

**PLANNING and ZONING COMMISSION
Monroe, Connecticut**

**AMENDED MEETING MINUTES
FEBRUARY 5, 2015**

- Meeting:** Planning and Zoning Commission
Regular Meeting – February 5, 2015
7 Fan Hill Road, Town Hall, Council Chambers
- Present:** Chairman Patrick O’Hara
Vice Chairman William Porter
Commissioner Jim Weinberg
Commissioner Brian Quinn
Commissioner Pedro Villanueva (alternate)
- Absent:** Secretary Karen Martin
Commissioner Dave Townson
Commissioner Cathleen Lindstrom (alternate)
Commissioner Jane Flader (alternate)
Scott Schatzlein, Land Use Group Director/Town Engineer
- Also Present:** Will Agresta, Planning and Zoning Administrator
Amy Guerra, Recording Secretary

OPENING of MEETING

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chairman O’Hara called the meeting to order at 7:00 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. Commissioner Villanueva was seated.

3. GENERAL PUBLIC PARTICIPATION – None

4. GENERAL APPOINTMENTS – None

PUBLIC HEARINGS

5. SUBDIVISION/RESUBDIVISION

SUB-2014-03, File #1255C – 36 Timothy Hill Road – Industrial 5 lot Subdivision

Chairman O’Hara stated that this item was adjourned on January 22, 2015 and has been rescheduled to be reconvened at the request of the applicant to the February 19, 2015 meeting.

6. SPECIAL EXCEPTION PERMIT

SEP-2014-13, File #1549A –462, 464, 466 & 470 Main Street – Construction of commercial building for retail and office use

Chairman O’Hara stated that this item has been postponed at the request of the applicant to the February 19, 2015 meeting.

SITE PLAN REVIEW

7. SITE DEVELOPMENT PLAN – None

DELIBERATIONS and DETERMINATIONS

8. PERMIT AMENDMENTS / MODIFICATIONS / EXTENSIONS

SEP-2014-08, File #1544A – 707 Monroe Turnpike, Saint Jude Church – Time Extension

OWNER: St. Jude Roman Catholic Church
APPLICANT: St. Jude Roman Catholic Church
MOTION: Porter – To grant a 90 day extension to meet the conditions of approval.
SECOND: Quinn
DISCUSSION: None
VOTE: 5-0-0 – Approve
Ayes O’Hara, Porter, Martin, Quinn, Weinberg, Villanueva
Nays None
Abstain None

9. BOND RELEASES OR REDUCTIONS – None

10. MEETING MINUTES

MEETING MINUTES 11/20/14

Tabled

11. APPLICATION DELIBERATIONS/DETERMINATIONS

SEP-2014-14, File #1548A – 496 Pepper Street , 50 Cambridge Drive for Axel Plastic

OWNER: Cambridge Drive RE, LLC

APPLICANT: Cambridge Drive RE, LLC

MOTION: Porter – To approve Special Exception Permit SEP2014-14 as set forth in the draft approval dated February 5, 2015.

SECOND: Quinn

DISCUSSION: Chairman O’Hara summarized that the Commission had a public hearing where they received evidence and testimony and there was no one from the public who spoke in opposition or support of this project. This project is in support of the POCD which is to bring economic development to the industrial park. In this case, it is a 4 million dollar building with a 7 million dollar interior for a total of 11 million dollar investment. Axel Plastic is a family owned company that is currently working out of New York and is an ISO 9000 firm that has been in business since the 1940’s. Chairman O’Hara said that they are putting the right building into the right zone and meeting the regulations requirements. It was noted that they are not a plastics maker and do not produce chemicals, but rather mix chemicals to create lubricant products. Chairman O’Hara continued saying that Axel Plastic is zoning compliant, they propose a nice landscaping plan, have a nice sign and meet the regulations. Planner Agresta added that the approval includes a waiver to allow a one-on-one side slope along a portion of the interior access driveway to the remote parking lot which is part of phase two. Both phases are being approved and includes a deferral of eleven parking spaces included in phase one. Both phases are subject to the same time frame. Chairman O’Hara asked for confirmation that the commission decided to approve the waiver of the slope and the deferral of the parking to which Commissioners agreed. Vice Chairman Porter added that they have to consolidate the property lots and Planner Agresta said that would need to happen before the plans were signed as final.

VOTE: **5-0-0 – Approve**

Ayes O’Hara, Porter, Martin, Quinn, Weinberg, Villanueva

Nays None

Abstain None

SDP-2014-12, File #112 – 731 Main Street

OWNER: Seven Thirty One Main Street LLC
APPLICANT: Seven Thirty One Main Street LLC
MOTION: Porter – To approve Site Development Plan SDP-2014-12 as set forth in the draft approval dated February 5, 2015.
SECOND: Quinn
DISCUSSION: A 4’x8’ piece of plywood was noted as sitting in the front of the property. Chairman O’Hara asked if it was located there as of today to which it was acknowledge it was. Chairman O’Hara said he would send the ZEO out there and ask them to remove it if they do not have a permit for it. Planner Agresta asked for an explanation of what the ply wood was doing there and it was explained that the store owner used this plywood to spray paint the business name on. Chairman O’Hara summarized the approval noting that the property had a new owner who is updating the building, fixing mechanical issues, building issues such as leaks, etc. and trying to increase the economic viability of the site within the confines of the Regulations. The project is consistent with the POCD.
VOTE: 5-0-1 – Approve
Ayes O’Hara, Porter, Quinn, Villanueva
Nays None
Abstain Weinberg

OTHER BUSINESS

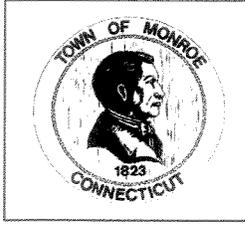
12. **REGULATIONS REVIEW/AMENDMENT WORK SESSION** – None
13. **CORRESPONDENCE/OTHER RECEIVED** – Connecticut Sighting Council notification and modification to existing telecommunications facility located at 230 Guinea Road and 474-480 Main Street. The Commission has correspondence and if they want more information in regard to modifications they can call.
14. **COMMISSIONER’S REPORTS**
- Chairman’s Report – Chairman O’Hara, in reply to a request from a stare representative, wrote up a report on 830-g Housing outlining what Monroe’s experience was with it for a public hearing that night in New Haven. That the law exists to try and increase income based housing but it’s not doing that.
 - Commissioner’s Reports – None
 - Land Use Staff Reports – None
15. **MEETING AJOURNMENT**

With no objections, Chairman O’Hara adjourned the meeting at 7:13 pm.

