refrigeration Inc.
Attn: Joseph Casey
86 Commerce Street
East Berlin, CT 06023

Re: ZBA Application #2009-10-26 B
86 Commerce Street, East Berlin, CT

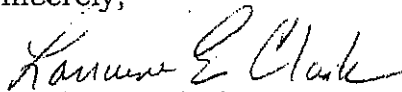
Dear Mr. Casey:

At its regular meeting of October 27, 2009, the Zoning Board of Appeals Commission voted unanimously to approve with conditions: **(1) No spec vehicles allowed on site (2) No automobiles allowed for sale or repair on site (3) No vehicles stored except for those that are in processing for a customer (4) No unregistered/abandoned vehicles except for vehicles under contract to be sold**, a location approval for dealer's and repairs license, at 86 Commerce Street, Map 17-2, Block 133, Lot 17A, per Section XV.A.4 of the Berlin Zoning Regulations. The property is owned by K-Realty Inc. and is zoned P1.

In accordance with Connecticut General Statutes, the enclosed notice must be filed on the Berlin Land Records in the Office of the Town Clerk. The filing fee will be fifty three (\$53) dollars. A copy of the filed approval shall be required to accompany any building permit application.

Any variance granted by the ZBA which is not recorded within one year from its effective date shall be null and void.

Sincerely,


Lorraine E. Clark, Secretary
Zoning Board of Appeals

mh

ZONING BOARD OF APPEALS

TOWN HALL
240 KENSINGTON RD.
BERLIN, CONN. 06037**NOTICE OF GRANTING VARIANCE
SPECIAL EXEMPTION**

At its regular meeting of October 27, 2009, the Zoning Board of Appeals Commission voted unanimously to approve with conditions: (1) **No spec vehicles allowed on site** (2) **No automobiles allowed for sale or repair on site** (3) **No vehicles stored except for those that are in processing for a customer** (4) **No unregistered/abandoned vehicles except for vehicles under contract to be sold**, a location approval for dealer's and repairs license, at 86 Commerce Street, Map 17-2, Block 133, Lot 17A, per Section XV.A.4 of the Berlin Zoning Regulations. The property is owned by K-Realty Inc. and is zoned P1.

K-Realty Inc.
Owner of Record

The nature of the Variance is as follows: a location approval for dealer's and repairs license.

The Section of the Zoning Ordinance, which is varied or permits the Variance is Berlin Zoning Regulation Section XV.A.4

Dated at Berlin, Connecticut this 28th day of October 2009.

Lorraine E. Clark
Lorraine E. Clark, Secretary
Zoning Board of Appeals

Received for record in Berlin December 10 2009
At 12:27 RECEIVED FOR RECORD Recorded in Volume 626, Page 802
by

