

**PLANNING and ZONING COMMISSION
Monroe, Connecticut**

**MEETING MINUTES
May 21, 2015**

- Meeting:** Planning and Zoning Commission
Regular Meeting – May 21, 2015
7 Fan Hill Road, Town Hall, Council Chambers
- Present:** Chairman Patrick O’Hara
Vice Chairman William Porter
Secretary Karen Martin
Commissioner Brian Quinn
Commissioner Cathleen Lindstrom (alternate)
Commissioner Jane Flader (alternate)
- Absent:** Commissioner Dave Townson
Commissioner Pedro Villanueva (alternate)
- Also Present:** Will Agresta, Planning and Zoning Administrator
Scott Schatzlein, Land Use Group Director/Town Engineer
Carol Re, Recording Secretary

OPENING of MEETING

1. **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**
Chairman O’Hara called the meeting to order at 7:18 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. SPECIAL EXCEPTION PERMIT

SEP-2015-01, File #1551A – 5 Victoria Drive, site improvements and change of use to permit indoor/outdoor recreation facility, Victoria Drive Associates, LLC (*public hearing reconvened from 4/23/15*).

Secretary Martin read the public hearing notice and Chairman O'Hara read the instructions for the public hearing. Planner Agresta listed Exhibits 18 through 23 for the record.

Kevin Solli, Licensed Professional Engineer with Solli Engineering briefly described the previous whole sale nursery use of the property at 5 Victoria Drive, which property was taken by the bank and sold to the current applicant. This application includes a significant wetlands restoration plan, a small building addition to accommodate some bathroom facilities, additional parking, and a construction of an outdoor practice field.

Since the meeting on 4/23/15, the applicants have gone in front of the ARB to discuss proposed elevations, proposed building expansion, and the proposed signage to which the board gave a positive response to the project.

Mr. Solli provided the Commission with revised plans that include responses to staff comments. Revisions were made to show the location of the condenser units which will be screened and landscaped. The loading area will be marked to address safe access. They added some trees, shrubs, and groundcover plantings as well.

They added more lighting in the handicap parking area. Town Engineer Schatzlein felt the lighting in the handicap parking area in the front of the building was still inadequate and asked what could be done about that. Mr. Solli responded by suggesting they reposition the spot lights in that area. In response to staff comments that ask the applicant to replace the existing lighting with dark sky compliant lighting, Mr. Solli requested that the Commission approve keeping the existing lighting that is on the building. Planner Agresta suggested the applicant only replace the lighting on the front and side of the building, visible from Victoria Drive, as a compromise. Mr. Solli said they would be willing to do that as a condition of approval.

Commissioner Flader asked what the hours of operation would be for the facility. Mr. Solli said they would be open until 9 or 10 pm and there will be a need for lighting but the practice field would not be lit.

Chairman O'Hara asked if these lights would be on 24/7 or would they be on when the facility is open. Mr. Solli said they would be on while the building was being used. Chairman O'Hara then asked, if the Commission approved the application with the existing lights on the back of the building, would the applicant be willing to replace those lights with dark sky compliant ones when they become in need of repair or replacement. Mr. Solli answered yes they would be willing to do that.

Secretary Martin asked if they could use better looking lights than the ones that are currently at the property. Mr. Solli said the proposed lighting is consistent with the current lighting at Swiss Army and another adjacent development that was just approved.

Mr. Solli talked about proposing two signs, one directly above the main entrance door for Hybrid Athletics and one on the east side of the building for The Panther Den. They would need to revisit the size of the wall signs to comply with applicable standards.

For the record, Commissioner Quinn arrived at 7:41 pm.

Mr. Solli finished his summary and invited questions from the Commission.

Vice Chairman Porter made a comment in reference to the term "Caliper" in regard to the size of a landscaping tree and the height that it is measured. The new standard used will be DBH, "diameter at breast height" and will be measured 4 ½ half feet above the ground. Planner Agresta said that this application will follow the current code which requires a tree to be measured 3 feet off the ground.

Chairman O'Hara asked about the location of the dumpster. Planner Agresta had made a suggestion that the dumpster move to a location where there are two parking spaces and shift the parking spaces further south. Mr. Solli said that this would have an impact on their grading and wetland restoration which wasn't included in their wetland application. The applicant would rather not relocate the dumpster and have to modify their wetland approval. In addition, the proposed location allows easier access for the truck to come and empty the dumpster.

Planner Agresta stated that he understands that the approval process can be difficult between the two agencies but that the location of the dumpster in the middle of an island is not ideal. Town Engineer Schatzlein said that, if required, the additional wetland approval could be done a bit more informal than the original application.

Mr. Solli listed some of the landscaping plants that would surround the dumpster and said that it would be fenced. Commissioner Lindstrom asked what type of fence it would be. Mr. Solli responded, the type of fence would be board on board. Secretary Martin said that she does not like when owners leave the doors open thus exposing the dumpster. Mr. Solli said that the location of the dumpster will force the owners to keep the doors closed and that their location will not produce a large amount of trash so they will not need to access the dumpster as often as other businesses may. Secretary Martin wanted to know if they could use more of a sliding door. Mr. Solli said that a swinging door would work better for that location. Chairman O'Hara asked if there was curbing around the island with the dumpster and Mr. Solli said yes.

Chairman O'Hara wanted to know about a previously paved driveway that provided access to an overhead door. The applicant is proposing to tear up the pavement and fill it in with gravel because it was not part of the original approval. Essentially, the applicant is looking to fix a non-conformity left from the previous owner.

Chairman O'Hara brought up concerns over the lack of separation from the gate in the fence around the practice field and the parking lot. The Commission would like a little more egress there and Commissioner Quinn suggested a "zig zag" fence like they have at Great Hollow Lake. Mr. Solli said that they would be willing to consider an offset fence for field traffic to flow through on their way on and off the field.

Chairman O'Hara opened the hearing to public comment, which there was none.

Mr. Solli gave his final comments which included the applicant's desire to move in and begin running their business while the final details are settled on their application. Planner Agresta expressed his reservations for doing this and questioned what happens when the applicant moves in but the improvements do not materialize? Chairman O'Hara suggested that between the applicant and staff there needs to be provisions made and a time line formed in order for the Commission to deliberate and ultimately decide on this application.

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

SEP-2015-02, File # 1552A – 505, 509, 515 Monroe Turnpike & 220 Cross Hill Road, construct CVS retail pharmacy and site improvements, TMC New England, LLC (*public hearing reconvened from 5/7/15*)

Secretary Martin read the public notice and Chairman O'Hara read the instructions for the public hearing. Planner Agresta listed Exhibits 1 through 23 for the record.

Attorney Kleinman from the firm, Hinckley, Allen and Snyder in Hartford, CT introduced himself along with Paul Vitaliano, Project Manager from VHB, Charles Baker, Senior Traffic Engineer from VHB, and Brice Hillman, Project Architect from BKA Architects.

Attorney Kleinman began by stating this application is for a proposed CVS pharmacy to be located on approximately 2.57 acres at the intersection of Monroe Turnpike and Cross Hill Road. In addition, they are seeking a waiver from section 6.4.9 of the zoning regulations in connection with an excavation and filling permit and e-mailed a letter in reference to such to the Commission today. Planner Agresta marked the letter as exhibit 24.

Attorney Kleinman said the site consists of four lots which they propose to combine into one lot. He described the current businesses located at the properties and how they are zoned. He asked the Commission to approve the separate application for zone change from RF-1 to B-2 as some of the parcels are bifurcated. The applicant plans to demolish the existing structures and construct a 12,830 square foot CVS pharmacy and drive thru with a 1,670 square foot mezzanine for storage in addition to landscaping, septic system, utilities and storm water management systems. They are proposing 73 parking spaces which is the minimum required by the zoning regulations.