Respectfully submitted,
Carol Re, Recording Secretary In-Training

AMENDED Meeting Minutes
February 5, 2015

Planning and Zoning Commission
Monroe, Connecticut



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

APPROVAL

**SPECIAL EXCEPTION PERMIT
(SEP-2014-14 – File #1550A)**

**50 Cambridge Drive – Assessor Map 94, Lot 15 03 – I-2 District
496 Pepper Street – Assessor Map 94, Lot 15 04 – I-2 District**

Cambridge Drive RE LLC (Owner/Applicant)

Date of Approval	February 5, 2015
Date Final Plans to be Signed by	May 6, 2015
5-Year Expiration	February 4, 2020

WHEREAS, the Monroe Planning and Zoning Commission (Commission) has considered an application for Special Exception Permit from Cambridge Drive RE LLC, Jacob Axel, Member (owner/applicant) for development of a new single tenant industrial manufacturing, research and development and warehousing facility (Axel Plastics Research Laboratories, Inc.) to be constructed in two phases (Phase I – 43,039 sf; Phase II – 19,000 sf) with parking (totaling approximately 115 spaces), utilities and associated site Improvements on a combined approximately 14.669 acres within an Industrial District 2 (I-2) on property located at 50 Cambridge Drive and 496 Pepper Street, as shown and detailed in the associated application materials, including:

Application:

- Application SEP-2014-14 – Special Exception Permit, Axel Plastics Industrial Building;
- Project Narrative and Zoning History;
- List of Landowners within 100 feet;
- Bond Estimate Form;
- Watershed Notifications to Aquarion and State Public Health;
- Stormwater Management Plan, Addendum, Spath-Bjorklund Associates, Inc., 06/20/14, revised 09/02/14;
- Inland Wetlands Permit Approval – IWC-2014-07, File #878, September 10, 2014;
- Response to ART Comments, Spath-Bjorklund Associates (PE), 01/14/15 & 01/14/15;
- Hazardous Waste removal reports from the Axel Plastics facility in New York;

Plans:

- Cover Sheet (1/21), Spath-Bjorklund Associates (PE), 06/24/14, revised 01/14/15;
- LP-1 – Layout Plan (2/21), Spath-Bjorklund Associates (PE), 07/28/12, revised 01/13/15;
- 1/1 – Data Accumulation Plan (3/21), The Huntington Company (LS), 01/30/14, revised 01/12/15;

- S-1 – Site Plan (Phase 1) (4/21), Spath-Bjorklund Associates (PE), 07/28/12, revised 01/14/15;
- S-2 – Site Plan (Phase Two) (5/21), Spath-Bjorklund Associates (PE), 07/28/12, revised 01/14/15;
- S-3 – Erosion Control Plan (6/21), Spath-Bjorklund Associates(PE), 07/28/12, revised 01/14/15;
- S-4 – Sight Line Plan (7/21), Spath-Bjorklund Associates (PE), 01/07/15, revised 01/14/15;
- S-5 – Schematic Site Plan (8/21), Spath-Bjorklund Associates (PE), 07/28/12, revised 01/14/15;
- D-1 – Details (9/21), Spath-Bjorklund Associates (PE), 07/28/12, revised 01/14/15;
- D-2 – Details (10/21), Spath-Bjorklund Associates (PE), 07/28/12, revised 01/14/15;
- D-3 – Details (11/21), Spath-Bjorklund Associates (PE), 07/28/12, revised 01/14/15;
- D-4 – Details (12/21), Spath-Bjorklund Associates (PE), 10/20/14, revised 01/14/15;
- L-1 – Proposed Site Planting (13/21), William Lawrence Kenny (LA), 08/13/14, revised 01/13/15;
- L-2 – Proposed Site Planting (14/21), William Lawrence Kenny (LA), 08/13/14, revised 01/13/15;
- Pepper Street Parking Lot Calc (15/21), Reflex Lighting of CT, 09/10/14;
- Pepper Street Parking Lot Calc Lot 4 Revision (16/21), Reflex Lighting of CT, 09/10/14;
- Lots 3&4 Pepper Street Bollard Calc (17/21), Reflex Lighting of CT, 10/02/14;
- A1 – First Floor Plan (18/21), Claris Construction (Arch), 01/09/15;
- A2 – 2nd Floor Plan, Wall Sec. & Ground Sign (19/21), Claris Construction (Arch), 01/09/15;
- A3 – Elevations (20/21), Claris Construction (Arch), 01/09/15;
- A4 – Area Usage (21/21), Claris Construction (Arch), 01/09/15; and

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

- The subject property presently consists of two parcels, one located on the easterly side of Cambridge Drive and the second located on the northerly side of Pepper Street, with a combined site acreage of approximately 14.699 acres within an Industrial District 2 (I-2). Merger of the two parcels into a single lot is proposed and needed relative to providing compliance to applicable zoning and septic disposal requirements and standards;
- The subject property is not within 500 feet of a town boundary, nor does it include floodplain;
- The subject property is located within the West Pequonnock Watershed, for which the applicant completed required notices thereof on January 9, 2015, to the Commissioner of Public Health and the Aquarion Water Company of Connecticut pursuant to Connecticut General Statutes §8-3i;
- The subject property includes wetlands and associated 100-foot upland review area, for which disturbances are proposed and an Inlands Wetland Permit has been obtained (IWC-2014-07, File #878, approved by the Inland Wetlands Commission on September 10, 2014, and amended on January 14, 2015);
- The proposal seeks a Special Exception Permit to construct and operate an industrial facility for Axel Plastics Research Laboratories, Inc., a research and development/production company that manufactures a full range of mold releases and process aid additives. Development of the site is proposed in two (2) phases as follows:
 - Phase 1 – 43,039 square foot building with adjacent parking;
 - Phase 2 – 19,000 square foot building expansion with additional parking;
- A total of approximately 40 employees are anticipated. The new facilities would be served by an onsite septic disposal system and connection to existing public water supply main along Cambridge Drive, as well as stormwater management improvements, landscaping and other site utility improvements;