2009 DEC 10 P 12:27

Kathryn J. Wall
Berlin Town Clerk

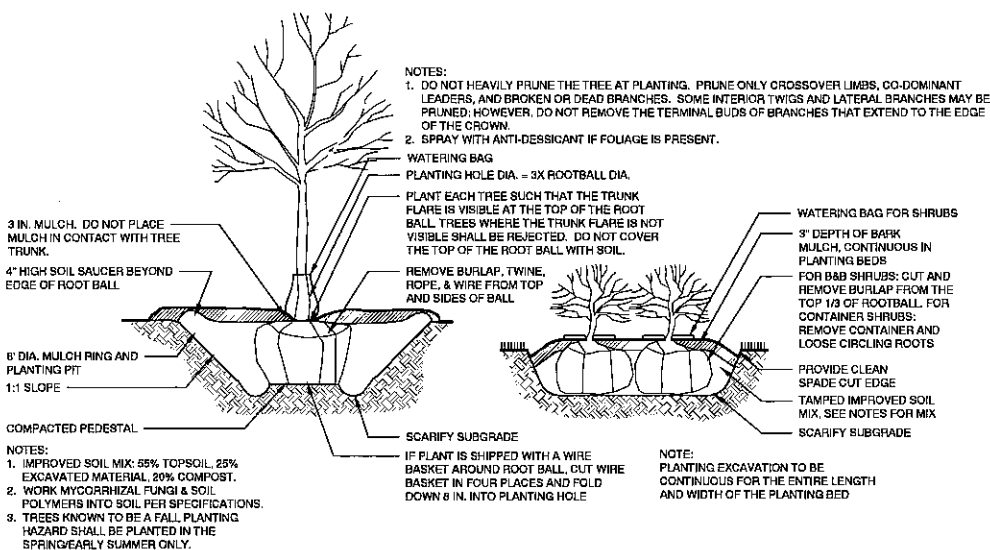
Kathryn J. Wall
Berlin Town Clerk

EXHIBIT D

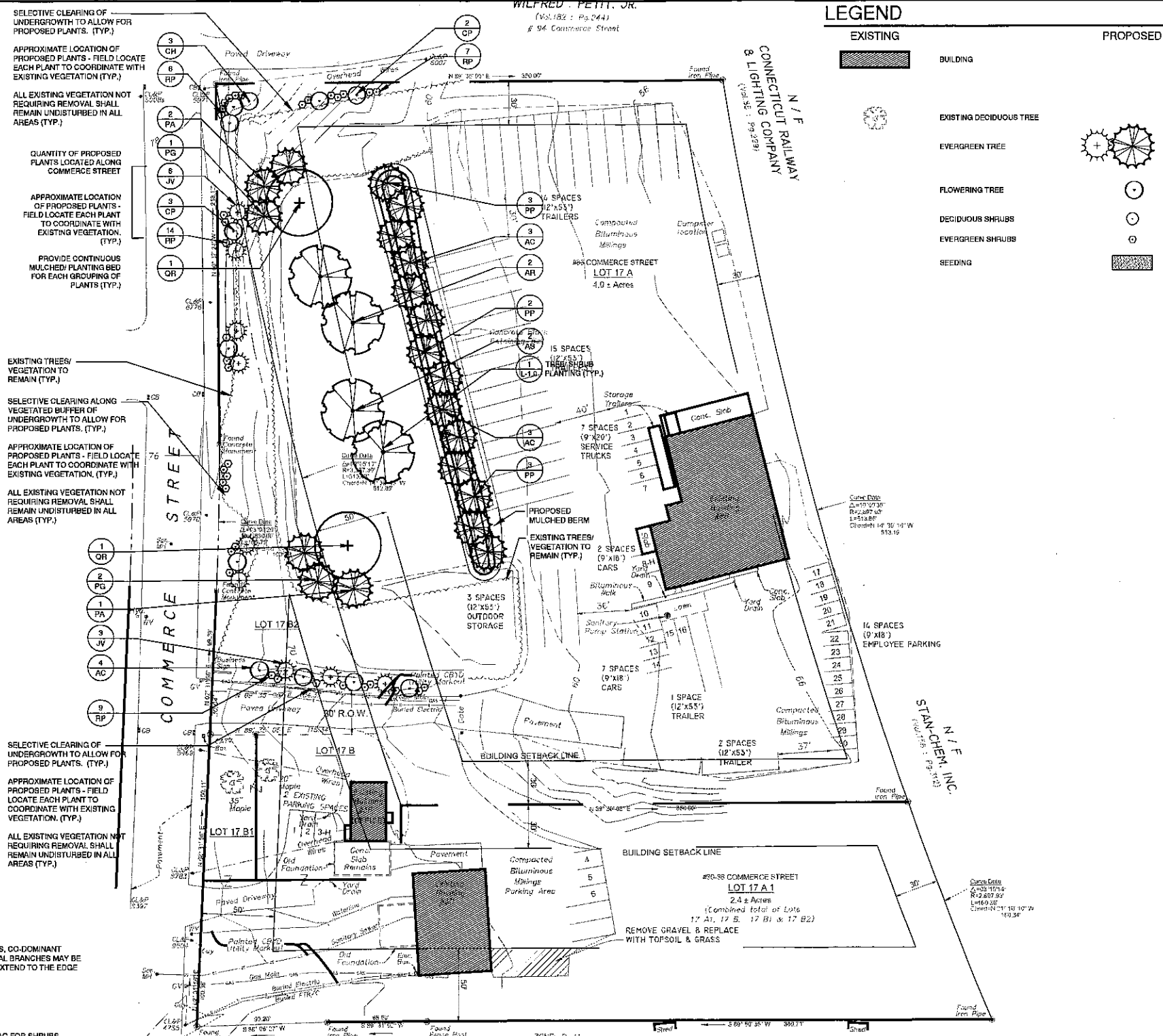
1. ALL PLANTING MATERIAL TO BE BURSERY GROWN STOCK SUBJECT TO APPLICABLE A.A.N. STANDARDS.
2. THE CONTRACTOR SHALL SUPPLY ALL PLANTS IN QUANTITIES SUFFICIENT TO COMPLETE THE WORK SHOWN ON THE DRAWINGS AND LISTED IN THE PLANT LIST. IN THE EVENT OF A DISCREPANCY BETWEEN QUANTITIES SHOWN IN THE PLANT LIST AND THOSE REQUIRED BY THE DRAWINGS, THE LARGER NUMBER SHALL APPLY.
3. ALL PLANTS SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION AND SHALL BE LOCATED AT THE GROWING SITE BY THE CONTRACTOR, FOR THE APPROVAL OF THE LANDSCAPE ARCHITECT. ANY INSTALLATIONS WHICH WERE NOT APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION AND ARE SUBSEQUENTLY REQUESTED TO BE REMOVED, WILL BE DONE AT THE CONTRACTOR'S EXPENSE.
4. PRECISE LOCATION OF ITEMS NOT DIMENSIONED ON THE PLAN ARE TO BE FIELD STAKED BY THE CONTRACTOR AND SHALL BE SUBJECT TO THE REQUIREMENTS SPECIFIED IN THE PREVIOUS NOTE.
5. ALL SHRUB AND TREE PITS SHALL BE MULCHED TO A DEPTH OF 5" WITH SHREDDED PINE BARK MULCH.
6. THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGED VEGETATION AND SHALL REPLACE OR REPAIR ANY DAMAGE, AT HIS OWN EXPENSE.
