

**PLANNING and ZONING COMMISSION
Monroe, Connecticut**

**MEETING MINUTES
JANUARY 22, 2015**

Meeting: Planning and Zoning Commission
Regular Meeting – January 22, 2015
7 Fan Hill Road, Town Hall, Council Chambers

Present: Chairman Patrick O’Hara
Vice Chairman William Porter
Secretary Karen Martin
Commissioner Jim Weinberg
Commissioner Brian Quinn
Commissioner Pedro Villanueva (alternate)
Commissioner Cathleen Lindstrom (alternate)
Commissioner Jane Flader (alternate)

Absent: None

Also Present: Will Agresta, Planning and Zoning Administrator
Scott Schatzlein, Land Use Group Director/Town Engineer
Amy Guerra, Recording Secretary

OPENING of MEETING

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chairman O’Hara called the meeting to order at 7:05 p.m. and invited those in attendance to join in the Pledge of Allegiance.

2. ROLL CALL AND SEATING OF ALTERNATES (if required)

Commissioners were seated on a roll call.

3. GENERAL PUBLIC PARTICIPATION – None

4. GENERAL APPOINTMENTS – None

PUBLIC HEARINGS

5. ZONE BOUNDRY CHANGE

ZCA-2014-06 – 458 Purdy Hill Road, zone change from RF-2 to RF-1, Morawski (*adjourned on 12/4/14; scheduled to reconvene on 2/19/15 per applicant's request*)

Chairman O'Hara read a letter from the applicant's Attorney Ray Rizzio requesting that the public hearing be adjourned to the February 19, 2015 meeting, to which the Commission consented.

6. EXCAVATION/FILLING PERMIT

FFP-2014-01 – 298 Spring Hill Road, grading & installation of retaining walls, Amie and Kevin P. Reid (*adjourned on 12/18/14; scheduled to reconvene on 2/19/15 per applicant's request*)

Chairman O'Hara read a letter from the applicant/owner, Kevin Reid, requesting that the public hearing be adjourned to the February 19, 2015 meeting, to which the Commission consented.

7. SUBDIVISION/RESUBDIVISION

SUB-2014-03 – 36 Timothy Hill Road, Industrial 5 lot subdivision, Monroe Land Holdings, LLC (*reconvened from 12/18/14; postponed to 2/5/15*)

Secretary Martin read the public hearing notice

Mr. Kevin Solli requested this application remain open so he can meet with staff and develop all their comments so that when he presents it to the commission the application would be more complete. In addition, this would save all parties involved a lot of time with the approval process. The commission granted the extension followed up by a letter of request from Mr. Solli on behalf of the applicant.

8. SPECIAL EXCEPTION PERMIT

SEP-2014-13, File #1549A – 462, 464, 466 & 470 Main Street, construct commercial building for retail and office use, JV462, JV464, JV466 and JV470 Main Street, LLC. (*postponed to 2/5/15 per applicant's request*)

Chairman O'Hara read the letter requesting an extension from Attorney Rizzio on behalf of the applicant.

SEP-2014-14 File #15508 – 496 Pepper Street & 50 Cambridge Drive, construct industrial building, Cambridge Drive, LLC

Secretary Martin read the public notice and Chairman O'Hara read the instructions for the public hearing. Planner Agresta listed Exhibits 1 through 20 for the record.

Mr. Bill Carboni, a professional engineer licensed in the state of Connecticut and representing Axel Plastics introduced himself. The proposed project is lots 3 & 4 of Pepper Street Business Park (shown to commission on overhead projector). Lot 3 has frontage on Pepper Street and measures 3.2 acres while lot 4 has frontage on Cambridge Drive and measures 13.4 acres for a total of 16.6 acres. In 2005 a Special Exception Permit was granted for an industrial building on lot 3 where the site work was done but the building was never constructed. In 2006 a Special Exception Permit was granted for both lots for a nursery use. The land was cleared, leveled and used for plant storage that contained several approved green houses. Based on the work that was done on this site and soil tests that were done there is only one location for the septic and the properties will have to be combined in order to do that.

Mr. Carboni stated that the project is to construct a 43,039. square foot building, associated parking, detention facilities and utilities. The building will occupy the central portion of lot 4. There are 3 detention basins that will be constructed and have incorporated several LID measures to reduce the impact. All drainage will be via swales on either side of the building and there will no height run off which has several benefits. It will provide a disconnect between the paved areas and XXXXX facilities, the swale is very flat and will have 6 inch stone burms along its length to slow run off and will be lined with grass for nutrient uptake. Lastly, the concentration of the water from this site in the basin will be light.

This project is surrounded by wetland soils so what they are proposing to do in the main basin is to over excavate it to an elevation of 398 and then build it back up with wetland compatible soils. The ground water they have measured is 395 so what they intend to end up with is a wetlands meadow. They plan to increase the wetland vegetation as some already exists in a pre-existing basin. The building will be served by public water and public utilities. It will have a septic tank on lot 3 and an additional septic tank and pump station area (shown on a map).

There is that potential of a second phase of this project which they are presenting but don't know when or if it will get built. There is a proposed addition of 19,000 square feet which would force them to remove some of the original parking but would create replacement parking in another area that is surrounded by wetlands but has been leveled off.

In 2009 the wetlands commission gave an order to L&L Evergreen to correct some problems with the construction of the driveway. The applicant will incorporate the requirement given to L&L Evergreen and complete this work during phase 1 and will lead to phase 2.

There is a proposed planting plan that includes both wetland plants and normal landscaping around the building. The buffer on Cambridge Drive will be 100 feet to shield the building from the road. There will be ground cover plants around the building and outside the parking lot will be planted with grass until or when they do phase 2. The installation and maintenance plans are included in the application.

The count of employees needed for this project is 40 from both phases. There are expected to be approximately 3 to 4 deliveries per day and 3 to 5 shipments per day with all truck traffic coming and going in one area and all employee traffic coming and going in another. The zoning requirements based on land use and on square footage is for 101 spaces for phase 1 and 110 spaces for both phases. With only 40 employees the applicant is in excess of the number or parking spaces needed and asked for a deferral of 15% of the number of parking spaces. That would bring the number of spaces down to 85 with only 40 employees.

Axel Plastics is a research development production company that produces lubricants that allow plastics to be released from their mold. They use a variety of animal, vegetable, and petroleum derived materials. The majority of these products are hydrocarbon solvents, fatty acids, and pal metric waxes. They blend these chemicals in closed tanks and package them for shipment. The process is batch manufacturing in closed stainless steel vessels. Chemicals come into the plant and leave the plant in sealed containers. The materials are in liquid form and are purchased 275 gallon totes and 55 gallon drums they leave the same way and in containers as small as half gallon containers. There are never any exposed fluids outside of the building. All waste from the lab will be pumped into a holding tank and the tank will be removed from the site. The only material that will leave the building that's not in a container is the normal domestic sewage that will be pumped over to the septic system. The by-products materials from the manufacturing will be stored in storage rooms and be removed from the site by a licensed waste hauler. Axel Plastics has provided the town staff with a hazardous removal report from their existing facility in New York.

In regard to comments to the compatibility of this use with the zoning regulations, Axel Plastics does not violate section 4.3.4 which prohibits the operation of products, processing of explosives, or manufacturing various acids, pesticides, herbicides, or the bulk manufacturing of chemicals. Axel Plastics provided a statement that they do not use any of these materials and are not a manufacturer of chemicals by industry standards.

The applicant wanted to request a waiver on the driveway to be reduced from the required 24 feet to 22 feet curb to curb width as it may never be used and to reduce the impact on the adjacent wetlands. As an alternative, the applicant will keep the 24 foot width of the driveway and will reduce the curbs to satisfy the wetlands requirements. The wetlands commission agreed to that plan so the applicant is withdrawing their request for this waiver. There is a lighting plan for the site. The fixtures will be 14 feet high and will be night sky compliant.

Mr. Carboni invited any questions. Chairman O'Hara declined saying they would address their questions after the entire presentation was complete.

Mr. Phil Clark, an Architect from Newtown, Ct. introduced himself. He began by stating that the building is 33 feet high made of pre-engineered metal on four sides with some attractive features on the front comprised of manufacturing offices and labs. The front of the building will be two stories high which will house addition office space. The loading dock located on the right side will be shielded by landscaping.

Commissioner Flader asked how many work shifts there would be. Mr. Carboni answered there would be one working during the day time.

Commissioner Lindstrom asked, in the projected second phase would that be additional space for the same operation or would they be doing something else with that space. Mr. Carboni said, for now that additional space projected in phase 2 would be used for the same operations but would allow for more storage capacity and production capacity.

Commissioner Lindstrom wanted to know about the additional parking spaces and when they would be constructed. Mr. Carboni confirmed that they would be added in the second phase on a level piece of the property they call "the island" and would have no impact on the wetlands.

Commissioner Weinberg wanted to clarify if this application includes phase 2 or just phase 1. Mr. Carboni said the application includes both phases so they could avoid having to come back in 5 or 10 years with a new application although there is no plan to build phase 2 at this time. Commissioner Weinberg asked if they added more parking by the wetlands would the applicant have to get a new wetlands permit. Mr. Carboni said they would not because the wetlands permit would be approved for both phases.

Commissioner Weinberg said, because the amount of parking would be adequate even with the deferment would they still have to add more parking during phase 2? Mr. Carboni said they would have to do it in order to be compliant with the zoning regulations even though they may not need them. Commissioner Weinberg asked about eliminating a section of driveway and Mr. Carboni said they would be using it for a truck turn around so it would be useful.

Commissioner Weinberg wanted to know where the regulation comes from that says you can't use the septic system on a different lot without combining them. Mr. Carboni said it's from the state public health code which says that the septic system has to be on the lot as the building being served.

Commissioner Quinn asked how many truck deliveries there would be each day and what route they would be using. Mr. Carboni responded, 3 to 4 deliveries incoming per day and 3 to 5 outgoing per day and that he was not sure what routes they would be using, either 95 or Route 84.