- Deferral of 11 (approximately 13.4%) required minimum off-street parking spaces under Phase 1 is requested pursuant to Zoning §6.1.11, which permits a maximum deferral of 15%;
- A waiver to permit a 1:1 in lieu of 2:1 [per Zoning §6.4.9(B)] side slope grade for the remote parking area driveway is requested pursuant to Zoning §6.4.23;
- The existing lot conditions remain in disarray from a former owner and nursery business, the proposed action would reclaim the site and improve its condition;
- A favorable review and recommendation has been received from the Monroe Architectural Review Board (January 21, 2015) provided “...that the roof-mounted mechanicals are shielded to obscure the view from Cambridge Drive;” and

WHEREAS, on November 18, 2014, the applicant provided a copy of the public hearing notice of the proposed Special Exception Permit application to abutting property owners within 100 feet of the subject property as evidenced by submission of certified mail receipts (and subsequent returned “green” cards); and

WHEREAS, the Commission has considered the proposed Special Exception Permit application at a duly noticed public hearing, which hearing was opened and closed on January 22, 2015. Notice of the public hearing was filed with the Town Clerk on December 31, 2014 and was published in the Monroe Courier on January 8 and 15, 2015;

NOW THEREFORE BE IT RESOLVED, the Commission, in accordance with §8.2.2 of the Zoning Regulations, hereby finds the following:

- A. The proposed action includes a permitted industrial use of the underlying I-2 District subject to Special Exception Permit. The company is a certified ISO 9000 firm. The new use according to testimony from the applicant does not entail “*the production or processing of explosives or the manufacture of sulfuric, sulfurous, nitric, or hydrochloric acids, pesticides and herbicides, or the bulk manufacture of chemicals,*” nor is the use anticipated to generate adverse environmental noise, glare or heat, vibrations or air pollution. The new use would not involve work shifts.

Site access will be via Cambridge Drive, while the conveyance of a road widening strip and access restrictive improvements on Pepper Street are included. The access via Pepper Street will be limited to service access to the septic system only. Truck traffic serving the site has been indicated to be minimal, consisting of approximately 6 to 9 trucks trips a day (3 to 4 deliveries, 3 to 5 shipments for pick-up);

- B. The proposed action includes a permitted use of the underlying I-2 District which has been designed to comply with applicable zoning lot area and bulk standards. A wetland permit has been obtained to address remediation and proposed regulated activities affecting wetland resources of the site. The architecture of the new facility has been designed to provide vertical and horizontal details which have been reviewed and recommended favorably by the Town’s ARB. The new use will employ approximately 40 persons and generate increased commercial tax revenue. As such, the proposed action is consistent with the Plan of Conservation and Development;

- C. The location, nature and height of the proposed building has been designed consistent with applicable design and bulk standards, and will be enhanced by a comprehensive landscape program. A minimum 50-foot landscape buffer will be maintained and enhanced along the front property line. Rooftop mechanicals will be screened to ensure they are not visible from off-site locations. As such, the proposed improvements are not anticipated to hinder or discourage the appropriate development and use of adjacent lands and buildings;
- D. Exterior lights will be dark-sky compliant. Lighting of building and site signage will also be controlled to minimize its visual impact to adjacent off-site areas. The proposed facilities and use does not include components which are known or anticipated to generate impacts by reason of fumes, smoke, dust, vibration, glare, intensity or flashing of lights.
- E. A subsurface sanitary septic system and connection to existing public water supply facilities are proposed. The final design and construction of these systems will require approval by the Trumbull Monroe Health District and the Aquarion Water Company of Connecticut;
- F. Adequate and compliant off-street parking facilities are proposed, and include an appropriate deferral of 11 parking spaces under Phase 1. Phase 2 will provide complete required parking.
- G. The design of the proposed action has incorporated the comments and recommendations of town staff and applicable reviewing agencies;
- H. Other required permits or approvals as may be needed to support the proposed facilities and site modifications shall be obtained accordingly by the applicant;
- I. The proposed use involves the development of private property, including remediation of conditions affecting site wetlands as left by a previous owner. The new use will generate incremental increased demand for police, fire and emergency services, but increased tax revenues are anticipated to offset potential increased municipal fiscal costs. The Fire Marshall and Police department have reviewed the project plans and facility operations and did not have any specific comments; and

BE IT FURTHER RESOLVED, that the Commission at its regular meeting held on **February 5, 2015**, upon motion by **WILLIAM PORTER** and seconded by **BRIAN QUINN**, following deliberations conducted on **January 22 and February 5, 2015**, voted **FIVE (5)** in favor and **NONE (0)** in opposition to **approve** the above referenced Special Exception Permit, subject to modifications as set forth below, as follows:

Vote:	<u>PATRICK O'HARA</u>	<u>AYE</u>
	<u>WILLIAM PORTER</u>	<u>AYE</u>
	<u>JAMES WEINBERG</u>	<u>AYE</u>
	<u>BRIAN QUINN</u>	<u>AYE</u>
	<u>PEDRO VILLANUEVA (seated)</u>	<u>AYE</u>

For the Commission:



Patrick O'Hara, Chair

BE IT FURTHER RESOLVED, that this Approval includes a waiver to permit a side slope grade of 1:1 in lieu of 2:1 otherwise as required per Zoning §6.4.9(B) to minimize impacts to site wetland resources, in accordance with Zoning §6.4.23; and

BE IT FURTHER RESOLVED, that the Commission hereby authorizes, consistent with the standards set forth in Zoning §6.1.11, the deferral and corresponding reserve (land banking) of 11 parking spaces (approximately 13.4% of the required minimum) under Phase 1 subject to the future construction of said deferred spaces as shown on the final signed plans as may be determined necessary or appropriate by the Commission; and

BE IT FURTHER RESOLVED, that this approval is specific only to the Special Exception Permit site and building improvements, uses and facilities as described in the application and as shown on the final Special Exception Permit Site Plans (Site Plans) as 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 Connecticut General Statutes §8-3c(b);

SITE DEVELOPMENT PLAN MODIFICATIONS OF APPROVAL

A. TO BE COMPLETED WITHIN 90 DAYS (EXPIRATION TERM DATE of May 6, 2015)

Prior to the authorized endorsement on the final Site Plans by the Commission Chair, the following shall be completed within ninety (90) days of the date of this Approval, 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:

1. Required Revision of Final Site Plans:

The applicant shall submit a **SINGLE (1)** complete set of final Site Plans consisting of the following plans for review by the Planning and Zoning Department, revised as set forth and required below, subject to acceptance by the Planning and Zoning Department staff:

- Cover Sheet (1/21)
- LP-1 – Layout Plan (2/21)
- 1/1 – Data Accumulation Plan (3/21)
- S-1 – Site Plan (Phase 1) (4/21)
- S-2 – Site Plan (Phase Two) (5/21)
- S-3 – Erosion Control Plan (6/21)
- S-4 – Sight Line Plan (7/21)
- S-5 – Schematic Site Plan Plan (8/21)
- D-1 – Details (9/21)
- D-2 – Details (10/21)
- D-3 – Details (11/21)
- D-4 – Details (12/21)
- L-1 – Proposed Site Planting (13/21)
- L-2 – Proposed Site Planting (14/21)
- Pepper Street Parking Lot Calc (15/21)

- Pepper Street Parking Lot Calc Lot 4 Revision (16/21)
- Lots 3&4 Pepper Street Bollard Calc (17/21)
- A1 – First Floor Plan (18/21)
- A2 – 2nd Floor Plan, Wall Sec. & Ground Sign (19/21)
- A3 – Elevations (20/21)
- A4 – Area Usage (21/21)

- a. The final Site Plans shall each be signed and sealed providing live certification thereof by the professional(s) responsible for the preparation of each sheet.
- b. Each plan sheet shall include a common revision date, dated later than February 5, 2015.
- c. Each plan set sheet shall each include the following signature block with original signature of the applicant/owner affixed thereon:

The owner/applicant acknowledges that all work shown on these Special Exception Permit Site Plans shall be completed 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/Applicant
Cambridge Drive RE LLC, Jacob Axel Member
4A Cherry Drive, Westport, CT 06880***

- d. The Cover Sheet shall be revised to address the following:
 - (1) The list of plans included shall be expanded to list each sheet individually and to provide dates of original preparation and the common revision date as required above.
 - (2) The following note shall be included (also include on Sheet S-1): ***Reference is hereby made to the corresponding Special Exception Permit Approval as issued by the Monroe Planning and Zoning Commission (SEP-2014-14, File #1548A, approved on February 5, 2015).***
- e. The Site Plan (Phase One) – Sheet S-1 shall be revised to address the following:
 - (1) The existing shared property line between the subject lots and related plan note shall be deleted (this shall also be revised on the other plan sheets) and the setback lines revised accordingly.
 - (2) Access to the 3,000 gallon tank to be installed at the rear of the new building shall be clarified (demonstrated graphically).
 - (3) A detail of the generator screen fencing shall be provided.
 - (4) The height of the retaining walls shall be noted (also revise on Sheet S-4).

- (5) The Zoning Data Table shall be revised as follows:
- Add a footnote to the “proposed” column entry for “area” to note: ***50 Cambridge Drive (Lot 4) and 496 Pepper Street (Lot 3) properties have been merged into a single Building Lot per Record Map {insert upon recording} as recorded in the Monroe Land Records.***
 - Revise the “existing” column entry for “frontage” to instead provide existing frontages for both Cambridge Drive and Pepper Street, separately.
- f. The Site Plan (Phase Two) – Sheet S-2 shall be revised to address the following:
- (1) The Phase 2 building perimeter outline shall be revised to be graphically bolder.
 - (2) The Phase 2 building label shall also indicate: ***19,000 SF*** and note its finished floor elevation.
 - (3) The label in the Phase 1 building shall be revised to delete “Lot 4 proposed building” and instead read: ***Phase One Building 43,039 SF.***
- g. On all applicable sheets, the length for the curbed island located closest to the access driveway within the Phase 2 remote parking area shall be extended to match the end of the adjacent parking space length.
- h. Site grading details shall be revised to address the following:
- (1) Show additional spot grades at (around the outside) the building footprint.
 - (2) Show an additional 406 contour off the easterly side of the depressed loading area.
- i. Site landscaping shall be revised to address the following:
- (1) The plans shall confirm compliance by demonstrating graphically the applicable 10% minimum internal parking area landscaping requirement per Zoning §6.2.6(B)(1).
 - (2) A curbed landscape island shall be added between the end parking space and the dumpster area by shifting the dumpster area to the east so its easterly edge is aligned with the interior edge of adjacent easterly most parking spaces, and insert the curbed landscape island between the shifted dumpster area and the adjacent parking spaces at the southeast corner of the building.
 - (3) The central islands of the Phase 2 remote parking lot shall be revised to be fully landscaped with trees and shrubs.
 - (3) The plant labeling on Sheet L-1 shall be revised as follows:
 - Labeled plants “FR” in front of the building shall be revised as RF.
 - Labeled trees “UA” shall be revised as UA1.
 - Labeled plants “ED” at the rear parking island shall be revised as ES.

- (5) Revise Sheet L-1 to include an inset of the planting modifications to be completed under Phase 2 for the area of the Phase 2 building addition.
- j. Delete General Note #2 on Sheet D-1.
- k. Revise the handicap parking bollard detail to provide plastic sleeves.
- l. Expand the dumpster detail to provide an elevation of the walls and gate structure, and replace white vinyl with a more durable material, and with a non-glare matte finish and color.
- m. Site signage details shall be revised to address the following:
- (1) The location compliant with applicable sign setbacks shall be shown and labeled on the Site Plans and Planting Plan.
 - (2) A construction detail of the exterior wall sign shall be provided (detailing proposed sign materials, coloring, dimension, mounting, lighting, etc).
 - (3) A revised construction detail of the monument sign shall be provided to address that agreed to by the applicant at the public hearing (base detail, lighting, etc).
- n. Site lighting details shall be revised to address the following:
- (1) Show the additional site lighting for lighting of the entrance/exit area, and the access drive off the northeast corner of the building, as indicated at the public hearing.
 - (2) Provide construction details (detailing proposed materials, dimensions, bulb, mounting, foundation, coloring, finish, timing, etc).
 - (3) Labeling on the engineer plans and architectural elevations shall be revised to be coordinated and consistent, to more clearly identify the different light types.
 - (4) Include details for any lighting of exterior wall signage.
 - (5) The monument sign light shall be detailed to include an LED fixture concealed along the top horizontal plane washing light over the sign as agreed to during the public hearing.
 - (6) Provide a detail for the wood guard rail with lights (detailing its construction, type and illumination similar to the other light fixtures as required herein).
- o. A gate with associated landscape plantings shall be provided and detailed at the existing septic system service driveway via Pepper Street, the layout of which shall be designed to restrict and discourage unauthorized access.
- p. The Architectural Plans Sheets shall be revised to address the following:
- (1) The elevations on Sheet A3 shall also show the mechanical and tank units at the building.