This project was approved by the Inland/Wetlands Commission on 2/25/15. They feel they have met all the regulations required for approval, the proposed use will be in harmony with the adjacent properties and will not adversely affect the health, safety, convenience or property values of the public and finally, the standards for the use of this property are satisfied. The application is consistent with the town's Plan of Conservation and Development and will add economic value to the Town of Monroe.

Paul Vitaliano described the technical aspects of the plan starting with the main access to the site being on the northeast corner of the property on Route 111 with the remaining 5 curb cuts being removed. The second full access entry will be on Cross Hill Road. They are trying to resolve a sight line issue with the neighbor at 224 Cross Hill Road. Mr. Vitaliano gave a brief description of how one could access the parking lot, drive thru, and how one could enter and exit the proposed CVS from either Route 111 or Cross Hill Road by car or as a pedestrian. He stated that all truck traffic will be entering on Route 111 and exiting on either Route 111 or Cross Hill Road, but truck exiting could be limited to Cross Hill Road as recommended by town staff. The trucks will have access to a loading area on the back of the building and a compactor and dumpster located adjacent to the building with an enclosure consistent with the building made of wood shakes.

Mr. Vitaliano said they are adding sidewalks to the entire property on Route 111 and Cross Hill Road which are all designed to accommodate ADA accessibility and promote other forms of transportation.

Due to grading issues they determined they would need retaining walls in the front and back of the building. The front wall will be 3 feet high and will be screened by some plantings. In the back, about 75 % of the retaining wall will be 4 feet high but at it's highest it will be 17 feet.

Mr. Vitaliano stated the three grading parameters that they are requesting a waiver for are allowing a maximum grading of 4 to 1 within 25 feet of a property line or within 50 feet of a street line, and for not changing the grading within 25 feet of a parking lot. The current grading already exceeds the maximum allowed at 4 to 1 so they would like to keep the existing condition. Without the waiver the short wall in front would have to go from 3 feet to approximately 5 feet tall.

In regard to the drainage system, Mr. Vitaliano said they are maintaining the connection out to Monroe Turnpike and re-routing any increase to the southeast and have an underground retention system to mitigate the flow.

Mr. Vitaliano described the planting plan as extensive which is required by the regulations. They are proposing a dense buffer on the western end of the site, screening the front wall with plantings, adding planting strips in the front and on the sides of the proposed building which will be a mix of plants, shrubs, and ornamental grasses. They are proposing trees be planted on either side of the entrance and exits of the property. Mr. Vitaliano listed the plants by name pointed out on the plan where the monument sign will be located. The sign will be surrounded with various shrubs and grasses and they are proposing to plant 200 Crocus in that area to add some color.

One of the trees proposed by the applicant was White Pine. Chairman O'Hara requested the applicant switch out the White Pines in the plan for something else describing that they, "eat themselves and the bottoms rot away," and there is a new bug attacking them. Mr. Vitaliano said he is sure they could replace them with something else.

Mr. Vitaliano said the applicant is proposing one sign on the southern side of the building facing the intersection on Cross Hill Road. The monument sign will be placed at the intersection of Cross Hill Road and Monroe Turnpike. It will be 5 feet 10 inches high and externally illuminated by an LED strip across the top shining down. They are changing the proposed background color from white to something darker.

Architect, Brice Hillman then spoke about the proposed building saying it is a colonial style building with pitched roofs, fiber cement shakes with cottage style windows, a fiber cement base that looks like brick. They have made some minor modifications in response to staff comments, for example they are adding shutters for some visual interest, more windows, and making the columns under the canopy rounded. The roof will have asphalt shingles and there will be a portion of flat roof to conceal and house all of the units for the space to operate. They are proposing peaked trim to accent the gables as well.

Vice Chairman Porter asked Mr. Hillman to elaborate on the mechanical units. Mr. Hillman said there are 5 RTU Units that service the heating and cooling needs of the building. The roof design will fully screen all RTU units as well as to dampen any noise that may come from them.

Chairman O'Hara asked if that roof is visible from the Big Y parking lot above. Mr. Hillman said that the portion of flat roof is concealed by a pitched roof over it and that the roof may be visible from the parking lot above. Mr. Vitaliano confirmed that statement and added that you would have to be in the last row of the parking lot in order to see the roof below.

Charlie Baker spoke on behalf of the applicant in regard to the traffic study. He said they began by collecting peak hour traffic counts which were weekday evenings and Saturdays. They also referred to a previous traffic study done by others in 2012 as comparison which showed higher traffic counts than their most recent study. They projected these counts 1 year into the future when CVS would be in business as well as included traffic from 5 additional developments that have been approved in the area to which they applied a 1% annual growth rate to account for any increases in population or other factors. They used industry standard ITE trip generation manual to figure the traffic that will be generated with the new CVS. Compared to the businesses that currently occupy the site, CVS is suspected to generate approximately 77 more trips during the evening weekday peak hour and 61 more vehicle trips during the Saturday peak hour. They studied the intersections in the area which are graded A through F on their capacity analysis, "A" being the best and "F" being the worst. Currently, the intersection of Monroe Turnpike and Cross Hill Road operates at a "B" level of service and is projected to maintain that "B" grade with or without the construction of the CVS. The driveway on Cross Hill Road will operate at a "B" level although the driveway on Route 111 for drivers turning left will operate at an "F" level during peak hours.

Mr. Baker did point out that there is a traffic signal at that intersection which will create gaps in traffic which will be helpful. When cars turn left into the site there will be no delay for cars traveling north on Monroe Turnpike as there is ample room for a bypass lane. When the applicant met with the DOT about this they confirmed there was no need for a left turn lane or widening of Monroe Turnpike.

Chairman O'Hara asked if he were taking a left turn out of any of the existing businesses today what's the level of service? Mr. Baker said they are not sure what the level of service grade is now but thought it too would be an "F" during peak hours.

Commissioner Lindstrom wanted to know if there was anyway they could create an access road from the site to the Big Y shopping center. Mr. Baker said the grade separation between the sites makes it impossible to do so. Mr. Vitaliano concurred by saying the grade separation between the two properties is over 20 feet in elevation which does not make it feasible.

Mr. Kleinman said that they received the Town Planner and Town Engineer comments today and will take the next two weeks to consider and respond to them then invited any questions the Commission may have.

Commissioner Flader wanted to know if there was enough proposed screening between the site and the surrounding residents. Mr. Vitaliano said that the space they have to work with is very tight but they feel they have proposed adequate screening according to the regulations and that this application is predicated on the approval of the separate zone change petition.

Commissioner Flader wanted to know if they were going to modify the time of the signal light at the intersection of Cross Hill Road and Monroe Turnpike. Mr. Baker said they are not requesting any timing changes made on that signal.

Vice Chairman Porter, speaking to Planner Agresta and Town Engineer Schatzlein asked how the waiver for the excavation and filling permit impacts the Commission's ability to hold them to the regulations for excavation and filling. Planner Agresta answered saying that those regulations are allowed to be waived based upon the plan that is presented. In this circumstance the applicant is working with an existing condition with regard to grading and in the front of the property the applicant could comply more with the regulations but that would necessitate a higher wall in front of the building. Vice Chairman Porter then asked Planner Agresta to speak on his request to have the wall in front being placed closer in on the property. Planner Agresta said that he was concerned there was not enough room between the wall and the property line for the proposed plantings. He said the other alternative was to request using some of the green space belonging to the DOT to allow the plantings more room.

Vice Chairman Porter asked Mr. Vitaliano in regard to the approximately 20 foot cut on the northwest corner of the site, have they done any test borings or test pits to see what they will encounter. Mr. Vitaliano said they had done a full geotechnical investigation including mostly borings. They feel that after excavation they will be left with fragmented stones not just a clean cut ledge, which is why they have proposed a modular block wall.