Commissioner Porter said that Aquarion Water Co. had some concerns with this particular operation taking place in this specific location and wanted to know what precautions would be taken to prevent any wetlands contamination. Mr. Carboni said they didn't like the idea of a plastics manufacturer in this location but they do not manufacture plastics. The materials at the site do not leave the building, there are no floor drains in the building, and all wastes are removed from the building in closed containers. In the loading dock area there is an under drain that is pumped out into a drainage swale and if there is a spill they would shut the pump off. Consequently, since it is located four feet below the finished floor level. In addition they have standard industrial precautions taken for the materials that are inside the building. This is a sealed building dealing with no floor drains and processes that are all done in sealed stainless steel manufacturing vessels that do not lend themselves to spills. Mr. Carboni stated that other than that they were only dealing with standard vehicular oils and greases. He does not feel that Aquarion Water Co. knows what would be going on in the building nor have they ever asked for any information.

Commissioner Porter wanted to know how they would address the parking lot contamination run off. The water would run at a slow velocity into the swales allowing for the suspended solids to separate and eventually drain into the basins where there would be a large amount of specialized wetland plants for nutrient uptake and to absorb the materials. This system would have to be routinely maintained in order to work correctly.

Secretary Martin requested written responses to the town engineer and town planner comments. Mr. Carboni said he provided written responses to all comments except for ones given to him at the time of this meeting.

Secretary Martin wanted to hear about the violations this company has experienced with their business in New York. The company owner, Jake Axel, 4 Cherry Hill Lane Westport, CT and his father Frank Axel 228 Overlook Road introduced for the record. Jake Axel said he had been with the company for 12 years and had no knowledge of any violations. Secretary Martin said she searched the company on Google and it came up with a few violations although, she could not recall any of them specifically. Frank Axel said that if there were any they were minor in nature that did not involve any kind of spillage or manufacturing criticism and they have regular fire inspections. Frank Axel suggested that a violation came from the DEP over air emissions. Jake Axel said that the company is regulated by Iyata which is for shipments by air and also by DOT. He said they had an Iyata violation because they did not understand the training requirements but since have updated those working with them directly to become compliant. Frank Axel stated the company has been in business for 73 years, since 1941 and Jake confirmed that New York is there only current location.

Secretary Martin requested to have an outside evaluation done on the documents dealing with the chemicals at the applicant's expense. Jake Axel asked what kind of further evaluation she wanted done. Secretary Martin referred to a 2003 report from Chemtron Corp. in Ohio that says RT waste flammable liquid and hazardous waste and she isn't sure about that. She feels that if this company is going to be in someone's back yard the commission has an obligation to know what they are dealing with. Chairman O'Hara suggested that the owners could tell the commission more about what they do. Frank Axel said they do not produce plastic, don't have plastics in their building but the plastics industry is their customer. They produce additives in one phase and coatings in the other phase to perform the same function that Pam performs in a frying pan. They produce mold resistant agents, anti-sticking agents that are used by companies that do molding, whether it be rubber, fiberglass, interior trim automotive parts, technical commercial housings or anything that goes into a mold that has to come out of the mold without sticking. They do this by compounding, mixing and blending. They don't synthesize chemicals they only use what is commercially available from primary sources.

Commissioner Quinn stated that whatever comes into this facility gets mixed and then leaves the facility. Jake Axel replied by saying they are a small quantity waste generator. There is an EPA trigger of 2,000 kilos and if you are more than that you are a large quantity generator. He continued by saying flammables under DOT and OSHA designation are materials that could reach a flash point at a certain temperature and those are the hazardous wastes they produce and are regulated. Those materials are kept in rooms that are designed to codes to be compliant with the regulations.

He said they are spending about 7.5 million dollars putting the building up of which 3 million is for the building itself and the other 4 million on equipment and safety systems. Their plan is designed to protect the workers and the town and they have done what they need to do to be good neighbors.

Secretary asked if the commission has a copy of a spill response procedure plan. Jake Axel said that if it is required, he will provide that to the commission.

Commissioner Villanueva explained that at the beginning of this project, 4 or 5 years ago they met with the fire marshal to go over all the chemicals and the process, so this has been reviewed and he had no problems with the chemicals and the process. Jake Axel said they would file a report on all their chemicals each year with the DEP and would give a copy to the firehouse so they would be aware.

Secretary Martin asked them to explain the chemicals. Jake Axel explained they have approximately 300 formulations blending ingredients called esters, soybean oil, canola oil and different types of fats to give them certain properties. He said they do have flammable materials that are stored in certain parts of the building designed to hold them and then processed in an area designed for them as well. Secretary Martin asked if they have ever had any explosions and Mr. Axel said no. Kevin Axel defined flammability as industrial solvents which will ignite when exposed to a flame, by themselves, they are not flammable. Secretary Martin requested for a second time a report be done by an independent expert on chemicals at the applicant's expense. Commissioner Weinberg states that they are not using these chemicals at a temperature where they would ignite and they are no more flammable than what we use in our lawn mowers.

Commissioner Porter asked Jake Axel to explain ISO 9000. Mr. Axel stated that ISO 9000 is a quality system which requires them to document all of their procedures also required by OSHA. They have a quality manager who audits all of their procedures yearly so that they remain compliant. Kevin Axel added that it is an international standard representing accountability. There is traceability and accountability in every stage of their receiving, manufacturing and distribution. They have to file for recertification for the ISO 9000 every year and there is an independent outside company that audits them every year as well. They receive a certificate of compliance every year and would be happy to provide a copy to the commission.

Commissioner Villanueva asked Jake Axel to explain further the waste that is produced at their site. Mr. Axel said there are two types of waste, hazardous and non-hazardous. The non-hazardous waste will be collected and trucked out, as there is no sewer system in Monroe, to a local DEP company primarily being water based materials with a small amount of solids. The hazardous waste would be flammable and would truck that out using the same hauler they have for years and it would be properly incinerated.

Chairman O'Hara asked if they plan to have any un-manned operations and Mr. Axel said no. Chairman O'Hara then asked if they plan to sell any of the used storage containers. Kevin Axel replied, they don't get them back. The only containers they receive are full of raw materials and once they have emptied them they get returned to the supplier.

Chairman O'Hara asked if and when phase 2 happens will there be a need for loading and unloading docks or will that all be in phase 1? Phil Clark answered that it would all be in phase 1 but there would be a loading and unloading area in phase 2 for deliveries of office supplies.

Chairman O'Hara questioned a space on the plan between the building of phase 1 and phase 2 and was there a purpose for that? Phil Clark said there is a code that requires a 50 foot clearance. Chairman O'Hara referenced a comment from the Town Engineer that on the northeast corner of the building in regard to lighting and whether or not that was something they already agreed to and need to put on the plan? Mr. Clark said it was already on the plan. (G1)

Secretary Martin asked if there would be any outside storage and the owners said no.

Chairman O'Hara asked if there were any plans for plantings or fencing on the driveway into lot 3 on Pepper Street. The owners said they thought the plan called for a gate at the entrance of the driveway and they would be happy to do that. Chairman asked them to consider adding some plantings to make the entrance look less inviting.

Engineer Schatzlein asked them if they would be willing to convey property in lieu of easement. He explained that the town would be doing road work of Pepper Street and would need some addition right of way from the property owners. Mr. Carboni said they reserve the right to see the plan but did not feel they would be opposed to it.

Planner Agresta wanted them to provide more detailed lighting information and they said they would before construction. Mr. Clark added that in phase 2 if employees should ever need to park in "the island" they are proposing Ballard type lighting. These lights would go on shortly after dusk and go off just after dawn. The lights would be on timers that would get changed 4 times a year to correspond with the seasons. Chairman O'Hara asked if the plantings around the parking area in phase 2 part of phase 1. Mr. Carboni said the establishment of grasses would be part of phase 1 which is part of the wetlands permit. There is a planting plan for phase 2 if they construct the additional parking.

Chairman O'Hara asked them to review the signage for the road and asked them to consider a monument type sign, incorporating some elements from the building and some low impact LED lighting. The owners said they would and preferred the idea over what was in the plan.

Commissioner Lindstrom asked what they do with leftover pallets. They use some for reshipment and throw out the rest but they are stored inside, not outside on the lot. She also wanted to know how they remove the liquids they receive to mix or put into another vessel. Jake Axel explained that there are two holes in the drum which get opened up, a hose is placed inside and the liquid is pumped out.

Secretary Martin questioned a previous irrigation system and weather it exists on lot 4. Mr. Carboni said that it would have been a well dug by L&L for their irrigation system and he does not know if it has been properly abandoned but it will have to be per health code requirements. The owners added that this facility would be their only one and they would shut down their New York location and rent out that building for storage.

Planner Agresta wanted them to elaborate on comments from the ARB in regard to roof top units and mechanicals are shielded from view on Cambridge Drive. Jake Axel said that they don't believe they could be seen from Cambridge Drive because the building is set back but if the roof top units are they would be happy to screen them. Chairman O'Hara wanted to know who would decide if you could see it from the road to which the owners responded that staff would determine this and they agreed to screen it if necessary.

Planner Agresta reviewed the waiver that says they want to go to 1 to 1 slope from 1 to 2 in the area of the access driveway to lessen the impact on the wetlands. Mr. Carboni concurred. Planner Agresta also wanted confirmation of the proposed plan for a walk way from the building to the phase 2 parking lot which is a stripe 4 feet from the curb. The owners confirmed that is what they are proposing and all parties feel this is adequate. Lastly, Planner Agresta requested they add to the plan more landscaping and shielding of the front as that is the tallest part of the building.

Polling the commission hearing no objections, Chairman O'Hara closed the hearing.

The Commission recessed for a 5 minute break.

SITE PLAN REVIEW

8. SITE DEVELOPMENT PLAN

SDP-2014-12 – 731 Main Street, site improvements including reconstruction of stairs, removal of cupola, and construction of retention wall and pergola's, 731 Main Street, LLC

Planner Agresta listed Exhibits 1 through 9 for the record.

Mr. Howard Safan, principle of 731 Main Street introduced himself and his partner Joseph Grasso. They purchased this property at auction from TD Bank as a foreclosure. The property is 4 acres which has 26 thousand square feet of office space on it. They closed in October 2013 at which time they had 9 tenants and within 3 to 6 months they had 3 tenants on the property. This was a distressed property that hadn't been maintained in over 8 years and in retrospect they shouldn't have bought the property. Their goal is to make this a, "class A", property with tenants that the commission would be proud of. It is a beautiful piece of property with great potential and they have 4 potential tenants already. They are seeking to reconstruct the stairs, beautification of soft scape, construct Pergola's at the top of the stairs, replace all the roofs, remove the cupolas and replace or repair the site lighting.