- (2) The labeled floor areas included on Sheet A8 shall be expanded to reference the specific use of each delineated area: **Industrial Manufacturing**, **Warehouse**, and **Office**, respectively.
- (3) Consistent with the January 21, 2015 recommendation of the Architecture Review Board, a section/perspective detail shall be provided showing how rooftop mechanical equipment will be screened (not visible from the road, the site itself, and abutting properties).

2. **Procurement of Involved Agency Permits and Approvals:**

- a. The applicant/owner shall be responsible for procurement of all other applicable local, State and Federal permits and approvals.
- b. A copy of the firm's Chemical Spill Response Plan shall be provided.
- c. A draft proposed legal instrument, pursuant to Zoning §6.1.11, providing the required covenant guaranteeing that the owner construct the Phase 1 deferred parking spaces upon a determination to do so by the Commission shall be provided for review and approval, subject to acceptance by the Town Attorney. Said accepted legal instrument shall be recorded at the applicant's sole expense and cost on the Monroe Land Records, and a copy of such recorded legal instrument shall be provided to the Planning and Zoning Department.
- d. Subject Property Consolidation into a Single Lot:
 - (1) A Lot Consolidation (Merger) Survey Map which merges 50 Cambridge Drive (Assessor Map 94, Lot 15 03) and 496 Pepper Street (Assessor Map 94, Lot 15 04) into a combined single lot shall be submitted for Town Planner review and acceptance, and revised as follows:
 - A full scale version of the lot merger plan shall be provided, as well as a draft proposed deed.
 - The label for the "former lot line" shall be expanded to also note: **...to be abandoned upon the recording of this map in the Monroe Land Records.**
 - The following note shall be added: **Lot 3 and Lot 4 as shown hereon shall be merged into a single lot upon the recording of this map in the Monroe Land Records.**
 - Note #5 shall include reference to the date of the shown wetland delineation.
 - (2) As agreed to by the applicant during the public hearing, said Map shall also detail and include the conveyance to the Town of Monroe a road right-of-way widening strip along the street frontage on Pepper Street, the area extent of which shall be determined in consultation with the Town Engineer. A draft proposed conveyance deed shall also be provided for review and approval, subject to acceptance by the Town Attorney.
 - (3) Said accepted Map and deeds shall be recorded at the applicant's sole expense and cost on the Monroe Land Records, and a copy of such recorded Map and deeds shall be provided to the Planning and Zoning Department.

3. **Required Posting of Bond:**

- a. A site restoration and stabilization bond in the amount of **\$26,000.00** shall be provided to the Town of Monroe.
- 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 of the Zoning Regulations and CGS §8-3. The applicant shall complete a properly executed Bond Agreement.
- c. The required Bond Agreement shall remain in full force and effect until such time as the Commission authorizes its release and/or cancellation. At minimum, the required bond shall be held for a minimum period of six (6) months from the date of completion in order to assure that the additional drainage improvement described herein is not needed.
- d. Any changes in ownership of the subject property and premises relating to bonded conditions shall comply with the requirements set forth in §111-202(C)(4) of the Subdivision Regulations, as may be amended from time to time.

4. **Filing of Final Special Exception Permit Site Plans:**

Upon satisfactory revision of the final Site Plans as required above, the applicant shall submit **SEVEN (7)** complete sets (plan sets shall be full size 24"x 36", collated, bound and folded, **except ONE (1) set shall be rolled**) for the authorized endorsement of same by the Commission Chair.

5. **Required Recording of Approval:**

- a. Upon satisfactory completion of requirements **1 through 4** above, the applicant shall record an **original** copy of this Approval document (***as provided by the Planning and Zoning Department***) in the Monroe Land Records. The applicant shall be responsible for providing a copy of said recording, showing all marks of recording to the Planning and Zoning Department.
- b. Consistent with §8.1.6(A) of the Zoning Regulations and CGS §8-3c(b), this Special Exception Permit Approval shall be effective upon endorsement of the Site Plans as final and the recording of this approval document in the Monroe Land Records as set forth herein.
- c. The acceptance of this Special Exception Permit Approval by the applicant/owner shall be evidenced by the completion of the required recording 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 signed final Site Plans.

B. PRIOR TO AUTHORIZED ISSUANCE OF ZONING AND BUILDING PERMITS

The following shall be completed prior to the authorized commencement of any site work or construction, and shall be completed prior to the authorized issuance of a Zoning or Building Permit:

1. No **Zoning Permit or Building Permit** relating to this Approval shall be authorized or issued until the recording as set forth in **Condition A5** above is completed and a copy thereof as recorded is provided to the Planning and Zoning Department, and until the final Site Plans are filed with the Planning and Zoning Department as required herein.
2. All required **recordings and filings** as set forth above shall be confirmed as completed. This Approval does not authorize, or grant development or site improvements beyond that shown on the signed final Site Plans.
3. Prior to the authorized issuance of a Zoning Permit, the following shall be provided to the Zoning Enforcement Officer (**no Building Permit shall be issued prior to a Zoning Permit – Zoning and Building Permits are not issued until the required pre-construction meeting is held**):
 - Application for a Certificate of Zoning Compliance based on the signed final Site Plans.
 - Wetland Permit Agent approval (sign-off).
 - A duly issued Town of Monroe Driveway Permit.
 - A duly issued approval to connect to the existing public water supply in Cambridge Drive.
 - A duly issued approval to install the individual subsurface septic disposal system.
 - Confirmation of submission and acceptance of CT DEEP General Permit for Stormwater, along with a live signed and sealed copy of the final Stormwater Management Plan.
4. 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. The pre-construction meeting shall not be scheduled until all requirements set forth above have been completed by the applicant/owner. Additional construction meetings may be called as deemed necessary throughout construction.

C. DURING SITE CONSTRUCTION

1. There shall be no clearing, grading, removal of vegetation or other site or building construction inconsistent with that shown on the signed final Site 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 signed final Site Plans or increase the size of the footprint of any structure or use of land. All other changes require the prior review and approval of the Commission as a change pursuant to **Section G** below.