However, if the applicant does find areas that are ledge they want to know if the Commission would be willing to leave this issue open so that they can work with the Town Engineer while doing construction and perhaps to a combination of block wall and exposed ledge. Town Engineer Schatzlein said that it is possible and has been done in the past as a construction modification however, he is concerned with stability. Planner Agresta had concerns about the ledge rock and the stone wall looking so different, and support for the plantings, and wanted to make sure that if at any point Staff are uncomfortable with the extent of modification due to rock that they reserve the right to bring it back to the Commission.

Vice Chairman Porter asked if they anticipated doing any blasting, crushing, processing, or screening material on site. Mr. Vitaliano said that he would have to get back to him on that because it is something the contractor would be doing.

Chairman O'Hara urged the applicant to meet with Town Staff before the next meeting and get everything in order so a decision can be made.

Vice Chairman Porter said that with a 19 foot separation shown on the plan he feels the applicant should be able to move the front wall in and still maintain its 3 foot height. In addition, he said the plan called for no porous material behind the wall, no drainage lines behind, and no weep holes and asked if that was because of the proximity to the leeching fields? Mr. Vitaliano responded yes. Vice Chairman Porter said that his understanding of a modular block wall was that it required drainage behind it. Mr. Vitaliano said that when the wall is short and with the little amount of water going to that location you don't need drainage and the water can go right over it but agreed to look into it further.

Secretary Martin asked if the applicant could bring a picture of the block wall material and they agreed to. She then asked what the hours of operation would be for CVS to which Mr. Vitaliano said he thought it would open from 6am to 10pm but will look into that to be sure. He also confirmed that the drive through would not be open unless the building was open.

Secretary Martin asked if they would have a back up generator. Mr. Baker answered no. It was suggested that a location for a generator might be best planned now.

Planner Agresta asked, even though they were providing the minimum amount of parking, do they have more than they need? Mr. Vitaliano said that they are very close to where they need to be because typically they need 65 to 75 spaces and because the previous location of CVS had more parking he thought they would not want to reduce it anymore.

For the record, Commissioner Quinn left the meeting at 9:23 pm.

Secretary Martin had concerns about refrigerated medications if the power goes out and they have no generator. Planner Agresta followed this by asking if there was ever a need for a generator in the future would there be an area available to put one? Mr. Baker said that having a generator on this site was not identified as a concern so they did not propose one for this plan but they will ask CVS if this is a concern and weather or not they should make accommodations for one.

Vice Chairman Porter asked why only 2 of the 3 stormwater discharged systems include treatment. Mr. Vitaliano said the one not treated is the access drive from Cross Hill Road. Vice Chairman Porter pointed out that it will have run off from the garbage enclosure area to which Mr. Vitaliano said he would look into it.

Chairman O'Hara opened the hearing to public comment, which there was none.

Polling the Commission hearing no objections, Chairman O'Hara adjourned the hearing until June 4, 2015.

SITE PLAN REVIEW

6. **SITE DEVELOPMENT PLAN** – None

DELIBERATIONS and DETERMINATIONS

For the record Commissioners Lindstrom and Flader were seated.

7. **PERMIT AMENDMENTS / MODIFICATIONS / EXTENSIONS**

SEP-2014-02, File # 1537A – 431 Monroe Turnpike – Time Extension

OWNER Four Thirty One Turnpike, LLC
APPLICANT Four Thirty One Turnpike, LLC
MOTION: Porter – To grant a 90 day extension to meet conditions of approval.
SECOND: Flader
DISCUSSION: None
VOTE: 5-0-0 – Approve
Ayes O'Hara, Porter, Martin, Flader, Lindstrom
Nays None
Abstain None

8. **BOND RELEASES OR REDUCTIONS** – None

9. **MEETING MINUTES**

MEETING MINUTES 2/19/15

MOTION: Porter – To approve the draft meeting minutes with corrections.
SECOND: Lindstrom
VOTE: 4-0-1 – Approved
Ayes O'Hara, Porter, Martin, Lindstrom
Nays None
Abstain Flader

MEETING MINUTES 5/7/2015

MOTION: Porter – To approve the draft meeting minutes with corrections.
SECOND: Lindstrom
VOTE: 4-0-1 - Approved
Ayes O’Hara, Porter, Martin, Lindstrom
Nays None
Abstain Flader

10. APPLICATION DELIBERATIONS/DETERMINATIONS

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

OWNER Monroe Land Holdings, LLC
APPLICANT Monroe Land Holdings, LLC
MOTION: Lindstrom – To approve Subdivision SUB-2014-03 as set forth in the draft approval dated May 21, 2015.
SECOND: Martin
DISCUSSION: The approval includes 5 non-residential industrial lots and 1,650 linear feet of new public street, the property is in the watershed and they did the appropriate noticing, there are two permitted wetland crossings approved by the Inland Wetlands Commission, they are extending the public water service, there are several easements including slope, drainage, and site lines proposed, there are 3 water quality basins for stormwater and the culvert bridge crossings include open bottom culverts, sidewalks at the culvert crossings, the lots range from 3 acres to 17.5 acres in area, road parcel is 1.63 acres, there is a waiver modification to the street trees included as an alternative design, with connection to Timothy Hill Road the name will be Independence Drive throughout.
VOTE: 3-0-2 - Approve
Ayes O’Hara, Martin, Lindstrom
Nays None
Abstain Porter, Flader

ZCA-2015-01, File # 1004D – 515 Monroe Turnpike, 216 & 220 Cross Hill Road

OWNER Franklin & Josephine Machalowski, CT Houses LLC, Cross Hill Services LLC, Leon Ambrosey
APPLICANT TMC New England, LLC
MOTION: Porter – To approve Zone Boundary Change ZCA-2015-01 as set forth in the draft approval dated May 21, 2015.
SECOND: Lindstrom
DISCUSSION: This squares up the business district, makes all property lines adjacent with the other zones, it's in conformance with the Plan of Conservation and Development, and eliminates the current residential and nonresidential bifurcation of the properties.
VOTE: **4-0-1 - Approve**
Ayes O'Hara, Porter, Martin, Lindstrom
Nays None
Abstain Flader

OTHER BUSINESS

11. **REGULATIONS REVIEW/AMENDMENT WORK SESSION** – None

12. **CORRESPONDENCE/OTHER RECEIVED** – None

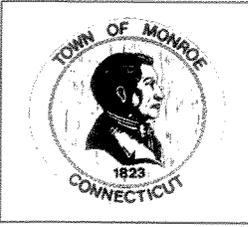
13. **COMMISSIONER'S REPORTS**

- Chairman's Report – None
- Commissioner's Reports – None
- Land Use Staff Reports – None

14. **MEETING AJOURNMENT**

With no objections, Chairman O'Hara adjourned the meeting at 9:42 pm.