Planner Agresta asked if the dumpster exists and where it is located. Mr. Safan said that the dumpster exists but it needs to be relocated. They have decided where it will be but need to provide an enclosure and agreed to provide the plans for such enclosure. Chairman O'Hara asked if they had ample parking. Both Planner Agresta and Mr. Safan responded yes, in fact they are in excess of what they require for parking spaces.

Planner Agresta was happy with the lighting plan and the proposed lights are dark sky compliant but suggested they look at a light with more of a crown top as opposed to the flat disk they had chosen. Mr. Safan explained that they chose that style to match their next door neighbors, the Electrical Union.

Engineer Schatzlein recommended a minimum bond of 2,500 as a follow up process with the minimal amount of sit work left.

Commissioner Lindstrom asked if their intentions for this building are for professional uses only and not for retail purposes. Mr. Safan said that it may be mixed but the majority of it would be for professional use as this building is built in 1,600 square foot pods. They are not interested in retail so they hope to have mostly professional space.

Secretary Martin said that Monroe is trying to have the lighting be more of a New England look to which Mr. Safan responded that they are going for more of a barn type look, Goose neck fixtures etc. and the plan will show all of that. Secretary Martin brought up signage and Mr. Safan said they would wait for the commission's recommendations on that and come up with a proposed plan for them.

Chairman O'Hara did a site visit to the current retail business and they have a 4' x 8' piece of plywood in front of the building and he suggested that the owners speak with him on that sooner rather than later before it becomes a problem. Mr. Safan said they intend to submit their signage plan to the commission as soon as possible so they can resolve that issue.

Polling the commission hearing no objections, Chairman O'Hara closed the site development plan.

DELIBERATIONS and DETERMINATIONS

10. PERMIT AMENDMENTS / MODIFICATIONS / EXTENSIONS

SUB-2014-01 – 2 Victoria Drive – time extension to meet conditions of approval

OWNER Kimball Development, LLC Kimball Land Holdings, LLC, John M. Kimball, Member
APPLICANT Kimball Development, LLC Kimball Land Holdings, LLC, John M. Kimball, Member
MOTION: **PORTER** -To grant a 90 day extension to Victoria Drive SUB-2014-01
SECOND: **QUINN**
Discussion: None
VOTE: 5-0-0 - Approve
Ayes **O'Hara, Porter, Martin, Quinn, Weinberg**
Nays None
Abstain None

SUB-2014-01 – 2 Victoria Drive – modification of approval conditions - Tabled

11. BOND RELEASES OR REDUCTIONS

MOTION TO APPROVE BOND RELEASE 04-03-SUB

MOTION: PORTER - To release bond 04-03-SUB Phase 1 of Pepper Street Business Park.
SECOND: QUINN
DISCUSSION: Engineer Schatzlein stated there were some items that were not completed from the original approval.
VOTE: 5-0-0 - Approve
 Ayes O'Hara, Porter, Martin, Quinn, Weinberg
 Nays None
 Abstain None

MOTION TO APPROVE BOND RELEASE 05-06-SUB

MOTION: PORTER - To release the bond 05-06-SUB Phase 2 of Pepper Street Business Park
SECOND: QUINN
DISCUSSION: None
VOTE: 5-0-0 - Approve
 Ayes O'Hara, Porter, Martin, Quinn, Weinberg
 Nays None
 Abstain None

MOTION TO APPROVE BOND RELEASE 05-13-SUB

MOTION: PORTER - To release the bond 05-13-SUB Phase 3 of Pepper Street Business Park
SECOND: QUINN
DISCUSSION: None
VOTE: 5-0-0 - Approve
 Ayes O'Hara, Porter, Martin, Quinn, Weinberg
 Nays None
 Abstain None

MOTION TO APPROVE BOND RELEASE 12-1-SUB

MOTION: PORTER - To reduce the bond for 12-1-SUB 1421 Monroe Turnpike to \$30,000.
SECOND: QUINN
DISCUSSION: There are still some items that need to be completed. There was a recommendation from Staff to reduce the 97,000 dollar bond amount to 30,000.
VOTE: 5-0-0 - Approve
 Ayes O'Hara, Porter, Martin, Quinn, Weinberg
 Nays None
 Abstain None

12. MEETING MINUTES - None

13. APPLICATION DELIBERATIONS/DETERMINATIONS

MOTION TO APPROVE RAA-2014-06

OWNER Town of Monroe
APPLICANT Planning and Zoning Commission
MOTION: LINDSTROM - To approve the approval letter for RAA-2014-06.
SECOND: QUINN
DISCUSSION: Chairman O'Hara briefly summarized the letter of approval.
VOTE: 5-0-0 - Approve
 Ayes O'Hara, Martin, Quinn, Flader, Lindstrom
 Nays None
 Abstain None

MOTION TO APPROVE SUB-2014-02, 65 HAMMERTOWN ROAD

OWNER Mary Jane Czesnowki
APPLICANT Jans Land Development, LLC
MOTION: QUINN - To approve SUB-2014-02, 65 Hammertown Road, Jans Land Development.
SECOND: FLADER
DISCUSSION: Planner Agresta briefly summarized the letter of approval.
VOTE: 5-0-0 - Approve
 Ayes O'Hara, Martin, Quinn, Flader, Lindstrom
 Nays None
 Abstain None

SDP-2014-12 – 731 Main Street

Chairman O'Hara recapped the proposal made by Mr. Safan. The commission deliberated on the proposed lighting styles. Chairman O'Hara asked Engineer Schatzlein if the 2,500. bond was necessary and he explained it was minimal but forces the finalization of the project. Ultimately, the commission decided to pass on the bond. Engineer Schatzlein brought up his comments about taking the word proposed off the plan, they agreed to do the line striping, stop bar and stop sign and the plans showing the removal of the cupola and the roof railings they are putting on. Lastly, Commissioner Weinberg stated that this property was in dire need of someone to step in and within reason the commission should be as flexible as possible so it can get done. The commission recommended a letter of approval be drafted.

SEP-2014-14 – 496 Pepper Street & 50 Cambridge Drive

The commission was in agreement on the gate and plantings at the entrance of lot 3, the idea of a monument sign, no outdoor storage and the parking waiver. They discussed that the applicants must combine the lots and will make it a condition of approval.

They discussed the applicant's willingness to screen the roof top units and they would make a condition that they provide the commission with a simple drawing that says that it's not visible but will be inspected so that if any adjustments need to be made they would be.

Commissioner Weinberg said that the 2 to 1 slope in the plan would encroach more on the wetlands and that they should approve the 1 to 1 slope waiver. The commission agreed and will vote on it later. They approved the stripe for the walk way as proposed. In regard to the additional landscaping in the front of the building the majority of the commission did not feel it was necessary as the building is set off the road and is an attractive building. In addition, they did not want to have the applicant draw up a new set of plans just to move the planting beds and add landscape. It was decided that what the applicant's initially proposed for this would be fine. Engineer Schatzlein discussed survey #2 which the applicant agreed to, the loading for phase 2 is ok, the grading, the lighting that they already did needs to be on the plan and he had a 26,000 bond. Chairman O'Hara brought up the letter to the applicant from Aquarion Water Co. and the commission deemed it to be inaccurate under the circumstances. It was decided that in the letter of approval they will include the measures that the applicant is taking to satisfy the issues that the water company has. The commission recommended a letter of approval to be drafted.

OTHER BUSINESS

14. REGULATIONS REVIEW/AMENDMENT WORK SESSION

The commission will meet; weather permitting, on 1/26/2015

15. CORRESPONDENCE/OTHER RECEIVED

Chairman O'Hara offered a workshop to attend if anyone was interested.

16. COMMISSIONER'S REPORTS

- Chairman's Report - He sat in court for 3 hours for the Walmart hearing and judge Galardi has 120 days to render a decision. The commission won the McDonald's hearing.
- Commissioner's Reports – None
- Land Use Staff Reports – None
- Discussion of application submission copies – Planner Agresta discussed how they receive the applications and wanted to know how best to deliver them to the commissioners. To date they have just been available in the office and the commission agreed that works best for them. The question is should they force the applicant to make available 10 copies of something that is extremely extensive and the commission may not need all that information.

Engineer Schatzlein proposed the applicant provide a narrative that describes what is available. The commission agreed that they want full size plans, 24x36, so they can read them. Secretary Martin would like to promote the applicant's to come to them with fully completed applications. The commissioners were in agreement but understand that that can't always be the case.

17. MEETING AJOURNMENT

With no objections, Chairman O'Hara adjourned the meeting at 10:06 pm.