2. Erosion and sedimentation controls and temporary stormwater management measures as may be required shall be properly maintained until construction is completed and all disturbed areas have been stabilized. Said controls and measures shall be periodically inspected, continually maintained throughout the construction phase and supplemented to ensure their proper installation 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.
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;
 - 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.

D. PRIOR TO CERTIFICATE OF ZONING COMPLIANCE AND CERTIFICATE OF OCCUPANCY/USE

The following shall be completed prior to the authorized issuance of a ZEO Certificate of Zoning Compliance and a Building Department Certificate of Occupancy/Use:

1. Use and/or occupancy of approved site improvements shall not be authorized until the applicant/owner obtains a Permanent Certificate of Zoning Compliance and Building Department Certificate of Occupancy/Use. It shall be the applicant's/owner's responsibility to coordinate and request all inspections, and to request and obtain a Permanent Certificate of Zoning Compliance and Building Department Certificate of Occupancy/Use.
2. Prior to the issuance of a Permanent Certificate of Zoning Compliance and/or a building Department Certificate of Occupancy/Use, the following shall be completed consistent with the final Site Plans as endorsed by the Commission Chair:
 - All improvements consistent with the signed final Site Plans shall be completed, as well as all related requirements as set forth and agreed to during the pre-construction meeting and subsequent construction meetings or inspections.
 - The septic system shall be completed, connected and operational with acceptance by the Trumbull Monroe Health District (or successor agency).
 - The water supply shall be completed, connected and operational with acceptance by Aquarion Water Company of Connecticut, the Fire Marshal and the Trumbull Monroe Health District (or successor agency).
 - All disturbed areas shall be stabilized; the site shall be clean of construction related equipment, materials and debris; and all erosion controls shall be removed.

- The applicant shall provide an As-Built Plan detailing and certifying completed improvements, including a second copy of same superimposed on the original approved layout plan (to be shown in red or varied shading), 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.

E. PRIOR TO PARTIAL OR FINAL RELEASE OF BOND

The following shall be completed prior to the authorized partial or full release of any posted bond:

1. Submission of a written request for either partial or final release of bond shall include a commensurate “As-Built Plan.”
2. An As-Built Plan shall detail and certify completed improvements, superimposed on the original approved layout plan (to be shown in red or varied shading) and including adequate information to verify the completion of related work as authorized by this approval.
3. Prior to the full release of bond, all requirements as set forth and agreed to as part of the preconstruction conference, and any subsequent construction meeting or inspection shall be completed; and all related construction shall be completed, disturbed areas stabilized, and siltation and erosion control measures removed.

F. CONTINUING CONDITIONS OF OPERATION FOLLOWING AUTHORIZED OCCUPANCY/USE

The following shall be completed as continuing conditions of operation following acceptance pursuant to a ZEO Certificate of Zoning Compliance and Building Department Certificate of Occupancy/Use:

1. The property, premises and all site improvements shall be maintained in good working order and shall be regularly maintained to function as designed in a neat and orderly manner, free of debris, sediment and litter.
2. All related permits and approvals shall be maintained as current throughout the duration of permitted use.
3. Appropriate measures shall be maintained to ensure snow removal so there is no plowed snow stored within travel lanes, parking spaces or over landscaping to its detriment.
4. No changes to exterior signs are included in this Approval; and no new exterior signs or other materials or devices shall be permitted to be installed, supported, hung, flown or otherwise attached to site buildings, structures, light posts or site grounds or vegetation without prior authorized approval and permit.
5. No subsequent changes to the appearance, coloring or physical dimensions, rooflines, materials, trim or facades of the site buildings, accessory uses and structures, fencing, signs, lights and other accessory site improvements relating to the operations and functions of the site use shall be permitted or authorized without the prior authorized review and permit.

6. All parking and loading shall occur completely onsite, and shall be restricted to designated areas and to patrons and employees of the facility during the normal course of patronage or service lasting less than any continuous 24 hour period. There shall be no onsite overnight parking or storage of vehicles, except in-transit trucks in the designated loading area. No parking or loading area, or other exterior area, shall be utilized for outdoor storage, sale or display of merchandise, equipment, refuse, recycling, donations or other purposes inconsistent with the signed final Site Plans. There shall be no construction equipment or vehicle parking or storage on the premises, nor any storage of building or construction materials.

G. ACCEPTANCE / CHANGES / COMPLIANCE / EXPIRATION

1. **Applicant/Owner Acceptance.**
 - a. All representations by the applicant and their representatives in the presentation of the Special Exception Permit Application and discussion reflected in the Commission meetings 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 upon the applicant/owner, and any heirs, assigns and/or successors, as well as the subject property and premises, 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 signed final Site Plans.
2. **Changes.** Any additions or changes to the approved activities, the Site 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 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 February 5, 2020**), unless an extension as may be granted by the Commission is obtained, not to exceed an additional period of **five (5) years**. 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. In considering any such request, the Commission may require a public hearing.



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

APPROVAL
SITE DEVELOPMENT PLAN
(SDP-2014-12 – File #112)
731 Main Street (Route 25)
Assessor Map 82, Lot 42 – B-1 District

Seven Thirty One Main Street LLC (Owner/Applicant)

Date of Approval	February 5, 2015
Date Final Plans to be Signed by	May 6, 2015
5-Year Expiration	February 4, 2020

WHEREAS, the Monroe Planning and Zoning Commission (Commission) has considered an application for Site Development Plan approval from Seven Thirty One Main Street LLC (owner/applicant) for a series of site and building alterations and replacements affecting the existing improvements on property located at 731 Main Street (Route 25) within a Business District 1 (B-1), as shown and detailed in the associated application materials, including:

Application:

- Application SDP-2014-12 – Site Development Plan, 731 Main Street;
- Lighting Layout Version A, RAB Lighting, 07/31/14;

Plans:

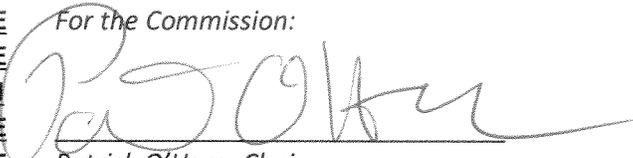
- As-Built Improvement Survey, Lewis Associated, 10/10/14, 01/02/15;
- A-1 – Exterior Building Elevations, Mingolello & Associates Architects, LLC, 09/18/14;
- A-2, Exterior Pergola, Renovations, Mingolello & Associates Architects, LLC, 09/18/14;
- A-3, Exterior Pergola, Mingolello & Associates Architects, LLC, 09/18/14;
- A-4, Exterior Stair Plans, Mingolello & Associates Architects, LLC, 09/18/14;
- P-1, Parking Calculations Plans, Mingolello & Associates Architects, LLC, 06/10/14 revised 01/13/15; and