Respectfully submitted,
Carol Re, Recording Secretary



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-2014-03 – File #1255C)
36 Timothy Hill Road
Assessor Map 114, Lot 6 – I-2 District

Monroe Land Holdings LLC (applicant/owner)

May 21, 2015

Date of Approval	May 21, 2015
Final Plans to be Signed & Recorded	Within 90 days(*)
5-Year Expiration	May 21, 2020
	<i>(*) from expiration of appeal period</i>

WHEREAS, the Monroe Planning and Zoning Commission (Commission) is considering an application for a five (5) lot non-residential resubdivision from Monroe Land Holdings LLC (applicant/owner), including dedication and conveyance of approximately 1,650 linear feet of new public street within associated road right-of-way parcels, including related drainage, sight and slope rights easements, as detailed in the associated application materials, including:

Application:

- Application SUB-2014-03 – Resubdivision 5-Lots, 36 Timothy Hill Road;
- Project Narrative;
- Neighbors List within 100-feet;
- Bond Estimate;
- Engineering Report, Solli Engineering, 09/09/14, revised 01/12/15;
- Responses to ART Comments, Solli Engineering, 12/10/14, 12/10/14, 01/12/15, and 02/02/15;
- Culvert Report, 02/03/15;
- Draft Drainage Easements (0.378 acres and 0.099 acres);
- Draft Declaration of Access Easement and Maintenance Agreement;
- Draft Warranty Deeds – Parcel A and Parcel C;
- Draft Sight Line Easements – Lots 31 and 32;
- Draft Slope Right Easements – Lots 29, 30, 31, 32 and 33;

Plans:

- 0.00 – Cover Sheet (1/23), Solli Engineering, 09/09/14, revised 02/02/15;
- Boundary & Topographic Survey (2/23), Accurate Land Survey, LLC, 10/10/14, revised 02/02/15;
- Resubdivision Map (3/23), Accurate Land Survey, LLC, 09/08/14, revised 02/02/15;
- 1.40 – Property Radius Map (4/23), Solli Engineering, 09/09/14, revised 02/02/15;
- 2.10 – Overall Lot Layout & Area Map (5/23), Solli Engineering, 09/09/14, revised 02/02/15;
- 4.10 – Overall Roadway Layout (6/23), Solli Engineering, 09/09/14, revised 02/02/15;
- 4.21 – Roadway Layout, Grading and Drainage Plan (7/23), Solli Engineering, 09/09/14, revised 02/02/15;
- 4.31 – Soil Erosion and Sediment Control Plan (8/23), Solli Engineering, 09/09/14, revised 02/02/15;
- 4.41 – Soil erosion and Sediment Control Notes and Details (9/23), Solli Engineering, 09/09/14, revised 02/02/15;
- 4.51 – Roadway Utility Plan (10/23), Solli Engineering, 09/09/14, revised 02/02/15;
- 4.61 – Planting Plan (11/23), Solli Engineering, 09/09/14, revised 02/02/15;
- 4.71 – Road Profile Sta. 0+00 – 9+50 (12/23), Solli Engineering, 09/09/14, revised 02/02/15;
- 4.72 – Road Profile Sta. 9+50 – 18+00 (13/23), Solli Engineering, 09/09/14, revised 02/02/15;
- 4.81 – Road Sections Sta. 0+00 – 8+50 (14/23), Solli Engineering, 09/09/14, revised 02/02/15;
- 4.82 – Road Sections Sta. 8+50 – 12+50 (15/23), Solli Engineering, 09/09/14, revised 02/02/15;
- 4.83 – Road Sections Sta. 12+50 – 18+00 (16/23), Solli Engineering, 09/09/14, revised 02/02/15;
- 4.90 – Potential Lot Development Plan (17/23), Solli Engineering, 09/09/14, revised 02/02/15;
- 4.91 – Intersection Sight Distance Plan (18/23), Solli Engineering, 09/09/14, revised 02/02/15;
- 4.92 – Intersection Sight Distance Plan (19/23), Solli Engineering, 09/09/14, revised 02/02/15;
- 5.01 – Details (20/23), Solli Engineering, 09/09/14, revised 02/02/15;
- 5.02 – Details (21/23), Solli Engineering, 09/09/14, revised 02/02/15;
- 5.03 – Details (22/23), Solli Engineering, 12/10/14, revised 02/02/15;
- 5.04 – Details (23/23), Solli Engineering, 01/12/15, revised 02/02/15; and

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

- The subject property consists of approximately 44.14 acres zoned Industrial District 2 (I-2) and is commonly referred to as Section 6 of the Pepper Street Industrial Business Park;
- Portions of the subject property are disturbed but generally the site is undeveloped and consists of forested lands and wetlands, including several intermittent woodland (vernal) pools;
- The subject property is not located within 500 feet of a Town boundary;
- The subject property includes small areas of 100-year floodplain and is situated within the mapped West Pequonnock Watershed, a protected public watershed area, for which the applicant completed the required notices on October 20, 2014, to the State Commissioner of Public Health and the Aquarion Water Company of Connecticut pursuant to Connecticut General Statutes §8-3i;
- The resubdivision proposes five (5) new Industrial lots and a through public road connection from existing Independence Drive on the west to Timothy Hill Road (currently a closed town roadway which is to be rehabilitated in conjunction with the completion of public improvements required per this resubdivision) and eventually Fan Hill Road on the east;
- Construction of the proposed resubdivision road involves two (2) major wetland crossings, for which a Wetland Permit is required and has been obtained by the applicant (IWC-2014-09, File #888, as approved dated December 10, 2014). Future development activities on all five (5) proposed individual resubdivision lots will also likely require individual Wetland Permits;
- Existing public water main service will be extended to serve the proposed resubdivision lots, while individual lots would be served by onsite private subsurface septic systems;

- The subject property is more particularly proposed to be divided as follows:

PROPOSED PUBLIC ROAD

- A dedicated public road with a 60-foot right-of-way parcel, extending approximately 1,650 linear feet, connecting an existing cul-de-sac terminus of Independence Drive at the site's western boundary through to the existing cul-de-sac terminus of Timothy Hill Road to the east (thereby providing through connection to Fan Hill Road), is proposed;
- Drainage, Sight Line and Slope Rights Easements are planned on certain of the proposed resubdivision lots;
- A stormwater conveyance system is proposed including three (3) water quality basins and two (2) open-bottom culvert/bridge crossings;
- Drainage improvements are proposed within an existing Drainage Easement located on an abutting lot to the west (Lot 27);
- Sidewalks are not proposed, except for along one side of the roadway within the limits of the culvert/bridge crossings;

PROPOSED RESUBDIVISION LOTS

- Lot 29 – 17.44 acres, including slope rights easement;
 - Lot 30 – 3.01 acres, including slope rights easement;
 - Lot 31 – 3.75 acres, including drainage, slope rights and sight line easements;
 - Lot 32 – 14.35 acres, including drainage, slope rights and sight line easements;
 - Lot 33 – 4.00 acres, including slope rights easement;
 - New public road right-of-way Parcel A and Parcel C to be conveyed to the Town of Monroe – 1.63 acres;
 - Conveyance Parcel B to 64 Cambridge Road – 0.08 acres;
 - An access easement is proposed over Lot 32 to be shared in common with Lot 33 for the future construction and use as a single common driveway to both lots;
- According to the Trumbull Monroe Health District (correspondence dated October 30, 2014), *"The soils on site are suitable and meet the Connecticut Public Health Code...additional test work and formal engineered plan review"* is required and the individual lots must be connected to the public water service to be extended via the resubdivision improvements.
 - The proposal includes a wavier request to modify the street tree standards. The requested waiver seeks acceptance of alternative proposed site plantings in lieu of typical soldier coursing of street trees along with a stated requirement on the resubdivision map requiring that each of the individual resubdivision lots provide a streetscape planting plan as part of its subsequent required development application, subject to the review and approval of the Commission; and

WHEREAS, the Commission has considered the proposed Resubdivision Application at a duly noticed public hearing, which hearing was opened and adjourned on December 18, 2014, reconvened and adjourned on January 22, 2015, reconvened and closed on March 19, 2015 (with appropriate time extensions as granted by the applicant via letters dated January 22, 2015, January 30, 2015, February 19, 2015 and March 5, 2015). Notice of the public hearing was filed with the Monroe Town Clerk on December 2, 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 the proposed Resubdivision, 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 **May 21, 2015**, upon motion by **CATHLEEN LINDSTROM** and seconded by **KAREN MARTIN**, following deliberations conducted on **March 19 and May 21, 2015**, voted **THREE (3)** in favor, **NONE (0)** in opposition, and **TWO (2)** in abstention to **Approve** the proposed resubdivision application, subject to modifications and requirements as set forth herein, as follows:

<i>Vote:</i>	<u>PATRICK O'HARA</u>	<u>AYE</u>
	<u>WILLIAM PORTER</u>	<u>ANSTAIN</u>
	<u>KAREN MARTIN</u>	<u>AYE</u>
	<u>JANE FLADER (seated)</u>	<u>ABSTAIN</u>
	<u>CATHLEEN LINDSTROM (seated)</u>	<u>AYE</u>