Respectfully submitted,
Carol Re, Recording Secretary In-Training



Town of Monroe Planning and Zoning Commission
7 Fan Hill Road, Monroe, CT 06468
Phone (203) 452-2812 – Fax (203) 261-6197

APPROVAL
ZONING REGULATIONS TEXT AMENDMENTS
B-1 and B-2 DISTRICT USES

RAA-2014-06 – File #971E

January 22, 2015
Effective February 2, 2015

WHEREAS, the Monroe Planning and Zoning Commission (hereinafter “Commission”) is considering text amendments to the Zoning Regulations (“zoning text amendments”) as proposed by Commission which would expand the permitted and special exception permit uses allowed in the Business District 1 (B-1) and Business District 2 (B-2), equal to that of the Limited Office Retail (LOR) District; and

WHEREAS, on December 5, 2014, pursuant to CGS §3i, written notice and a copy of the proposed zoning text amendments were referred to the Commissioner of Public Health and the Aquarion Water Company of Connecticut, to which no adverse responses were received; and

WHEREAS, on December 5, 2014, pursuant to CGS §8-3b, written notice and a copy of the proposed zoning text amendments were referred to the following regional planning agencies: Council of Governments of the Central Naugatuck Valley, Greater Bridgeport Regional Council, Housatonic Valley Council of Elected Officials and Valley Council of Government, to which no adverse responses were received; and

WHEREAS, on December 5, 2015, pursuant to CGS §8-7d(f), written notice and a copy of the proposed zoning text amendments were referred to the following abutting municipalities: Oxford, Easton, Newtown, Shelton and Trumbull, to which no adverse responses were received; and

WHEREAS, the Town of Newtown, by correspondence dated December 19, 2014, indicated that “the Town of Newtown Planning and Zoning Commission discussed the proposed zoning text amendments and voted to recommend its approval.” It was also indicated that the proposed amendment “meets with the Town of Newtown Plan of Conservation and Development;” and

WHEREAS, on December 5, 2014 a copy of the proposed zoning text amendments were filed in the office of the Monroe Town Clerk; and

WHEREAS, the Commission, pursuant to CGS §8-7d has considered the proposed zoning text amendments at a duly noticed public hearing opened and closed on January 8, 2015, at which time all interested persons were afforded an opportunity to be heard; and

WHEREAS, notice of the above noted public hearing was duly filed with the Monroe Town Clerk on December 17, 2014, and was published in the Monroe Courier on December 24 and 31, 2014;

NOW THEREFORE BE IT RESOLVED, that the Commission at a meeting held on January 22, 2015, upon motion by CATHLEEN LINDSTROM and seconded by BRIAN QUINN, following deliberations conducted on January 8 and 22, 2015, voted FIVE (5) in favor and NONE (0) in opposition to **approve** the attached text amendments to the Zoning Regulations, Chapter 117 of the Code of the Town of Monroe, as follows:

<i>Vote:</i>	<u>PATRICK O'HARA</u>	<u>AYE</u>
	<u>KAREN MARTIN</u>	<u>AYE</u>
	<u>BRIAN QUINN</u>	<u>AYE</u>
	<u>JANE FLADER (seated)</u>	<u>AYE</u>
	<u>CATHLEEN LINDSTROM (seated)</u>	<u>AYE</u>

For the Commission:



Patrick O'Hara, Chair

BE IT FURTHER RESOLVED, that the Commission, consistent with CGS §8-2 and §8-3 hereby finds that the proposed zoning text amendments are consistent with the goals and recommendations of the 2010 Town of Monroe Plan of Conservation and Development (POCD), as follows:

- The text amendments will further the goals and recommendations of the POCD by providing potential increased economic development opportunities through greater diversity of permitted uses in the Business Districts;
- No significant adverse environmental impacts are anticipated due to the adoption of the zoning text amendments; and

BE IT FURTHER RESOLVED, that the Commission hereby authorizes the publishing of a Notice of Decision consistent with the requirements set forth in CGS §8-3(d); and

BE IT FURTHER RESOLVED, that a copy of the adopted zoning text amendments and an original signed copy of this approval document shall be recorded in the Monroe Land Records, and copies thereof showing all marks of recording shall be filed in the office of the Planning and Zoning Department; and

BE IT FURTHER RESOLVED, that the adopted zoning text amendments shall become effective upon their authorized recording on the Monroe Land Records and publication of a Notice of Decision, but no sooner than February 2, 2015; and

BE IT FURTHER RESOLVED, that the Planning and Zoning Department is hereby authorized to revise the official Zoning Regulations of the Town of Monroe to include the adopted zoning text amendments upon the completion of recording and publication noticing as required herein above.

ARTICLE 4 NONRESIDENTIAL DISTRICTS

§4.1 Business District 1 (B-1)

§4.1.1 Application of Provisions

The standards, regulations and requirements as set forth in §4.1 shall apply to the alteration and use of land, buildings and other structures, and the location and bulk of buildings and other structures in any lands classified as Business District 1 ("B-1 District").

§4.1.2 Principal Permitted Uses

The following uses are permitted as principal uses in a B-1 District subject to Site Plan review and approval by the Commission, except detached single-family dwellings as permitted in Subsection A:

- A. Any residential use lawfully existing on the effective date of these Regulations, but expressly prohibiting alterations or enlargements that will provide a greater number of dwelling units.
- B. Retail.
- C. Personal services.
- D. General and professional offices.
- E. Medical and dental offices.
- F. Restaurants.
- G. Banks.
- H. Brew pub.
- I. Town of Monroe governmental buildings, uses and facilities.

§4.1.3 Special Exception Uses

The following uses are permitted by a Special Exception Permit in a B-1 District according to the procedures and standards as set forth in Article 8 of these Regulations:

- A. Hospitals and similar institutions.
- B. Veterinary hospitals.
- C. Laundries, dry cleaners, spas, pet groomers and similar high water uses.

- D. Business Services.
- E. Hotels and motels.
- F. Indoor recreation facilities.
- G. Nightclubs.
- H. Indoor theaters for stage or movie presentation.
- I. Research and development laboratories.
- J. Public utility facilities provided that no more than fifteen percent (15%) of its cubic foot area is located above ground.
- K. Schools, including preschools and nursery schools.
- L. Child day care centers.
- M. Adult day care centers.
- N. Accessory drive-through and/or exterior service windows for uses as deemed appropriate by the Commission.
- O. Any use similar to the specific uses listed in this section in the type of establishment, goods or services offered, traffic generated, extent of outdoor or open storage of materials, goods or equipment and the effects on the neighborhood, but specifically excluding donation collection containers and structures, or premises for the purpose of rental or sale of area for storage of goods, possessions or similar not associated with a business use. The provision of commercial storage area for public use is prohibited.

§4.1.4 Accessory Uses

Accessory uses, buildings or structures customarily incidental to a principal use are allowed in a B-1 District, including:

- A. Mechanical and/or electronic amusement devices not to exceed two (2) per premises and located in a manner that their installation or use shall not constitute a hazard to public safety.
- B. The manufacturing, processing or assembling of goods and materials only when clearly incidental and accessory to a permitted principal retail use on the premises.
- C. Seasonal or special sales events provided that they occur not more than twice in a six (6) month period, but not within less than thirty (30) days of each event. Each sales event shall not exceed a period of nine consecutive calendar days. Such sales events are characterized as "sidewalk sales," "Christmas Tree sales," "holiday plant sales," "grand opening sales," "tent sales," and similar. Such accessory uses may be conducted provided that the following provisions are met, subject to review of the Zoning Enforcement Officer:

- (1) It is conducted by the owner(s) of the principal use(s) or business(s) on the premises.
 - (2) It is conducted on the premises on which the principal use(s) or business(s) are located.
 - (3) It is conducted during normal and reasonable business hours.
 - (4) The accessory use may use the front yard area but shall in no way encroach on any other yard requirement or on any road right-of-way.
 - (5) The accessory use and/or any temporary shelter or display fixtures shall be placed in such a manner as to not obstruct any vehicular line of sight or traffic control, any vehicular or pedestrian access or egress, or any parking or loading space required by these Regulations unless evaluated and accepted by the Commission.
 - (6) No sound systems shall be allowed.
- D.** A bar/cocktail lounge is permitted only as an accessory use to a restaurant; shall occupy a space separated from the dining room area; must be located within the structure; shall have a capacity not to exceed forty percent (40%) of normal dining room seating capacity, and a standup bar with or without stools. Live entertainment, including customer dancing, is permitted.
- E.** Outdoor storage of materials related to commercial uses:
- (1) All materials to be stored outdoors shall be directly related to the principal use on the site.
 - (2) Outdoor storage must comply with the bulk requirements of the underlying zoning.
 - (3) The outdoor storage area shall not exceed twenty percent (20%) of the gross floor area of the principal building.
 - (4) Outdoor storage shall not interfere with site access or on-site circulation of vehicles.
 - (5) Materials must be stored in an orderly fashion and properly secured.
 - (6) Outdoor storage areas must be screened from adjoining properties and must conform to landscaping and screening requirements of these Regulations.
 - (7) The limit or area of approved outdoor storage shall be physically delineated, controlled and contained by buildings, structures, fencing, landscaping or a combination thereof.



Town of Monroe Planning and Zoning Commission
7 Fan Hill Road, Monroe, CT 06468
Phone (203) 452-2812 – Fax (203) 261-6197

APPROVAL
RESUBDIVISION
(SUB-2014-02 – File #1254C)
65 Hammertown Road
Assessor Map 117, Lot 10 – RF-2 District

Jans Land Development, LLC (applicant)
Mary Jane Czesnowski (owner)

January 22, 2015

Date of Approval	January 22, 2015
Final Plans to be Signed & Recorded	Within 90 days(*)
5-Year Expiration	January 22, 2020
	<i>(*) from expiration of appeal period</i>

WHEREAS, the Monroe Planning and Zoning Commission (Commission) is considering an application for a ten (10) lot resubdivision from Jans Land Development, LLC (applicant) and Mary Jane Czesnowski (owner), including dedication and conveyance of proposed public street parcel(s) and related easements, as well as dedication and conveyance of a separate approximately two (2) acre parcel of land known as 42 Fox Run as public open space, as detailed in the associated application materials, including:

Application:

- Application SUB-2014-02 – Subdivision 10-Lots, 65 Hammertown Road;
- Narrative;
- Neighbors List within 100-feet;
- IWC-2014-02 (File #851) Permit Approval, 06/25/14;
- Engineering Report, Spath-Bjorklund Associates, Inc., 12/30/13, revised 07/31/14;
- Stormwater Management Plan, Detention Report, Spath-Bjorklund Associates, Inc., 12/30/13, revised 04/16/14;
- Responses to ART Comments, Spath-Bjorklund Associates, Inc., 12/15/14 and 12/17/14;

Plans:

- Cover Sheet (1/22), Spath-Bjorklund Associates, Inc, 02/25/14, revised 12/15/14;
- Existing Conditions Plan (topographic survey) (2/22), Lewis Associates, 01/30/14, revised 12/15/14;
- Resubdivision Map (3/22), Lewis Associates, 01/30/14, revised 12/15/14;
- Open Space Dedication (4/22), Lewis Associates, 01/30/14, revised 12/15/14;
- L-1 – Layout Plan (5/22), Spath-Bjorklund Associates, Inc, 06/04/13, revised 12/15/14;
- -1 – Site Plan (6/22), Spath-Bjorklund Associates, Inc, 06/04/13, revised 12/15/14;
- S-2 – Site Plan (7/22), Spath-Bjorklund Associates, Inc, 06/04/13, revised 12/15/14;
- S-3 – Site Plan (8/22), Spath-Bjorklund Associates, Inc, 06/04/13, revised 12/15/14;
- E-1 – Erosion Control Plan (9/22), Spath-Bjorklund Associates, Inc, 06/04/13, revised 12/15/14;
- E-2 – Erosion Control Plan (10/22), Spath-Bjorklund Associates, Inc, 06/04/13, revised 12/15/14;
- P-1 – Plan and Profile (11/22), Spath-Bjorklund Associates, Inc, 09/03/13, revised 12/15/14;
- P-2 – Plan and Profile (12/22), Spath-Bjorklund Associates, Inc, 09/03/13, revised 12/15/14;
- SLP-1 – Line of Sight Plan and Profile (13/22), Spath-Bjorklund Associates, Inc, 06/03/14, revised 12/15/14;
- SLP-2 – Line of Sight Plan and Profile (14/22), Spath-Bjorklund Associates, Inc, 11/18/14, revised 12/15/14;
- LP-3 – Driveway Sight Line Plan (15/22), Spath-Bjorklund Associates, Inc, 11/18/14, revised 12/15/14;
- SLP-4 – Driveway Sight Line Plan (16/22), Spath-Bjorklund Associates, Inc, 11/18/14, revised 12/15/14;
- SLP-5 – Driveway Sight Line Plan (17/22), Spath-Bjorklund Associates, Inc, 11/18/14, revised 12/15/14;
- PL-1 – Detention Basin Planting Plan (18/22), Spath-Bjorklund Associates, Inc, 06/04/13, revised 12/15/14;
- PL-2 – Planting Plan (19/22), Spath-Bjorklund Associates, Inc, 06/04/13, revised 12/15/14;
- D-1 – Details (20/22), Spath-Bjorklund Associates, Inc, 06/04/13, revised 12/15/14;
- D-2 – Details (21/22), Spath-Bjorklund Associates, Inc, 06/04/13, revised 12/15/14;
- A-1 – Alternate Layout Plan, Spath-Bjorklund Associates, Inc, 11/12/14, revised 12/15/14; and

WHEREAS, in the course of the review of the application, the Commission has noted the following:

- The resubdivision parcel consists of approximately 24.8712 acres and includes approximately 429 linear feet of street frontage on Hammertown Road, as well as approximately 91.46 feet of street frontage (quickly reducing to 50 linear feet within the parcel) on Wheeler Road, the latter of which is not proposed to be accessed but rather encumbered by a proposed protective “Conservation Easement;”
- The subject property is located in a Residential and Farming District 2 (RF-2) and includes an existing single-family residence, pool and a detached garage building;
- The proposed 10-lots would consist of the following:
 - Lot 1 – 2.0017 acres;
 - Lot 2 – 2.0003 acres;
 - Lot 3 – 2.0109 acres;
 - Lot 4 – 2.0005 acres;
 - Lot 5 – 2.0008 acres;
 - Lot 6 – 2.0061 acres, including the proposed temporary cul-de-sac;
 - Lot 7 – 4.5159 acres;
 - Lot 8 – 2.0689 acres;
 - Lot 9 – 2.0003 acres, including the existing house and a proposed stormwater basin;
 - Lot 10 – 2.6165 acres, including a proposed stormwater basin;
- The property is not within a protected public watershed area and is not within 500 feet of a Town border, nor does it include areas of 100-Year or 500-Year Floodplain;
- Portions of the site include regulated wetlands and associated 100-foot upland review area;

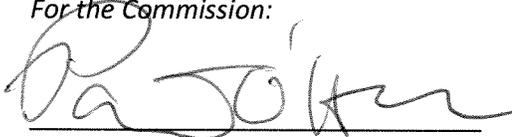
- Private individual subsurface sewage disposal systems and individual water supply wells are proposed on each lot (public water is indicated as being located more than 1,600 feet away);
- According to the Trumbull Monroe Health District (correspondence dated October 20, 2014) *“The soils on site are suitable and meet the technical standards for subsurface sewage disposal systems...The majority of the lots will require additional soil testing. (Deep test pits and perc tests)...formal engineered plan review must be conducted...for each lot...The lots are to be served by private wells...Relocating sections of the existing septic system for Lot 9 [existing house] would require test work...and evaluation of its present condition...new leaching fields would most likely have to be installed;”*
- The application includes construction and conveyance of a dedicated public road within a 50-foot right-of-way parcel (including widening of the abutting Hammertown Road right-of-way) providing sole access to each of the proposed lots, extending approximately 1,385 linear feet and terminating in a temporary cul-de-sac, which proposed road right-of-way extends to the southerly property line to permit future extension into an abutting parcel (Assessor Map 117, Lot 21) to the south;
- Drainage Easements associated with two (2) proposed surface stormwater quality and detention control basins are proposed to be conveyed to the Town of Monroe, noting that portions of individual lot stormwater improvements would also be connected to these basins.
- October 21, 2014 review comments by the Fire Marshal indicate *“Due to the lack of public water in this area, an underground fire cistern will be required fire protection. A cistern would consist of an underground tank with a minimum of 10,000-12,000 gallons of water capacity.”* The Fire Marshal subsequently indicated via correspondence dated January 8, 2015 that a preferred option instead would be to install a dry hydrant within the existing wetlands (pond area) on the site; noting however, that such would require resubmission to the Inland Wetlands Commission for modification of the issued Wetland Permit;
- Protective Conservation Easements are proposed over portions of proposed Lots 2 and 3 (totaling approximately 0.8170 acres), and proposed Lots 7, 8 and 10 (totaling approximately 2.8 acres), substantially including and intended to protect site wetlands from future disturbances;
- A separate existing land locked parcel (Assessor Map 92, Lot 45) consisting of approximately 2.0 acres (equaling approximately 8% of the subject property acreage) is proposed to be conveyed to the Town as an offsite “open space” public land reservation;
- A Wetland Permit for proposed activities and disturbances within regulated wetland upland review areas of the site have been authorized pursuant to a Wetland Permit as obtained from the Inland Wetlands Commission (IWC-2014-02, File #851, approval dated June 25, 2014);
- The proposal includes the following requested waivers:
 - Reduced road pavement width from 32 feet to 28 feet. The intent of the requested waiver is to minimize road disturbance and associated environmental impacts (impervious surface generating additional stormwater runoff in need of treatment);

- Modification of temporary cul-de-sac configuration from a centered turnaround to an off-set design with an increased pavement width of 50 feet instead of 40 feet. The intent of the waiver is to reduce impacts to regulated wetlands upland review area;
- Provision of non-contiguous open space conveyance to the Town of an approximately 2.0 acre land locked parcel, connecting two other existing Town owned parcels (226 Guinea Road, consisting of 19.02 acres known as Communications Park; and 16 Cheryl Drive, consisting of 5.36 acres); and

WHEREAS, the Commission has considered the proposed Resubdivision Application at a duly noticed public hearing, which hearing was opened and closed on January 8, 2015 (notice of hearing was filed with the Town Clerk on December 1, 2014, and was published in the Monroe Courier on December 4 and 11, 2014);

NOW THEREFORE BE IT RESOLVED, that the Commission, in accordance with §111-202 of the Subdivision of Land Regulations, hereby finds that proposed Resubdivision Plan, associated development plans and accompanying certificates, documents and data conform to the requirements of the Land Subdivision Regulations; and

BE IT FURTHER RESOLVED, consistent with Connecticut General Statutes (CGS) §8-25 and the Monroe Land Subdivision Regulations, the Commission at a meeting held on **January 22, 2015**, upon motion by **BRIAN QUINN** and seconded by **JANE FLADER**, following deliberations conducted on **January 8 and 22, 2015**, voted **FIVE (5)** in favor and **NONE (0)** in opposition to **Approve** the proposed resubdivision application, subject to modifications as set forth below, as follows:

<i>Vote:</i>	PATRICK O'HARA	AYE	<i>For the Commission:</i>
	KAREN MARTIN	AYE	
	BRIAN QUINN	AYE	
	JANE FLADER (seated)	AYE	
	CATHLEEN LINDSTROM (seated)	AYE	

BE IT FURTHER RESOLVED, that this Approval only relates to the resubdivision and related improvements as described in the application and as shown on the Final Resubdivision Plans as subsequently signed by the Commission Chair; and

BE IT FURTHER RESOLVED, that the Commission hereby authorizes the publishing of a Notice of Decision consistent with the requirements set forth in CGS §8-26(d); and

BE IT FURTHER RESOLVED, that the Commission hereby approves of the name of the subdivision road as *Whitetail Drive*; and

BE IT FURTHER RESOLVED, based on the submitted map of surrounding open space resources, none except one area is nearby, and the parcel of open space nearby is small and relatively isolated to itself. Onsite open space would also be relatively small and isolated. As such, the dedication of onsite open space or open space trails does not appear to be warranted or beneficial to the larger Town community. Instead, the Commission hereby finds acceptable, in lieu of onsite reservation, the proposed offsite open space dedication subject to the conditions as set forth below; and

BE IT FURTHER RESOLVED, that this Approval includes waiver of the following requirements of the Land Subdivision Regulations:

- Reduced road pavement width from 32 feet [§111-301(C)(3)] to 28 feet, finding said waiver will minimize road disturbance and associated environmental impacts (impervious surface generating additional stormwater runoff in need of treatment);
- Modification of the temporary cul-de-sac configuration from a centered turnaround [Standard Specifications] to an off-set design, finding said waiver will avoid impacts to regulated wetlands upland review area by shifting the location beyond the limits of the regulated area;
- To the extent a waiver is needed, the Commission finds acceptable the conveyance to the Town of the non-contiguous open space parcel consisting of an approximately 2.0 acre land locked parcel connecting two other existing Town owned parcels (226 Guinea Road, consisting of 19.02 acres known as Communications Park and 16 Cheryl Drive, consisting of 5.36 acres) in satisfaction of the requirement for the reservation of open space [§111-303], as conditioned herein;
- To the extent a waiver is needed, the Commission finds acceptable the alternative landscape treatment in lieu of soldier coursing of street trees [§111-310], as conditioned herein; and

BE IT FURTHER RESOLVED, that the requested wavier to increase the subdivision road turnaround pavement radius to 50 feet is not necessary because 50 feet is the minimum radius required pursuant to §111-301(C)(5) of the Land Subdivision Regulations;

RESUBDIVISION APPROVAL MODIFICATIONS

A. TO BE COMPLETED WITHIN 90 DAYS of EXPIRATION of APPEAL PERIOD

The following shall be completed within ninety (90) days of the expiration of the appeal period set forth in CGS §8-8, unless a written request for an extension is submitted by the applicant prior thereto (the Commission shall consider said request at its next available meeting, which may be past the date of expiration), or this Approval shall become null and void without further notice. If appealed, said ninety (90) days shall run from the termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant/owner. Failure to file and record the approved Resubdivision Plans within the prescribed time shall render this Approval null and void without any further written notice, except that the commission may extend the time for such filing for two (2) additional periods of ninety (90) days and the Resubdivision Approval shall remain valid until the expiration of such extended time.