7. ALL SHRUB AND GROUND COVER PLANTING AREAS SHALL HAVE CONTINUOUS BEDS OF TOPSOIL, 18" DEEP.
8. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL UTILITIES IN THE FIELD. WHERE PLANT MATERIAL MAY INTERFERE WITH UTILITIES, THE CONTRACTOR SHALL NOT LOCATE PLANTING AREAS. THE LANDSCAPE ARCHITECT TO COORDINATE WITH THE UTILITY COMPANIES.
9. PLANTING INSTALLATION IN THE DRY SUMMER MONTHS AND/OR LAWN SEEDING OUT OF SPRING OR FALL PERIODS, IF ALLOWED BY OWNER, WILL REQUIRE AGGRESSIVE IRRIGATION PROGRAMS AT THE CONTRACTOR'S EXPENSE, UNLESS OTHERWISE DIRECTED BY THE OWNER.
10. SUBSTITUTIONS PERMITTED ONLY UPON WRITTEN APPROVAL OF THE OWNER'S REPRESENTATIVE.
11. PLANT TAGS TO REMAIN ON ALL PLANT MATERIAL UNTIL FINAL ACCEPTANCE. CONTRACTOR TO THEN REMOVE ALL PLANT TAGS.
12. WHERE A SIZE RANGE IS GIVEN IN THE PLANT SCHEDULE, AT LEAST 50% OF THE PLANTS PROVIDED SHALL BE OF THE LARGER SIZE.
13. CONTRACTOR TO GUARANTEE ALL PLANT MATERIAL FOR ONE YEAR AFTER DATE OF FINAL ACCEPTANCE.
14. CONTRACTOR TO MAINTAIN ALL PLANT MATERIAL UNTIL 60 DAYS AFTER FINAL ACCEPTANCE UNLESS NOTED OTHERWISE IN SPECS.
15. TOPSOIL AND SEED ALL AREAS DISTURBED BY CONSTRUCTION ACTIVITIES AND NOT COVERED BY OTHER SITE IMPROVEMENTS.