For the Commission:


Patrick O'Hara, Chair

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

- 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 approved herein;

BE IT FURTHER RESOLVED, that this Approval only relates to the resubdivision and related improvements as described in the Resubdivision Application and as shown on the final Resubdivision Map and Resubdivision Construction Plans as subsequently endorsed 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 final naming of the connected road as **Independence Drive**, thereby eliminating the use of the name Timothy Hill Road over the portion of existing Town owned road connection to Fan Hill Road; and

BE IT FURTHER RESOLVED, as set forth above, this Approval shall be subject to the following modifications and requirements:

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 comply with the conditions of this approval or 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 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:

- 0.00 – Cover Sheet (1/23)
- Boundary & Topographic Survey (2/23)
- Resubdivision Map (3/23)
- 1.40 – Property Radius Map (4/23)
- 2.10 – Overall Lot Layout & Area Map (5/23)
- 4.10 – Overall Roadway Layout (6/23)
- 4.21 – Roadway Layout, Grading and Drainage Plan (7/23)
- 4.31 – Soil Erosion and Sediment Control Plan (8/23)
- 4.41 – Soil erosion and Sediment Control Notes and Details (9/23)
- 4.51 – Roadway Utility Plan (10/23)
- 4.61 – Planting Plan (11/23)
- 4.71 – Road Profile Sta. 0+00 – 9+50 (12/23)
- 4.72 – Road Profile Sta. 9+50 – 18+00 (13/23)
- 4.81 – Road Sections Sta. 0+00 – 8+50 (14/23)
- 4.82 – Road Sections Sta. 8+50 – 12+50 (15/23)
- 4.83 – Road Sections Sta. 12+50 – 18+00 (16/23)
- 4.90 – Potential Lot Development Plan (17/23)
- 4.91 – Intersection Sight Distance Plan (18/23)
- 4.92 – Intersection Sight Distance Plan (19/23)
- 5.01 – Details (20/23)
- 5.02 – Details (21/23)
- 5.03 – Details (22/23)
- 5.04 – Details (23/23)

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 May 21, 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/Applicant
Monroe Land Holdings LLC, John Kimball, Member
1428 Monroe Turnpike
Monroe, CT 06468

b. **Resubdivision Map**

- (1) Provide permanent Bench Marks (elevation references) at both ends and at the mid portion of the proposed roadway (also include on the Resubdivision Construction Plans).
- (2) Add a dimension relating to the first leg of the sight line easement on Lot 31 corresponding to 4.18 feet (N 5 53 57 W).
- (3) The following notes shall be added:
 - *Reference is hereby made to the corresponding Wetland Permit as issued by the Monroe Inland Wetlands Commission (IWC-2014-09, File #888, as approved dated December 10, 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-2014-03, File #1255C, approved on May 21, 2015) and the corresponding Subdivision Construction Plans on file with the Monroe Planning and Zoning Department. Expiration of this Resubdivision Approval shall be May 21, 2020, unless all applicable conditions of the referenced Resubdivision Approval have been fully complied with.*
 - *Roadway right-of-way Parcels A and C 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.*

- *A Right-of-Way Parcel pertaining to the existing portion of constructed Independence Drive shall prior to or simultaneously be conveyed to the Town of Monroe with Roadway Right-of-Way Parcels A and C, subject to the same Town acceptance process.*
- *Reference is hereby made to the Associated Legal Instruments which have been recorded simultaneously herewith on the Monroe Land Records relating to the easements shown hereon.*
- *Access to Lots 32 and 33 shall be shared over a single common driveway within the Access Easement as shown hereon.*

c. **Resubdivision Construction Plans**

- (1) Show protection (rip rap stabilization) to be provided within the roadway swale and add as a contingency note on the final drawings, that this requirement can be evaluated in the field during construction off the northeast bridge wing wall (Station 7+20).
- (2) Provide additional details for the bridge structures (footings dimensional chart of numbered dimensions, abutments, foundation block, wing walls, fencing, parapets, guide rails, support structure, waterproofing, etc.).
- (3) Provide layout information for all underground utilities.
- (4) Add the following notation: ***All public utility lines (electric, communications) shall be installed underground within conduit pipe, including lines crossing the street. Transformers and other related equipment shall also be installed underground. The final location of all lines, transformers and other related equipment shall be coordinated with the Town Engineer consistent with the standards of §111-308 of the Land Subdivision Regulations.***

2. **Required Revisions and Approval of Associated Legal Instruments:**

- a. The applicant shall provide final draft legal instruments to the Planning and Zoning Department pertaining to the following declarations, conveyances and easements, subject also to acceptance by the Town Attorney:
 - (1) **Resubdivision Road Right-of-Way Conveyance Deeds** including resubdivision road Parcel A and Parcel C to be conveyed to the Town of Monroe, which shall also address:
 - (a) The Schedule A for resubdivision road Parcel A and Parcel C shall each indicate final plan and revision dates as approved.
 - (b) The Schedule A descriptions shall be revised to reflect alternate directions of curvature so that the descriptions match the direction taken.
 - (2) **Independence Drive Conveyance Deed** with appropriate Schedule/description detailing the conveyance of a suitable complete road and right-of-way to the Town.

- (3) **Parcel B Conveyance Deed** with appropriate Schedule/description detailing the conveyance and merger of said parcel to property at 64 Cambridge Drive (Assessor Map 94, Lot 15).
- (4) **Drainage Easement** on Lots 31 and 32 to be conveyed to the Town of Monroe.
- (5) **Declaration of Sight Line Easement** on Lots 31 and 32, which shall also address:
 - (a) Include clarification that the responsibility/liability for maintaining acceptable conditions lies with the respective property owners.
 - (b) Complete Paragraph “ii” on Page 1.
 - (c) The perimeter description pertaining to Lot 32 shall be revised to indicate the point of beginning being the **northwesterly** corner of Lot 32 in lieu of the “southwesterly corner,” and the **northeasterly** corner of 64 Cambridge Drive in lieu of the “southwesterly” corner.
 - (d) The perimeter descriptions should be consistent in listing the direction of curves to match the direction of the perimeter description.
 - (e) Revise the perimeter description pertaining to Lot 31 to include the data of the first leg of the easement 4.18 feet; thence **N 5 53 57 W**.
- (6) **Declaration of Slope Rights Easement** on Lots 29, 30, 31, 32 and 33.
- (7) **Declaration of Access Easement and Maintenance Agreement** affecting Lots 32 and 33 to be conveyed to Lot 33, which shall also indicate the Lot 33 owner percentage of the annual maintenance costs.

3. **Final Plans and Final Associated Legal Instruments**

- a. Upon satisfactory revision and acceptance of the “final” Resubdivions Map and Resubdivision Construction Plans, 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 Construction Plans – Plan sets shall be full size 24”x 36”, collated, bound and folded, **except ONE (1) set shall be rolled.**
- b. Upon satisfactory revision and acceptance of the “final” associated Legal Instruments, the applicant shall provide final copies awaiting their required recording as set forth herein.

- c. Two (2) copies of a final Drainage Report shall be provided, certified by a Connecticut licensed Professional Engineer and revised to include the 100-year hydrographs and sketch of the drainage areas.

4. **Bond and Recording of Resubdivision Map and Associated Legal Instruments**

- a. **Bond Prior to Road Construction** – In the event the applicant selects to establish with the Town of Monroe a Financial Guarantee (Bond) relating to the construction of the resubdivision road and related resubdivision improvements, the applicant shall comply with the requirements and standards as set forth in **Section B** herein.
- b. **Build Prior to Bond and Deferred Recordings** – In the event the applicant selects to construct the resubdivision road and related resubdivision improvements prior to establishing with the Town of Monroe a Financial Guarantee (Bond) relating thereto, the applicant shall comply with the requirements and standards as set forth in **Section C** herein.