1. Required Revision of the following Final Resubdivision Plans:

The applicant shall submit a **SINGLE (1)** complete set of Final Resubdivision Plans consisting of the following sheets (the plan set shall be full size 24"x 36", collated and bound) for review by the Planning and Zoning Department, revised as below:

- Cover Sheet (1/22)
- Existing Conditions Plan (topographic survey) (2/22)
- Resubdivision Map (3/22)
- Open Space Dedication (4/22)
- L-1 – Layout Plan (5/22)
- S-1 – Site Plan (6/22)
- S-2 – Site Plan (7/22)
- S-3 – Site Plan (8/22)
- E-1 – Erosion Control Plan (9/22)
- E-2 – Erosion Control Plan (10/22)
- P-1 – Plan and Profile (11/22)
- P-2 – Plan and Profile (12/22)
- SLP-1 – Line of Sight Plan and Profile (13/22)
- SLP-2 – Line of Sight Plan and Profile (14/22)
- SLP-3 – Driveway Sight Line Plan (15/22)
- SLP-4 – Driveway Sight Line Plan (16/22)
- SLP-5 – Driveway Sight Line Plan (17/22)
- PL-1 – Detention Basin Planting Plan (18/22)
- PL-2 – Planting Plan (19/22)
- D-1 – Details (20/22)
- D-2 – Details (21/22)
- A-1– Alternate Layout Plan

a. **General Plan Revisions**

- (1) The plans shall each be signed and sealed providing live (original signature and seal) certification thereof by the professional(s) responsible for the preparation of each sheet.
- (2) The plans shall each include a common revision date later than January 22, 2015.
- (3) The following signature block shall be added to each sheet with an original signature of the property owner and applicant:

The property owner and applicant acknowledge that all work as shown on these plans shall be completed as shown and in compliance with the Planning and Zoning Commission approval relating thereto, and in accordance with all applicable Town of Monroe Codes and Regulations, as well as all other applicable State and Federal laws, requirements and regulations.

Owner
Mary Jane Czesnowski
65 Hammertown Road
Monroe, CT 06468

Applicant
Jans Land Development, LLC
65 Hammertown Road
Monroe, CT 06468

b. **Resubdivision Map**

(1) The following notes shall be added:

- ***Reference is hereby made to the corresponding Wetland Permit as issued by the Monroe Inland Wetlands Commission (IWC-2014-02, File #851, approved on June 25, 2014) and corresponding Wetland Permit Plans on file with the Monroe Inland Wetlands Department.***
- ***Reference is hereby made to the corresponding Resubdivision Approval as issued by the Monroe Planning and Zoning Commission (SUB-2014-02, File #1254C, approved on January 22, 2015) and the corresponding Subdivision Construction Plans on file with the Monroe Planning and Zoning Department.***
- ***Road right-of-way Parcels 10 and 11 as shown hereon are to be conveyed to the Town of Monroe subject to and following its official acceptance by the Town of a suitably improved road within said right-of-way parcels consistent with the Monroe Planning and Zoning Commission approval of this Resubdivision.***
- ***Stormwater runoff retention shall be required in the form of storage of the volume of one inch of runoff from all impervious areas within each Building Lot shown hereon that will not be tributary to the roadway drainage system, noting that if the extent of impervious surface coverage ends up being greater than that shown on the approved and signed final Subdivision Constructions drawings (i.e., Sheets S-1, S-2, and S-3), then additional galleries or other storage measures may be required by the Town Engineer during the time of individual lot development (required to be calculated and shown on each Lot site development plan prior to procurement of a Zoning Permit or Building Permit for said Lot). It is also noted that the actual routing of runoff from the driveways does not need to be routed through the retention structure. The full contributory area used in the calculations to determine volume needed will compensate for needed retention via just the roof runoff in larger storms.***

- (2) The label referencing “Parcel 10” shall be relocated within the proposed right-of-way parcel and shall include its acreage.
- (3) The label referencing “Parcel 11” shall also include its acreage.
- (4) An Access Easement of sufficient area and adequate access from Whitetail Drive in favor of the Town and associated Fire Company shall be detailed for the required underground cistern storage tank, which shall have a minimum capacity of 10,000 to 12,000 gallons.
- (5) Sight Line Easements to be granted to applicable Resubdivision Lots shall be detailed.
- (6) An additional survey monument shall be provided and shown at the road right-of-way offset off the northeast corner of Lot 1.
- (7) Survey pins shall be provided and shown on all corners and/or changes of alignment of the Conservation Easements on Lots 2, 3, 7, 8, and 9.

- (8) The signature block for the Commission shall be eliminated (the Planning and Zoning Department will affix the Commission's signature block on the mylar directly).

c. **Sheets L-1, S-1, S-2 and S-3**

- (1) The following notation shall be added to each sheet: ***All public utility lines (electric, communications) shall be installed underground within conduit pipe, including lines crossing the street. The final location of all lines shall be coordinated with the Town Engineer consistent with the standards of §111-308 of the Land Subdivision Regulations.***
- (2) The location of the required underground fire cistern storage tank and respective dry hydrant with appurtenances shall be included, along with an associated sufficient access easement.
- (3) Only a single water supply well on each lot shall be shown, which well shall demonstrate compliance with both Trumbull Monroe Health District requirements and compliance with the applicable 100-foot separation per the standards set forth in §111-201(l) of the Land Subdivision Regulations.
- (4) Permanent Bench Marks shall be indicated at both ends of the roadway established on permanent roadway monuments and included as references on the final As-Built plan as required herein. These shall also be indicated on the Existing Conditions Plan.
- (5) Shoulder and off-shoulder roadway grading shall be revised in order to provide a minimum sight-line vertical clearance of 18 inches across all off road (non-paved) areas (particularly Lots 1 and 3).
- (6) The approximate location of underground power and communications mains shall be indicated or referenced.
- (7) The catch basins shall be numbered, or if the catch basins are not specifically numbered, then the stationing shall be indicated on all the plans.
- (8) A street light shall be provided and shown at the intersection of Hammertown Road and the new subdivision road.

d. **Sheets E-1 and E-2**

- (1) Additional siltation control fencing or hay bales shall be provided and shown in the following locations:
- Along the westerly edge of Hammertown Road;
 - Along the southerly edge of Whitetail Drive between Stations 0+50 to 2+00; and
 - Along the westerly streetline of Hammertown Road in the vicinity of CL&P Pole #20902.

e. **Sheets SLP-1 and SLP-2**

- (1) Considering the 30 mph design speed, a longer sight-line distance (as per CTDOT Highway Design Manual) shall be utilized (to be measured along the streetline in lieu of the hypotenuse as shown) to verify adequacy of sight lines for each respective Lot, subject to acceptance by the Town Engineer.

f. **Sheet SLP-4**

- (1) A profile of the sight-line for Lot 6, and a profile of Lot 5 looking to the right, shall be provided to verify that the future condition (when the road is extended) is adequate, subject to acceptable by the Town Engineer.

g. **Sheets PL-1 and PL-2**

- (1) The soldier course street tree plantings shall be modified with a streetscape landscape plan of commensurately equal planting, subject to acceptance by the Planning and Zoning Department. Said plan shall be designed to integrate and retain existing site vegetation with augmented plantings consisting of a mixed of evergreen and deciduous shade, and ornamental trees, and shrubs, and which provides screening of above ground utility boxes. Said plan shall also include a plant legend keyed to the individual plants, listing at minimum for each: scientific and common name, quantity, installation size, and root conditions.
- (2) The referenced plantings for the drainage swale on Lots 7, 8, and 10 shall be shown and detailed.
- (3) The label on Sheet PL-2 in relation to the drainage swale referencing “Note 17” shall be revised as Note 17 does not relate to “planting” procedures.

h. **Sheets D-1 and D-2**

- (1) Stormwater Pollution Control Plan Note #13 shall be revised to provide a designated location in coordination with the Monroe Town Engineer.
- (2) The Construction Sequence notes should be expanded to include identification of needed inspections by Town officials, and separately similar sequencing for the individual lot construction.
- (3) A construction detail of the underground fire cistern storage tank and related access and connection thereto shall be included, subject to specifications by the Fire Marshal.
- (4) A detail of the required street light at the intersection of Hammertown Road and the subdivision street shall be provided, subject to acceptance by the Planning and Zoning Department.
- (5) A detail of the proposed streetline survey monuments in compliance with the Town standards (include rebar) shall be included.

2. **Required Submission and Obtaining of Approval of Associated Legal Instruments:**

The applicant shall provide draft legal instruments to the Planning and Zoning Department pertaining to the following declarations, conveyances and easements, subject to acceptance by the Town Attorney:

- a. **Road Right-of-Way Conveyance Deed** including Whitetail Drive (Parcel 10), which includes widening of the existing Hammertown Road right-of-way, as well as an additional road widening parcel (Parcel 11), both parcels to be conveyed to the Town of Monroe.
- b. **Temporary Turnaround Easement** on Lot 6 to be conveyed to the Town of Monroe, which shall also address:
 - (1) Include a provision requiring the prior review and approval by the Commission for the relocation and/or abandonment of said easement or maintenance requirements.
 - (2) Include a provision requiring that all deeds of title associated with the affected Lots shall include reference to the eventual recorded legal instrument.
- c. **Underground Fire Cistern Storage Tank Access Easement** to be conveyed to the Town of Monroe and associated Fire Company, which shall also address:
 - (1) Include a provision requiring the prior review and approval by the Commission for the relocation and/or abandonment of said easement or maintenance requirements.
 - (2) Include a provision requiring that all deeds of title associated with the affected Lots shall include reference to the eventual recorded legal instrument.
 - (3) Include provisions for access, maintenance and periodic monitoring and testing of the cistern by the Town of Monroe and associated Fire Company personnel.
- d. **Drainage Easements** on Lots 9 and 10 to be conveyed to the Town of Monroe, which shall also address:
 - (1) Include a provision requiring the prior review and approval by the Commission for the relocation and/or abandonment of said easement or maintenance requirements.
 - (2) Include a provision requiring that all deeds of title associated with the affected Lots shall include reference to the eventual recorded legal instrument.
- e. **Drainage Easements and Maintenance Agreements** affecting Lots 7, 8 and 10 to be conveyed to the related lots, which shall also address:
 - (1) Include a provision stating that the Town shall not in any way be obligated to any cost, maintenance or liability associated with the use, maintenance or replacement of any improvements associated thereto now or in the future.