1. CONTRACTOR TO PROVIDE 1 YEAR WARRANTY AND MAINTENANCE ON ALL PROPOSED PLANTS. MAINTENANCE INCLUDES WEEKLY WATERING, WEEDING OF MULCHED AREAS AND REMOVAL AND REPLACEMENT OF DEAD PLANTS.
2. AFTER THE 1-YEAR WARRANTY HAS BEEN MET BY THE CONTRACTOR, THE OWNER SHALL PROVIDE THE FOLLOWING:
TREE MAINTENANCE:
 1. 10-15 GALLONS OF WATER PER PLANT PER WEEK UNTIL PLANTS ARE 3-YEARS OLD. BEYOND 3-YEARS, WATER SHALL BE PROVIDED AS NEEDED DUE TO WEATHER CONDITIONS TO ENSURE SURVIVABILITY.
 2. ANNUALLY APPLY MULCH TREE RING OR PLANT BED TO A DEPTH OF 2-3".
 3. ANNUALLY REMOVE ANY DEAD OR BROKEN BRANCHES.
SHRUB MAINTENANCE:
 1. PROVIDE WATER AS NEEDED DUE TO WEATHER CONDITIONS TO ENSURE SURVIVABILITY.
 2. ANNUALLY APPLY MULCH AROUND PLANT BED TO A DEPTH OF 2-3".
 3. ANNUALLY REMOVE ANY DEAD OR BROKEN BRANCHES.

1. UNDERGROWTH AROUND MATURE (BIG) TREES SHALL BE ALLOWED TO RETURN TO FORM A NATURAL BUFFER.
2. ANY MODIFICATIONS TO THIS PLAN IS SUBJECT TO REVIEW AND APPROVAL BY PLANNING AND ZONING, INCLUDING REMOVAL OR ALTERATION OF VEGETATION.

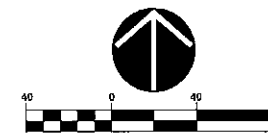


SCALE 1" = 1'-0"



PLANT SCHEDULE							
CATEGORY	SYM.	NO.	BOTANICAL NAME	COMMON NAME	SIZE	COND.	MATURE SIZE
DECIDUOUS TREES	AR	2	ACER RUBRUM 'RED SUNSET'	RED SUNSET RED MAPLE	2 1/2"-3" CAL.	BAB	40'H X 35' W
	AS	2	ACER SACCHARUM 'GREEN MOUNTAIN'	GREEN MOUNTAIN SUGAR MAPLE	2 1/2"-3" CAL.	BAB	50'H X 40' W
	AC	4	AMELANCHIER CANADENSIS	SHADBLOW SERVICEBERRY	5-8 HT.	BAB; CLUMP	20'H X 15' W
	CH	3	CORNUS X HYPERICON	RUTGERS HYPERION DOGWOOD	2 1/2"-3" CAL.	BAB	20' H X W
	CP	5	CORNUS X STELLAR PINK	RUTGERS STELLAR PINK DOGWOOD	2 1/2"-3" CAL.	BAB	20' H X W
	QR	2	QUERCUS RUBRA	NORTHERN RED OAK	2 1/2"-3" CAL.	BAB	80' H X W
EVERGREEN TREES	AC	6	ABIES CONCOLOR	CONCOLOR FIR	5-7 HT.	BAB	50' H X 20' W
	JY	9	JUNIPERUS VIRGINIANA	EASTERN RED CEDAR	5-7 HT.	BAB	40' H X 15' W
	PA	3	PICEA ABIES	NORWAY SPRUCE	5-7 HT.	BAB	50' H X 25' W
	PG	3	PICEA GLAUCA	WHITE SPRUCE	5-7 HT.	BAB	50' H X 15' W
	PP	6	PICEA PLANGENS	BLUE SPRUCE	5-7 HT.	BAB	40' H X 15' W
SHRUBS	RP	36	RHOODODENDRON P.J.M. ELITE	P.J.M. ELITE RHOODODENDRON	30-35" SPD.	CONTAINER	5' H X W