B. BOND POSTED PRIOR to CONSTRUCTION of ROAD and RELATED IMPROVEMENTS

The following shall apply in the instance that the resubdivision road and related resubdivision improvements are to be constructed pursuant to the prior posting of a Financial Guarantee (Bond):

- 1. Prior to the expiration of the time period set forth above in **Section A**, and prior to any vegetation removal or site disturbance, or authorized recording of the Resubdivision Map on the Monroe Land Records, the following shall be completed:
 - a. **Resubdivision Map and Resubdivision Construction Plans** – The Resubdivision Map and related Resubdivision Construction Plans shall be revised as required above in **Section A** herein and deemed complete by the Planning and Zoning Department and the Town Engineer.
 - b. **Associated Legal Instruments** – The associated Legal Instruments shall be revised as required above in **Section A** herein and deemed complete by the Planning and Zoning Department in consultation with the Town Engineer and Town Attorney.
 - c. A **Financial Guarantee (Bond)** in the amount of **\$2,700,000.00** shall be provided, which shall assure that all required resubdivision road and related resubdivision improvements shall be completed in compliance with this Approval, subject to the requirements pursuant to **Section D** herein.
 - d. **Recordings and Filings**
 - (1) The following shall be simultaneously recorded by the applicant at its sole cost and expense in the Office of the Monroe Town Clerk on the Monroe Land Records and copies of such showing all markings of recording shall be filed in the Office of the Planning and Zoning Department:
 - (a) An original copy (as provided by the Planning and Zoning Department) of this Approval as endorsed by the Commission Chair.

- (b) The final Resubdivision Map as endorsed by the Commission Chair.
 - (c) A conveyance deed acceptable to the Town Attorney for Parcel B to be merged with property at 64 Cambridge Drive.
 - (d) All other associated Legal Instruments, **except** the conveyance Warranty Deeds for resubdivision road and right-of-way Parcel A and Parcel C, and for existing Independence Drive.
- (2) The final Resubdivision Construction Plans as endorsed by the Commission Chair shall be filed in the Office of the Planning and Zoning Department.
- e. **Zoning Permit Required** – The applicant shall apply for a Zoning Permit relating SOLELY to the construction of the resubdivision road and related resubdivision improvements according to the final endorsed Resubdivision Construction Plans.
 - f. **Pre-Construction Meeting** – 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 above noted required Zoning Permit shall be issued following the satisfactory completion of the Pre-Construction Meeting. Additional construction meetings may be called as deemed necessary throughout construction.

C. NO BOND – ROAD CONSTRUCTION PRIOR to RECORDING of RESUBDIVISION MAP

The following shall apply in the instance that the resubdivision road and related resubdivision improvements are to be constructed by the applicant without the prior posting of a Financial Guarantee (Bond) and prior to the recording of the Resubdivision Map on the Monroe Land Records:

1. Prior to the expiration of the time period set forth above in **Section A**, and prior to any vegetation removal or site disturbance, the following shall be completed:
 - a. **Resubdivision Map and Resubdivision Construction Plans** – The Resubdivision Map and related Resubdivision Construction Plans shall be revised as required above in **Section A** herein and deemed complete by the Planning and Zoning Department and Town Engineer.
 - b. **Associated Legal Instruments** – The resubdivision associated Legal Instruments shall be revised as required above in **Section A** herein and deemed complete by the Planning and Zoning Department in consultation with the Town Engineer and Town Attorney.
 - c. An **Erosion Stabilization and Restoration Bond (“Restoration Bond”)** in the amount of **\$137,000.00** shall be provided (either by adding to or replacing the existing held bond to achieve the total amount as set forth herein), which shall assure adequacy of erosion controls, site stabilization measures and restorative measures, subject to the requirements pursuant to **Section D** herein.

d. **Recordings and Filings**

- (1) An original copy (as provided by the Planning and Zoning Department) of this Approval as endorsed by the Commission Chair shall be recorded by the applicant at its sole cost and expense in the Office of the Monroe Town Clerk on the Monroe Land Records. Copies of same showing all markings of recording shall be filed in the Office of the Planning and Zoning Department.
- (2) The following shall be held by the Planning and Zoning Department until their release is authorized pursuant to satisfaction of the conditions set forth in **Condition 2b** below:
 - (a) The final Resubdivision Map as endorsed by the Commission Chair.
 - (b) A conveyance deed acceptable to the Town Attorney for Parcel B to be merged with property at 64 Cambridge Drive.
 - (c) All other associated Legal Instruments, **including** conveyance Warranty Deeds for the resubdivision road and associated right-of-way Parcel A and Parcel C, and for existing Independence Drive.
- (3) The endorsed Resubdivision Construction Plans shall be released to the applicant and circulated as appropriate to other Town Departments, with copies retained on file in the Office of the Planning and Zoning Department, for the construction of the resubdivision road and other resubdivision improvements by the applicant and inspection and monitoring thereof by the Town.

e. **Zoning Permit Required** – The applicant shall apply for a Zoning Permit relating SOLELY to the construction of the resubdivision road and related resubdivision improvements according to the final endorsed Resubdivision Construction Plans filed with the Planning and Zoning Department.

f. **Pre-Construction Meeting** – 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 above noted required Zoning Permit shall be issued following the satisfactory completion of the Pre-Construction Meeting. Additional construction meetings may be called as deemed necessary throughout construction.

2. Prior to the expiration of the time period set forth above in **Section A**, and prior to the authorized recording of the Resubdivision Map, the following shall be completed:

- a. The resubdivision road and related resubdivision improvements shall be fully completed, deemed complete by the Town Engineer, recommended for acceptance by the Commission, and accepted by the Town Council for conveyance to the Town of Monroe, including conveyance of the existing roadway and right-of-way for existing Independence Drive, in accordance with the standards and requirements set forth in **Section F and Section G** herein.

If the resubdivision road and related resubdivision improvements are not complete, the following shall be completed:

- The applicant shall provide a certified Engineer’s Map and Report indicating the status of the completed resubdivision road and related resubdivision improvements, along with an identification of remaining work and a cost estimate associated therewith.
 - Town staff shall review and report to the Commission accordingly.
 - The Commission shall determine a remaining work bond amount.
 - The applicant shall provide a **Financial Guarantee (Bond)** in said amount and pursuant to **Section D** herein.
- b. Upon satisfactory completion of **Condition 2(a)** above, the following shall be simultaneously recorded by the applicant at its sole cost and expense in the Office of the Monroe Town Clerk on the Monroe Land Records, subject to the acceptance by and coordination with the Town Attorney, and copies of same showing all markings of recording shall be filed in the Office of the Planning and Zoning Department:
- (1) The held final Resubdivision Map as endorsed by the Commission Chair.
 - (2) A conveyance deed acceptable to the Town Attorney for Parcel B to be merged with property at 64 Cambridge Drive.
 - (3) All other associated Legal Instruments including the conveyance Warranty Deeds for the resubdivision road and associated right-of-way Parcel A and Parcel C, and for existing Independence Drive. If the resubdivision road and related resubdivision improvements are not complete, the conveyance Warranty Deeds shall not recorded and be held accordingly.

D. STANDARDS RELATING TO ESTABLISHMENT OF FINANCIAL GUARANTEE (BOND)

Any Financial Guarantee (Bond) established pursuant hereto shall be subject to the following:

1. A properly executed Town of Monroe Bond Agreement shall be completed.
2. 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.
3. The required Bond Agreement shall remain in full force and effect until such time as the Commission authorizes its release and/or cancellation.
4. Any change 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.
5. Partial and/or final release of any held Financial Guarantee (Bond) shall be completed in accordance with the standards and requirements set forth in **Section G** herein.