- (2) Include a provision also listing the Town of Monroe as a third party easement holder across Lots 7, 8, and 10 since the detention characteristics of the subdivision are dependent on the stone-lined drainage swale functioning properly, so that if the swale is not maintained properly, the Town would have the ability, but not the requirement to, step in, complete whatever work is needed, and charge the applicable property owner(s) a recovery fee or be subject to a lien.
 - (3) Include a provision requiring the prior review and approval by the Commission for the relocation and/or abandonment of said easement or maintenance requirements.
 - (4) Include a provision requiring that all deeds of title associated with the affected Lots shall include reference to the eventual recorded legal instrument.
- f. **Conservation Easements** on Lots 2 and 3, and on Lots 7, 8 and 10, both to be conveyed to the Town of Monroe, which shall also address:
- (1) Add the following provisions:
 - ***This Conservation Easement shall not be amended or abandoned without the written consent of the Town of Monroe and the prior approval of the Monroe Planning and Zoning Commission. Any amendment shall be consistent with the basic purposes of this Conservation Easement.***
 - ***Any subsequent conveyance, including, without limitation, transfer, lease or mortgage of the Premises, shall be subject to this Conservation Easement, and any deed or other instrument evidencing or effecting such conveyance shall contain language substantially as follows: "This [conveyance, lease, mortgage, easement, etc.] is subject to a Conservation Easement which runs with the land and which was granted to the Town of Monroe by instrument dated ____ and recorded in the office of the Monroe Town Clerk at Volume ____, Page ____." The failure to include such language in any deed or instrument shall not affect the validity or applicability of this Conservation Easement to such property. Grantor agrees to notify Grantee in writing at least thirty (30) days in advance of any such subsequent conveyance.***
 - ***Severability. Invalidation of any provision of this Conservation Easement by court judgment, order, statute, or otherwise shall not affect any other provisions, which shall be and remain in force and effect. Notwithstanding the foregoing, if any provision of this Conservation Easement shall be deemed invalid, unenforceable, or against public policy, the parties shall attempt to amend such provision in order to effectuate its intended purpose while curing such defect so that the intent and purpose of such provision may as readily as possible be carried out.***
 - (2) Expand the list of preclusions stated on Page 1 of the submitted sample draft instrument to also prohibit construction of **trails**.

- g. **Open Space Conveyance Deed and Survey Parcel Map** (42 Fox Run) to be conveyed to the Town of Monroe, which shall also address:

- (1) The applicant at its sole cost and expense shall provide a title insurance policy in an amount of \$200,000.00 insuring the Town of Monroe as the insured against any issues of title.
- (2) The applicant at its sole cost and expense shall provide an environmental report in regards to the open space property.

- h. **Temporary Slope Easements** on Lots 1 through 10 to be conveyed to the Town of Monroe, as well as to be retained by the owner as developer, which shall also address:

- (1) Include a provision requiring the prior review and approval by the Commission for the relocation and/or abandonment of said easement or maintenance requirements.
- (2) Include a provision requiring that all deeds of title associated with the affected Lots shall include reference to the eventual recorded legal instrument.

- i. **Sight Line Easements** on applicable Lots.

- (1) Include a provision also listing the Town of Monroe as a third party easement holder, so that if the sight line is not maintained properly, the Town would have the ability, but not the requirement to, step in, complete whatever work is needed, and charge the applicable property owner(s) a recovery fee or be subject to a lien.
- (2) Include a provision requiring the prior review and approval by the Commission for the relocation and/or abandonment of said easement or maintenance requirements, subject to prior receipt of a report by the Town Engineer.
- (3) Include a provision requiring that all deeds of title associated with the affected Lots shall include reference to the eventual recorded legal instrument.

3. **Required Posting of Financial Guarantee (“Bond”):**

- a. A **Financial Guarantee (“bond”)** in the amount of **\$670,000.00** shall be provided, which shall assure that all required resubdivision improvements shall be completed in compliance with the signed Final Resubdivision Plans and the site appropriately is stabilized following disturbance and site construction. The applicant shall also complete a properly executed **Bond Agreement**.
- b. The bond shall be in the form of cash (bank check), Letter of Credit, or surety bond, and all other applicable standards and requirements as set forth in §111-202 of the Land Subdivision Regulations, as may be amended from time to time.
- c. The required Bond Agreement shall remain in full force and effect until such time as the Commission authorizes its release and/or cancellation.

- d. Any changes in ownership of the resubdivision relating to bonded improvements shall comply with the requirements set forth in §111-202(C)(4) of the Land Subdivision Regulations, as may be amended from time to time.

4. **Recording and Filing of Final Approval Document, Plans and Legal Instruments:**

- a. Upon satisfactory revision of the **Final Resubdivision Plans** as required above, the applicant shall submit the following for authorized endorsement of same by the Commission Chair:

- **Two (2)** fixed line mylar copies of the Resubdivision Map – one (1) for subsequent recording in the Monroe Land Records and one (1) for filing with the Land Use Department; and
- **SEVEN (7)** complete sets of all Final Resubdivision Plans (Sheets 1 through 9) – Plan sets shall be full size 24"x 36", collated, bound and folded, **except ONE (1) set shall be rolled.**

- b. Upon satisfactory completion of Conditions **1 through 4a** above, the applicant shall complete all required recordings and filings as set forth below:

- (1) **Required Recordings.** The applicant at its sole cost and expense shall record the following in the Monroe Land Records in the Office of the Town Clerk; any recording of the below without the required endorsement of the Commission Chair or approval as required herein shall render this Approval, without further written notice, null and void:

- **Approval Document** – An original copy of this Resubdivision Approval document signed by the Commission Chair, as provided by the Planning and Zoning Department.
- **Final Resubdivision Map** – An original mylar copy of the approved Final Resubdivision Map signed by the Commission Chair, as provided by the Planning and Zoning Department.
- **Legal Instruments** – All associated legal Instruments, as approved per **Section A, Condition 2** above, except the conveyance deeds for the road and road widening parcels (Parcel 10 and Parcel 11), which shall be held until satisfactory acceptance of same as set forth in **Section F** below.

- (2) **Required Filings of Recordings.** The applicant at its sole cost and expenses shall file with the Planning and Zoning Department copies of the above recorded documents (Resubdivision Approval document, Final Resubdivision Map, and all associated legal instruments), showing all official markings of recording.

- (3) **Lot Sale or Lease.** No new lot shown on the approved Resubdivision Map may be sold or leased until the above recordings and filings have been completed as set forth herein.

B. PRIOR to COMMENCEMENT of ANY SITE WORK and PUBLIC IMPROVEMENTS

The following shall be completed prior to the authorized commencement of any site work, tree clearing, grading, or road and utility related construction:

1. All required recordings and filings as set forth in **Section A** above shall be confirmed as completed. This Approval does not authorize, or grant development or site improvements beyond that shown on the Final Resubdivision Map and Construction Plans.
2. A **Pre-Construction Meeting** shall be held with the applicant/owner and/or general contractor, engineer and architect as the case may be, and with the land use and building officials of the Town of Monroe. Additional construction meetings may be called as deemed necessary throughout construction.
3. All erosion and sedimentation controls, and temporary stormwater management controls consistent with the signed Final Resubdivision Plans shall be installed and functioning properly.

C. PRIOR to ISSUANCE of ANY INDIVIDUAL LOT ZONING or BUILDING PERMITS

The following shall be completed prior to the authorized issuance of any individual lot Zoning or Building Permit:

1. No individual Resubdivision lot vegetation clearing, site preparation, grading or construction shall commence prior to the issuance of a duly authorized Zoning Permit and Building Permit.
2. Prior to the authorized issuance of an individual lot Zoning Permit the following shall be provided to the Zoning Enforcement Officer (no Building Permit shall be issued prior to a Zoning Permit):
 - A satisfactorily complete application for a Certificate of Zoning Compliance, including associated engineered residential site plans.
 - A statement certification from the Town Engineer indicating installation of the binder course of pavement on Whitetail Drive has been satisfactorily installed.
 - A statement certification from the Fire Marshal indicating satisfactory installation and functioning of the fire cistern and associated dry hydrant and related appurtenances.
 - A duly issued individual lot Wetland Permit (if applicable).
 - A duly issued Driveway Permit.
 - A duly issued permit approval to install an individual lot water supply well. The location of any such well shall be confirmed for its specific compliance to the separation distances required pursuant to the Trumbull Monroe Health District (or any successor) and the applicable 100-foot separation per the standards set forth in §111-201(I) of the Land Subdivision Regulations.
 - A duly issued permit approval to install an individual subsurface septic disposal system.
3. Each respective Lot owner shall be responsible for obtaining all required approvals and permits from Federal, State and local agencies, and ensuring compliance thereto.