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

- The subject property, consisting of approximately 3.5995 acres is within a B-1 Zoning District, located on the westerly side of Main Street. The site includes two (2) two-story office/retail buildings (Special Exception Permits Phase I: 6-87-S, 1090A, May 14, 1987 and Phase II: 7-89-S, 1160A, June 1, 1989);
- The site includes 143 off-street parking spaces (including 10 handicap accessible spaces);
- The subject property is not within 500 feet of a town boundary and does not appear to include mapped areas of 100/500-year floodplain;
- The subject property toward the rear includes inland wetlands and associated 100-foot upland review area. The proposed ground level site alterations appear to be just outside the regulated area;
- The site is served by public water and a private on-site septic system (located under the front parking area), no changes to these facilities are needed or proposed, and proposed construction does not appear to disturb the location of same;
- The subject property is located within the West Pequonnock Watershed, a protected public watershed area, for which the applicant completed the required notices on January 9, 2015, to the Commissioner of Public Health and the Aquarion Water Company of Connecticut pursuant to Connecticut General Statutes §8-3i;
- The Site Development Plan application proposes the following:
 - Replacement of North and East elevation exterior staircases and related planters (already constructed);
 - Addition of two (2) new pergola coverings at the top of each of the new concrete staircases;
 - Addition of two (2) Versa-Lok brute modular concrete block retaining walls adjacent to each of the replacement staircases (already constructed) with plantings;
 - Removal of two (2) existing cupolas on each of the existing buildings; replace with new vinyl rail system matching the other existing rooftop railings;
 - Replacement of asphalt shingling on all building roofs;
 - Replacement of the exterior lights;
- A favorable review and recommendation has been received from the Monroe Architectural Review Board (January 21, 2015) provided *“the ‘widow walk’ rail systems (height etc.) are selected to maximize shielding of the mechanicals and the dumpster is surrounded with an opaque enclosure;”* and

WHEREAS, the Commission has considered the proposed Site Development Plan application at a regular scheduled meeting duly noticed and held on January 22, 2015;

NOW THEREFORE BE IT RESOLVED, that the Commission at its regular meeting held on **February 5, 2015**, upon motion by **WILLIAM PORTER** and seconded by **BRIAN QUINN**, following deliberation conducted on **January 22 and February 5, 2015**, voted **FOUR (4)** in favor, **NONE (0)** in opposition, **ONE (1) ABSTENTION** to approve the above referenced Site Development Plan, subject to modifications as set forth below, as follows:

Vote:	PATRICK O'HARA	AYE	<i>For the Commission:</i>  <i>Patrick O'Hara, Chair</i>
	WILLIAM PORTER	AYE	
	JAMES WEINBERG	ABSTAIN	
	BRIAN QUINN	AYE	
	PEDRO VILLANUEVA (seated)	AYE	

BE IT FURTHER RESOLVED, that this approval is specific to the site and building alterations and replacements set forth in the application and as detailed herein and on the approved and signed final Site Plans only; and

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

SITE DEVELOPMENT PLAN MODIFICATIONS OF APPROVAL

A. TO BE COMPLETED WITHIN 90 DAYS (EXPIRATION TERM DATE of May 6, 2015)

Prior to the authorized endorsement on the final Site Plans by the Commission Chair, the following shall be completed within ninety (90) days of the date of this Approval, 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:

1. Required Revision of Final Site Plans:

The applicant shall submit a **SINGLE (1)** complete set of final Site Plans consisting of the following plans for review by the Planning and Zoning Department, revised as set forth and required below, subject to acceptance by the Planning and Zoning Department staff:

- As-Built Improvement Survey
- A-1 – Exterior Building Elevations
- A-2 – Exterior Pergola
- A-3 – Exterior Pergola
- A-4 – Exterior Stair Plans
- P-1 – Parking Calculations Plans

- a. Site lighting plan information shall be added to the plan set and revised to more clearly delineate the light output and to include an elevation detail of the new light fixture and pole mounting (showing the full fixture and pole, support structure, pole/fixture color, light specs, etc) consistent with the standards set forth in Zoning §6.2.2(F)(1) through (4) and §7.3.1(E)(5).
- b. Construction details for a concrete dumpster pad and dumpster enclosure matching the existing building architecture (showing material, size, finish, support structure, gate reinforcement, etc) shall be included.
- c. The Zoning Lot Area and Bulk Standards Compliance table on the Survey plan shall be revised to replace “no change” in the proposed column in regard to “Building Coverage” with **0.49%**.
- d. The Parking Requirements table on Sheet P-1 shall be revised to reflect **133** standard parking spaces (instead of the “136” as listed), and a total of **143** (instead of the “145” as listed).
- e. The site exit shall be revised to show an off-centered centerline line striping and a stop bar with stop sign.
- f. Show the referenced location of cupola removal and locations of added roof railings.
- g. Show and include a detail of the added retaining walls and plantings at the low profile retaining wall.
- h. The following note shall be included on Sheet P-1: ***Reference is hereby made to the corresponding Site Development Plan Approval as issued by the Monroe Planning and Zoning Commission (SDP-2014-12, File #112, approved on February 5, 2015).***
- i. Each plan set sheet shall each include the following signature block with original signature of the applicant/owner affixed thereon:

The owner/applicant acknowledges that all work shown on these Site Plans shall be completed 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/Applicant
Seven Thirty One Main Street LLC
Co-owner Howard Saffan, Manager
9 Squires Lane, Easton, CT 06883

2. **Authorized Endorsement and Filing of Final Site Plans by Commission Chair:**

Upon satisfactory revision of the final Site Plans as required above, the applicant shall submit **SEVEN (7)** complete sets for the authorized endorsement of same by the Commission Chair.