E. STANDARDS RELATING TO AUTHORIZED CONSTRUCTION

1. This Approval does not authorize, or grant development or alteration improvements beyond that shown on the final Resubdivision Map and Resubdivision Construction Plans as endorsed by the Commission Chair.
2. No individual resubdivision lot vegetation clearing, site preparation, grading, construction or other site alteration or disturbance is authorized under this Approval. Each respective Lot owner shall be responsible for obtaining all required approvals and permits from Federal, State and local agencies, and ensuring compliance thereto.
3. There shall be no clearing, grading, removal of vegetation or other site construction inconsistent with that shown on the endorsed Resubdivision Map and Resubdivision Construction 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 plans. All other changes require the prior review and approval of the Commission as a change pursuant to **Section H** herein.
4. 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** herein.
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 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.
6. All new or replacement utilities shall be installed underground in accordance with the approved plans.
7. 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.

8. 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 and conveyed to the Town. A duly executed **Hold-Harmless Agreement** with the Town may otherwise be proposed and approved pursuant to §111-202(H) of the Land Subdivision Regulations, as may be amended from time to time.
9. Snow from individual lot driveways shall not be pushed into or across the street right-of-way.
10. All work subject to regulation and permit by the Inland Wetlands Commission shall be in compliance with Wetland Permit IWC-2014-04, File #888, approval dated December 10, 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** herein.

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 approved plans shall be completed and operational, including but not limited to all road and utility improvements, associated stormwater improvements, associated Wetland Permit activities and mitigation measures, streetscape plantings, stabilization and revegetation (landscaping) of all disturbed areas in accordance with the approved 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(s) who shall be a 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. The applicant shall provide post construction verification of the installation of all roadway survey monuments in addition to all property and easement corner pins in the form of an As-Built Plan that includes the entire resubdivision road and associated right-of-way and resubdivision lot/property line layout.
4. The applicant shall provide verification of the abandonment and subsequent deeding of portions of the existing Timothy Hill Road turnaround (cul-de-sac) to the respective (adjacent) proposed lots/properties (Lots 31 and 33), and existing land N/F Teresa Goclowsk.

5. The applicant shall obtain a permanent Certificate of Zoning Compliance from the Zoning Enforcement Officer, which shall require completion of the following:
 - All Wetland Permit related activities shall be complete, as evidenced by written confirmation of completion by the Inland Wetlands Commission or their authorized agent.
 - All utilities shall be connected and operational.
 - All disturbed areas shall be stabilized and all erosion controls removed.
 - The site shall be clean of construction related equipment, materials and debris.
 - A Certificate of Substantial Completion shall be obtained from the Town Engineer.
6. Upon the satisfactory completion of **Conditions 1 through 5** above:
 - The Commission may consider issuance of a recommendation to the Town Council of acceptance of the resubdivision public improvements and eligibility of final release of any active Bond pursuant to **Section G** herein.
 - No resubdivision public improvements shall be accepted prior to issuance of a written recommendation relating thereto by the Commission, or between October 31 and April 1.
 - 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).
7. Within ten (10) days of acceptance of the public improvements by the Town Council, the held Warranty Deeds conveying to the Town of Monroe the resubdivision road and associated right-of-way Parcel A and Parcel C, including the road and associated right-of-way for existing Independence Drive, all subject to the acceptance by the Town Attorney, shall be recorded in the Office of the Monroe Town Clerk on the Monroe Land Records at the sole cost and expense of the applicant. Copies of such showing all markings of recording shall be provided to the Planning and Zoning Department.

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. Permanent Bench Marks shall be indicated at both ends of the roadway established on permanent roadway monuments, which shall be shown and labeled on the final 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:
 - a. Formal Town Council acceptance of the Resubdivision Road (and associated stormwater improvements) and other related Resubdivision public improvements.
 - b. Acceptance and recording of associated conveyance deeds and easements, including provision of copies of such recordings showing all marks of recording.
 - c. 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. APPROVAL 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.

3. **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.

4. **Lot Sale or Lease, and Approval Compliance.**
 - a. No new lot shown on the approved Resubdivision Map may be sold or leased until the Resubdivision Map has been recorded on the Monroe Land Records and filings have been completed as set forth herein.

 - b. Individual Resubdivision Lot Development:
 - (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):
 - Approval and compliance with an individual lot Site Development Plan and/or Special Exception Permit from the Commission.
 - A satisfactorily complete application for a Certificate of Zoning Compliance, including associated Commission approved Site Development Plan and/or Special Exception Permit plans endorsed by the Commission Chair.
 - A statement certification from the Town Engineer indicating installation of the binder course of pavement on the resubdivision road has been satisfactorily installed, if the resubdivision road is subject to a Financial Guarantee (Bond), otherwise the resubdivision road shall have been accepted by and conveyed to the Town of Monroe.
 - A statement certification from the Fire Marshal indicating satisfactory installation and functioning of all fire protection controls and related appurtenances.
 - A duly issued individual lot Wetland Permit (if applicable).
 - A duly issued Driveway Permit.
 - A duly issued permit approval to connect to a public water supply main.
 - A duly issued permit approval to install an individual subsurface septic disposal system.

 - (3) Prior to any clearing of brush, vegetation, trees and stumps, or grading for any individual lot development, the primary and reserve septic disposal areas of the affected individual lot shall be staked by a licensed surveyor and protected by orange poly, snow-fencing or similar to prevent disturbance thereto.

 - (4) Occupancy and use of any individual lot improvement 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.

- (5) 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.
 - Connection to the public water supply main shall be installed and operational, subject to verification of acceptance by the water utility.
 - 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.
- c. 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.
5. **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 May 9, 2020**), unless an extension as may be granted by the Commission is obtained. 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.



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

APPROVAL
ZONE BOUNDARY CHANGE
RF-1 to B-2 District
(ZCA-2015-01 – File #1004D)

515 Monroe Turnpike (portion of) – Assessor Map 39, Lot 50
 Cross Hill Service LLC, Leon Ambrosey, Member

216 Cross Hill Road (portion of) – Assessor Map 39, Lot 47
 Franklin and Josephine Machalowski

220 Cross Hill Road (portion of) – Assessor Map 39, Lot 46
 CT Houses LLC, c/o Paul Duh

Date of Approval	May 21, 2015
Date Final Plans to be Signed and Recorded by	August 19, 2015
Expiration	August 19, 2015

WHEREAS, the Monroe Planning and Zoning Commission (hereinafter “Commission”) is considering a zone boundary change petition from Cross Hill Service LLC, Leon Ambrosey Member (515 Monroe Turnpike), Franklin and Josephine Machalowski (216 Cross Hill Road), and CT Houses LLC, c/o Paul Duh (220 Cross Hill Road) (“applicants” and “owners”), as shown and detailed on the associated petition application materials, including:

Application:

- Petition ZCA-2015-01 – Zone Boundary Change;
- Project Narrative, VHB, April, 2015;
- Property Description;

Plans:

- Cover Sheet, VHB, 03/04/15, revised 04/29/15;
- Zc-1 – Property Survey (1/3), VHB, 04/14/15, revised 04/29/15;
- A-1 – Area & Existing Conditions / Land Use Map (2/3), VHB, 03/04/15, revised 04/29/15;
- P-1 – Proposed Zone Change Map (3/3), VHB, 03/04/15, revised 04/29/15; and

WHEREAS, the proposed zone boundary change properties include portions of three adjoining lots:

- 515 Monroe Turnpike – Assessor Map 39, Lot 50, 1.9 acres, partially zoned RF-1 and B-2;
- 216 Cross Hill Road – Assessor Map 39, Lot 47, 0.28 acres, partially zoned RF-1 and B-2;
- 220 Cross Hill Road – Assessor Map 39, Lot 46, 0.20 acres, partially zoned RF-1 and B-2; and