D. DURING CONSTRUCTION OF RESUBDIVISION PUBLIC IMPROVEMENTS and INDIVIDUAL LOTS

The following shall be addressed during the construction phase of the Resubdivision public improvements (including but not limited to road, utilities, stormwater, fire protection controls) and during the construction of any individual lot within the Resubdivision property:

1. There shall be no clearing, grading, removal of vegetation or other site construction inconsistent with that shown on the signed Final Resubdivision Plans, except reasonable field changes as approved by the land use and building inspection staff in consultation with the Town Planner and Town Engineer. Field changes may only be permitted where they do not substantively alter the intent or design of the approved Final Resubdivision Plans. All other changes require the prior review and approval of the Commission as a change pursuant to **Section H** below.
2. Significant field changes shall not be initiated by the applicant/owner or its representatives prior to their review and approval by the Commission as a change pursuant to **Section H** below.
3. The applicant/owner shall be responsible for the following:
 - Notifying the Planning and Zoning Department of changes in the status of ownership and/or contractor(s) and/or professional design or inspection consultants involved in the construction and/or subsequent facility operations associated with the Resubdivision;
 - Notifying any new owner and/or contractor(s) and/or consultants of all construction requirements including all job meeting notes and inspection notes produced up to the date of any such change in project related personnel;
 - Notifying and informing its contractors, employees, agents and assigns of their responsibility to comply with the modifications and requirements set forth in this Approval; and
 - Adherence with the standards and requirements as set forth in the aforementioned pre-construction meeting (Report of Pre-Construction Meeting) and any subsequent construction meetings and inspections.
4. All new or replacement utilities shall be installed underground in accordance with the Final Resubdivision Plans.
5. Erosion and sedimentation controls and temporary stormwater management measures shall be properly installed and maintained until construction is completed, and all disturbed areas have been stabilized. Said controls and measures shall be periodically inspected by the applicant, continually maintained throughout the construction phase and supplemented by the applicant to ensure their proper maintenance and functions. The Zoning Enforcement Officer, Building Inspector and Town Engineer, or their duly authorized representatives, may require additional controls as deemed necessary or appropriate based on changing site conditions during construction.
6. Appropriate measures shall be maintained at no cost or expense to the Town to ensure proper and safe snow removal so there is no plowed snow stored within travel lanes or connecting driveways, until the road is officially accepted by the Town or a duly executed **Hold-Harmless Agreement** with the Town is established pursuant to §111-202(H) of the Land Subdivision Regulations, as may be amended from time to time. Snow from individual lot driveways shall not be pushed into or across the street right-of-way.

7. All work subject to regulation and permit by the Inland Wetlands Commission shall be in compliance with Wetland Permit IWC-2014-02, File #851, approval dated June 25, 2014. Any amendments or changes affecting or altering the approved public improvements of the Resubdivision, as may be granted by the Inland Wetlands Commission subsequent to this Approval, shall require the prior review and approval by the Commission as a change pursuant to **Section H** below.

E. PRIOR to INDIVIDIAL LOT CERTIFICATE of ZONING COMPLIANCE / CERTIFICATE of OCCUPANCY

The following shall be completed prior to the authorized issuance of a ZEO Certificate of Zoning Compliance and a Building Department Certificate of Occupancy for any individual Resubdivision lot:

1. Occupancy and use of any lot improvements shall not be authorized until the applicant/owner obtains a permanent Certificate of Zoning Compliance and Building Department Certificate of Occupancy. It shall be the applicant's/owner's responsibility to coordinate and request all inspections and the issuance of said final certificates.
2. Prior to the authorized issuance of an individual lot Permanent Certificate of Zoning Compliance, the following shall be completed (no Building Department Certificate of Occupancy shall be issued prior to a Permanent Certificate of Zoning Compliance):
 - The individual driveway serving said lot shall be completed to the satisfaction of the Town Engineer and Department of Public Works.
 - All Wetland Permit related activities (if applicable) shall be completed.
 - All utilities serving the individual lot shall be connected and operational.
 - An individual water supply well shall be installed, connected and operational, which well shall comply with all applicable separation distances. Written acceptance by the Trumbull Monroe Health District (or any successor) of the installation and use shall be provided.
 - The individual subsurface sewage disposal system shall be installed, connected and operational, which system shall comply with all applicable separation distances. Written acceptance by the Trumbull Monroe Health District (or any successor) of the installation and use shall be provided.
 - All disturbed areas shall be stabilized and all erosion controls removed.

F. PRIOR to ACCEPTANCE OF PUBLIC IMPROVEMENTS

The following shall be completed prior to the authorized acceptance of completed Resubdivision public improvements or release of final bond:

1. All public improvements according to the Final Resubdivision Plans shall be completed and operational, including but not limited to all road and utility improvements, associated stormwater improvements, required street light installation at intersection of Hammertown Road, associated Wetland Permit activities and mitigation measures, streetscape plantings, stabilization and revegetation (landscaping) of all disturbed areas in accordance with the Final Resubdivision Plans as endorsed by the Commission Chair and the standards of the Land Subdivision Regulations.

2. Inspections of said improvements shall be performed by the applicant’s design professional who shall be licensed State of Connecticut professional engineer, and a report certifying the acceptable completion of said improvements shall be provided accompanied by a “Final As-Built Plan” including a second copy of same superimposed on the original approved layout plan (to be shown in red or varied shading) and including adequate information to verify that all work is completed in compliance with this Approval, in quantities as specified by the Planning and Zoning Department. All professional certifications shall also be consistent with the standards and requirements set forth in §111-108 of the Land Subdivision Regulations, as may be amended from time to time.
3. All disturbed areas shall be stabilized and all erosion controls removed. The site shall be clean of construction related equipment, materials and debris.
4. An applicant/owner executed roadway conveyance deed(s) to the Town pertaining to Parcel 10 and Parcel 11 as shown on the Resubdivision Map shall be provided for recording on the Monroe Land Records, subject to acceptance by the Town Attorney. The Town Attorney shall coordinate with the Planning and Zoning Department, the Commission, Town Council, the Town Engineer, and the applicant/owner in regard to the process of road acceptance and recording of said deed(s).
5. A Certificate of Substantial Completion shall be obtained from the Town Engineer.
6. Upon satisfactory completion of the above:
 - The Commission shall consider issuance of a recommendation to the Town Council of acceptance of the Resubdivision public improvements and eligibility of final release of any bond pursuant to **Section G** below.
 - The Town Council shall not accept the Resubdivision public improvements prior to issuance of a written recommendation relating thereto by the Commission, or between October 31 and April 1.

G. PRIOR TO PARTIAL OR FINAL RELEASE OF FINANCIAL GUARANTEE (BOND)

The following shall be completed prior to the authorized partial or full release of any Financial Guarantee (Bond):

1. Submission of a written request for either partial or final release of bond, including a commensurate As-Built Plan detailing and certifying completed improvements relating to such partial or final release request shall be provided.
2. Submission of a statement, with live signature and seal of the applicant’s professional engineer, licensed in the State of Connecticut, certifying conformance as set forth in §111-202(F)(2) and (3) of the Land Subdivision Regulations, as may be amended from time to time.
3. The installation of survey markers (iron pins at all property corners, and concrete monuments at all changes in alignment or points of curvature along the property/streetline frontage) shall be shown and verified on the required As-Built Plan.

4. All related requirements as set forth and agreed to as part of the preconstruction conference, and any subsequent construction meeting or inspection shall be completed.
5. Verification through inspection shall be provided that all related drainage facilities (including drainage ditches/swales) are clean, and in proper condition and working order.
6. All related construction shall be completed; related disturbed areas stabilized; and related siltation and erosion control measures removed.
7. **Partial Release of Bond** - Shall be processed pursuant to the standards set forth in §111-700 of the Land Subdivision Regulations, as may be amended from time to time.
8. **Final Release of Bond** – Shall be processed pursuant to the standards set forth in §111-701 of the Land Subdivision Regulations, as may be amended from time to time, and shall be conditioned upon the following:
 - Formal Town Council acceptance of the Resubdivision Road (and associated stormwater improvements) and other related Resubdivision public improvements.
 - Acceptance and recording of associated conveyance deeds and easements, including provision of copies of such recordings showing all official marks of recording.
 - Posting of a **Maintenance Bond** and signing of a **Maintenance Contract** pursuant to the standards set forth in §111-702 of the Land Subdivision Regulations, as may be amended from time to time.
9. **Release of Maintenance Bond** – Shall be processed pursuant to the standards set forth in §111-703 of the Land Subdivision Regulations, as may be amended from time to time.

H. ACCEPTANCE / CHANGES / COMPLIANCE / EXPIRATION

1. **Applicant/Owner Acceptance.**
 - a. All representations by the applicant and their representatives in the presentation of the Resubdivision Application and discussion reflected in the public hearing record shall be binding upon this Approval and are incorporated herein by reference, except to the extent as may have been modified herein by the Commission in the issuance of this Approval.
 - b. This Approval and all required modifications and requirements specified herein shall be binding in perpetuity upon the applicant/owner, and any heirs, assigns and/or successors, as well as the subject property and premises (lots), unless otherwise amended by a subsequent act of the Commission.
 - c. The acceptance of this Approval by the applicant/owner shall be evidenced by the completion of the required recordings and filings set forth herein, indicating the applicant's/owner's agreement that said Approval is contingent upon strict compliance with Town Regulations and all modifications and requirements set forth herein and on the Final Resubdivision Plans.

2. **Changes.** Any additions or changes to the approved activities, the plans, the site or the land use activities and site improvements, systems or facilities thereon, shall require the prior review and written approval of the Commission. All related permits and approvals shall be maintained as current throughout the duration of permitted use.
3. **Approval Compliance.** Failure to maintain compliance with any specified requirement of this Approval shall constitute a violation of the terms of this Approval and a violation of the Zoning Regulations and/or Subdivision of Land Regulations enforceable and subject to any and all remedies prescribed by applicable State and local laws, including but not limited to the ordered suspension of the use of the premises in full or part until such time as the failure or noncompliance has been satisfactorily resolved, and/or the revocation of said Approval or the revocation of any issued Zoning or Building Permits or Certificate of Zoning Compliance or Certificate of Occupancy.
4. **Expiration.** This Approval shall expire and be null and void without further written notice **five (5) years** from the date of this Approval (**expiration date of January 22, 2020**), unless an extension as may be granted by the Commission is obtained, not to exceed an additional period of **one (1) year**. Any request for an extension shall be submitted to the Commission in writing a minimum of **forty-five (45) days** prior to the expiration date for which an extension is requested and shall state the reasons and circumstances for the requested extension, and shall include assurance acceptable to the Commission that any bond obligation will be covered by the extension period. In considering any such request, the Commission may require a public hearing.