SURVEY INFORMATION FROM PLAN ENTITLED: "SITE DEVELOPMENT PLAN #66
COMMERCE STREET & #30-36 COMMERCE STREET", SCALE 1" = 40', DATED 1/21/19,
BY BASCOM & BENJAMIN, LLC, 590 MAIN STREET, DURHAM, CT. 860.349.1676.



114 WEST MAIN STREET
SUITE 202
NEW BRITAIN, CT 06053
860-612-1700
tedesigninc.com

**SITE DESIGN
LANDSCAPE ARCHITECTURE
URBAN PLANNING**

PROPOSED:
COMMERCE STREET HOLDINGS, LLC
30-36 & 86 COMMERCE STREET BERLIN, CT

Steel Description:

Vegetative Buffer Restoration Plan

Rev: SEPTEMBER 21, 2021
PER TOWN COMMENTS

Issue Date:

Scale:	D
--------	---

Project number:

Shovel #1

L-1.0

EXHIBIT E



392 Berlin street East Berlin Ct 06023

Cell # (860) 712-3811

wygantconst@aol.com

www.wygantconstruction.com

Commerce Street Holdings LLC

Project Location: 30-36 , 86 Commerce St East Berlin

Scope of work:

Plant trees and shrubs

- 2 red maples 2" cal
- 2 sugar maples 2" cal
- 4 Serviceberry 6' tall
- 3 Dogwood 2.5 cal
- 5 Pink Dogwood 2.5 cal
- 2 Red Oak 2" cal
- 6 Concord fir 6' tall
- 9 Red Cedar 6' tall
- 6 Norway Spruce 5' tall
- 8 Blue Spruce 6' tall
- 36 Rhododendron pjn 24"

28,000.00 (Material and Labor)

Mulch 50 yards \$ 3,000.00 (all trees to have mulch tree rings)

Clear and remove trees and brush for new install. \$ 5,000.00 (this includes Dumpster for brush and under growth)

Dig out Reclaim where trees and shrubs need to be installed.

Install topsoil on berms and in new planting areas for trees and shrubs. \$7,500.00

Sub Total \$ 43,500.00 tax \$ 2,762.25 = \$ 46,262.25

(IT IS THE SUPPLIERS RECOMMENDATION THAT THE PLANTS ARE INSTALLED IN THE SPRING OF 2022 DUE TO FALL RISK ON INSTALL OF TREES)

Sign _____ .Date _____.

EXHIBIT F



Town of Berlin

Planning and Zoning Department

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

Planning and Zoning Commission
Zoning Board of Appeals
Conservation Commission
Historic District Commission

NOTICE OF DECISION

BERLIN PLANNING AND ZONING COMMISSION

SUBJECT: Restorative Buffer
APPLICANT: Commerce Street Holdings, LLC
LOCATION: 30-36 and 86 Commerce Street

At its Regular Meeting of October 7, 2021, the Berlin Planning and Zoning Commission voted unanimously to approve, with staff comments, the proposed "Vegetative Buffer Restoration Plan" prepared for the properties of Commerce Street Holdings, LLC at 30-36 and 86 Commerce Street, Berlin, CT by toDesign, New Britain, CT, revised through September 21, 2021.

The staff comments for this approval are:

1. The plant list quote be updated to reflect the corrected plant sizes and installation notes shown on the restoration plan and cost.
2. Bonding submitted per regulations and held for plant maintenance and viability.
3. Plans noted with maintenance to include removal of tree anchors once established.


Maureen Giusti, AICP

Acting Town Planner

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