3. **Required Recording of Approval:**

- a. Upon satisfactory completion of requirements **1 and 2** above, the applicant at its sole cost and expense shall record an ***original*** copy of this Site Development Plan Approval (***as provided by the Planning and Zoning Department***) in the Monroe Land Records. The applicant shall be responsible for providing a copy of said recording, showing all marks of recording, to the Planning and Zoning Department.
- b. Consistent with §7.4.1A of the Zoning Regulations, this Site Development Plan Approval shall be effective (for the purpose of obtaining zoning and building permits) upon endorsement of the Site Plans as final and the recording of the original Approval document in the Monroe Land Records as set forth herein.
- c. The acceptance of this Site Development Plan Approval by the applicant shall be evidenced by the completion of the required recording set forth herein, indicating the applicant'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 Site Plans.

B. PRIOR TO AUTHORIZED ISSUANCE OF ZONING AND BUILDING PERMITS

The following shall be completed prior to the authorized commencement of any site work or construction, and shall be completed prior to the authorized issuance of a Zoning or Building Permit:

1. No **Zoning Permit or Building Permit** relating to this Approval shall be authorized or issued until the recording as set forth in **Condition A3** above is completed and a copy thereof as recorded is provided to the Planning and Zoning Department, and until the final Site Plans are filed with the Planning and Zoning Department as required herein.
2. All required **recordings and filings** as set forth above shall be confirmed as completed. This Approval does not authorize, or grant development or site improvements beyond that shown on the signed final Site Plans.
3. Prior to the authorized issuance of a Zoning Permit a satisfactorily complete application for a **Certificate of Zoning Compliance** based on the signed final Site Plans shall be provided to the Zoning Enforcement Officer (no Building Permit shall be issued prior to a Zoning Permit; Zoning and Building Permits are not issued until the pre-construction meeting is held).
4. 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. The pre-construction meeting shall not be scheduled until all requirements set forth above have been completed by the applicant/owner. Additional construction meetings may be called as deemed necessary throughout construction.

C. DURING SITE CONSTRUCTION

1. There shall be no clearing, grading, removal of vegetation or other site or building construction inconsistent with that shown on the signed final Site 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 signed final Site Plans or increase the size of the footprint of any structure or use of land. All other changes require the prior review and approval of the Commission as a change pursuant to **Section G** below.
3. No changes to site utilities are approved.
4. Erosion and sedimentation controls and temporary stormwater management measures as may be required shall be properly maintained until construction is completed and all disturbed areas have been stabilized. Said controls and measures shall be periodically inspected, continually maintained throughout the construction phase and supplemented to ensure their proper installation 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.
5. 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;
 - 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.

D. PRIOR TO CERTIFICATE OF ZONING COMPLIANCE AND CERTIFICATE OF OCCUPANCY/USE

The following shall be completed prior to the authorized issuance of a ZEO Certificate of Zoning Compliance and a Building Department Certificate of Occupancy/Use:

1. Use and/or occupancy of approved site improvements shall not be authorized until the applicant/owner obtains a Permanent Certificate of Zoning Compliance and Building Department Certificate of Occupancy/Use. It shall be the applicant's/owner's responsibility to coordinate and request all inspections, and to request and obtain a Permanent Certificate of Zoning Compliance and Building Department Certificate of Occupancy/Use.

2. Prior to the issuance of a Permanent Certificate of Zoning Compliance and/or a building Department Certificate of Occupancy/Use, the following shall be completed consistent with the final Site Plans as endorsed by the Commission Chair:
 - All improvements consistent with the signed final Site Plans shall be completed.
 - All related requirements as set forth and agreed to as part of the pre-construction meeting, and any subsequent construction meeting or inspection shall be completed.
 - The applicant at its sole cost and expense shall provide an As-Built Plan detailing and certifying completed improvements, including a second copy of same superimposed on the original approved layout plan (to be shown in red or varied shading), and shall include 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 disturbed areas shall be stabilized; the site shall be clean of construction related equipment, materials and debris; and all erosion controls shall be removed.

E. EFFECT OF PREVIOUS APPROVALS and AMENDMENTS THERETO

1. All other previous standards, time frames, expiration periods, requirements and modifications as set forth in any prior approvals for the subject premises shall remain unchanged and in full effect.

F. CONTINUING CONDITIONS OF OPERATION FOLLOWING AUTHORIZED OCCUPANCY/USE

The following shall be completed as continuing conditions of operation following acceptance pursuant to a ZEO Certificate of Zoning Compliance and Building Department Certificate of Occupancy/Use:

1. The property, premises and all site improvements shall be maintained in good working order and shall be regularly maintained to function as designed in a neat and orderly manner, free of debris, sediment and litter.
2. All related permits and approvals shall be maintained as current throughout the duration of permitted use.
3. Appropriate measures shall be maintained to ensure snow removal so there is no plowed snow stored within travel lanes, parking spaces or over landscaping to its detriment.
4. No changes to exterior signs are included in this Approval; and no new exterior signs or other materials or devices shall be permitted to be installed, supported, hung, flown or otherwise attached to site buildings, structures, light posts or site grounds or vegetation without prior authorized approval and permit.
5. No subsequent changes to the appearance, coloring or physical dimensions, rooflines, materials, trim or facades of the site buildings, accessory uses and structures, fencing, signs, lights and other accessory site improvements relating to the operations and functions of the site use shall be permitted or authorized without the prior authorized review and permit.

6. All parking and loading shall occur completely onsite, and shall be restricted to designated areas and to patrons and employees of the facility during the normal course of patronage or service lasting less than any continuous 24 hour period. There shall be no onsite overnight parking or storage of vehicles, except in-transit trucks in the designated loading area. No parking or loading area, or other exterior area, shall be utilized for outdoor storage, sale or display of merchandise, equipment, refuse, recycling, donations or other purposes inconsistent with the signed final Site Plans. There shall be no construction equipment or vehicle parking or storage on the premises, nor any storage of building or construction materials.

G. ACCEPTANCE / CHANGES / COMPLIANCE / EXPIRATION

1. **Applicant/Owner Acceptance.**
 - a. All representations by the applicant and their representatives in the presentation of the Site Development Plan Application and discussion reflected in the Commission meetings 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 upon the applicant/owner, and any heirs, assigns and/or successors, as well as the subject property and premises, 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 signed final Site Plans.
2. **Changes.** Any additions or changes to the approved activities, the Site 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 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 February 5, 2020**), unless an extension as may be granted by the Commission is obtained, not to exceed an additional period of **five (5) years**. 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. In considering any such request, the Commission may require a public hearing.