WHEREAS, the proposal seeks the rezoning of the total combined area (approximately 0.824 acres) of the three subject parcels presently zoned Residential and Farming (RF-1) to Business District 2 (B-2) as follows:

- 515 Monroe Turnpike – 33,541 square feet (0.77 acres);
- 216 Cross Hill Road – 0.3 square feet (0.00001 acres);
- 220 Cross Hill Road – 2,178 square feet (0.05 acres); and

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

- The subject properties are collectively located at the northwest corner of the intersection of Monroe Turnpike (Route 111) and Cross Hill Road;
- The subject properties are not within 500 feet of a town boundary or within a 100-year floodplain (according to Flood Insurance Rate Map, Panel number 09001C0279F, June 18, 2010);
- The subject properties are located within the Far Mill Reservoir watershed, for which the applicant completed required notices thereof on March 11, 2015, to the Commissioner of Public Health and the Aquarion Water Company of Connecticut pursuant to Connecticut General Statutes §8-3j;
- None of the subject parcels include regulated wetlands but a portion of 515 Monroe Turnpike does include an area of regulated 100-foot upland review area associated with a small wetlands located on the (Big Y Shopping Center) parcel to the north which connects via a culvert under Monroe Turnpike to the Beardsely Brook;
- No physical construction is proposed by the Zone Boundary Change Petition. However, a separate Application for Special Exception Permit involving the subject parcels (and others), except 216 Cross Hill Road, does include regulated activities, for which a Wetland Permit has been obtained from the Inland Wetlands Commission (IWC-2015-01, approved February 25, 2015);
- The site is presently served by public water supply and private on-site septic systems;
- Each of the lots involved include either pre-existing commercial use (515 Monroe Turnpike) or a residential single family home (216 and 220 Cross Hill Road, respectively); and

WHEREAS, on April 21, 2015, a copy of the proposed Zone Boundary Change Petition was filed in the office of the Monroe Town Clerk; and

WHEREAS, on April 24, 2015 the applicant provided written notice of the proposed Zone Boundary Change Petition to abutting property owners within 500 feet of the subject properties, as evidenced by submission of certified mail receipts (and subsequent returned “green” cards); and

WHEREAS, pursuant to Connecticut General Statutes §8-7d and §9.2.4 of the Monroe Zoning Regulations, the Commission considered the proposed Zone Boundary Change Petition at a duly noticed public hearing (which hearing notice was duly recorded in the office of the Monroe Town Clerk on April 21, 2015 and published in the Monroe Courier on April 23 and 30, 2015), which hearing was opened and closed on May 7, 2015;

NOW THEREFORE BE IT RESOLVED, consistent with Connecticut General Statutes §8-3 and the Monroe Zoning Regulations, the Commission, at its regular meeting held on **May 21, 2015**, upon motion by **WILLIAM PORTER** and seconded by **CATHLEEN LINDSTROM** following deliberations conducted on **May 7 and 21, 2015**, voted **FOUR (4)** in favor, **NONE (0)** in opposition, **ONE (1)** abstention to **APPROVE** the above referenced **Zone Boundary Change Petition**, as follows:

<i>Vote:</i>	PATRICK O’HARA	AYE
	WILLIAM PORTER	AYE
	KAREN MARTIN	AYE
	JANE FLADER (seated)	ABSTAIN
	CATHLEEN LINDSTROM (seated)	AYE

For the Commission:



Patrick O’Hara, Chair

BE IT FURTHER RESOLVED, that the Commission relies on the following reasons in granting the requested rezoning set forth herein:

- The requested rezoning is consistent with the goals and recommendations of the 2010 Town of Monroe Plan of Conservation and Development (“POCD”) relative to the extension and expansion of areas zoned for commercial development along the Route 25 corridor;
- Substantial portions of the subject properties have historically been zoned for and/or used by commercial businesses;
- The subject properties abut other lands presently zoned for similar commercial development. The proposed business district boundary has been aligned with that of adjacent properties to the northwest and southwest. The rezoning will eliminate the current undesirable bifurcated zoning of residential and business districts;
- Abutting Main Street infrastructure is generally supportive of commercial development, noting that any subsequent development activity would still need to confirm the adequacy of same to support any future project specific development use and density;
- The requested rezoning may help advance and support increased economic development opportunities within an existing business corridor along Main Street, and which may provide increased tax revenues and potential creation of new business jobs within the Town; 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(d); and

BE IT FURTHER RESOLVED, that this approval shall not become effective until a final Zone Boundary Change Map, revised as required herein, is endorsed by the Commission Chair and a copy of same, along with an endorsed copy of this approval document shall be recorded in the Monroe Land Records, and copies thereof showing all markings of recording are filed in the office of the Planning and Zoning Department as required below according to the time period provided; and

BE IT FURTHER RESOLVED, that the final Zone Boundary Change Map shall not be authorized to be recorded in the Monroe Land Records until its approval has been endorsed thereon by the Commission Chair (any recording or filing of same without such endorsement shall be null and void); and

BE IT FURTHER RESOLVED, within **NINETY (90) DAYS (Expiration of August 19, 2015)** of this approval, the applicant shall be responsible for completing the following, 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) and subsequent Commission approval of said extension request is granted, or this approval shall become null and void without further notice:

1. The applicant shall submit **ONE (1)** complete plan set consisting of the following (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
 - Zc-1 – Property Survey (1/3)
 - A-1 – Area & Existing Conditions / Land Use Map (2/3)
 - P-1 – Proposed Zone Change Map (3/3)
 - a. Each plan sheet shall be signed and sealed providing certification thereof by the professional(s) responsible for the preparation of each sheet.
 - b. Each plan sheet shall include a common revision date of May 22, 2015 or later.
 - c. Each plan sheet shall include the following signature blocks with original signatures of the applicants / property owners affixed thereon:

***515 Monroe Turnpike – Assessor Map 39, Lot 50
Cross Hill Service LLC, Leon Ambrosey, Member***

***216 Cross Hill Road – Assessor Map 39, Lot 47
Franklin and Josephine Machalowski***

***220 Cross Hill Road – Assessor Map 39, Lot 46
CT Houses LLC, c/o Paul Duh***

d. Sheet Zc-1 shall be revised as follows:

- (1) The Title of Sheet Zc-1 shall be revised to read: ***Zone Boundary Change Map – Property Survey***. (The Sheet Index on the Cover Sheet shall also be revised accordingly.)
- (2) The following note shall be prominently included thereon:

Reference is hereby made to Town of Monroe Planning and Zoning File #1004D, ZCA-2015-01, which file includes the complete plan set (Sheets 1 through 4) relating to this Zone Boundary Change, as approved by the Monroe Planning and Zoning Commission on May 21, 2015.

2. Upon acceptance of the revised final plan set, the applicant shall complete the following in the order listed:

a. Provide the following plans signed and sealed for endorsement by the Commission Chair:

- **ONE (1)** fixed line mylar original of Sheet Zc-1; and
- **SEVEN (7)** complete paper plan sets (each set shall be full size 24"x 36", collated, bound and folded, **except ONE (1) set shall be rolled**) of the following:
 - Cover Sheet
 - Zc-1 – Zone Boundary Change Map – Property Survey (1/3)
 - A-1 – Area & Existing Conditions / Land Use Map (2/3)
 - P-1 – Proposed Zone Change Map (3/3)

b. The endorsed Mylar will be returned to the applicant, along with an original of this approval document also endorsed by the Commission Chair, for recording both on the Monroe Land Records.

c. Within **THREE (3) DAYS** that the original mylar and original of this approval, both endorsed by the Commission Chair, are released to the applicant, the applicant shall record same on the Monroe Land Records and provide evidence of such recording to the Planning and Zoning Department.

BE IT FURTHER RESOLVED, that the Planning and Zoning Department is hereby authorized to revise the official Zoning Map of the Town of Monroe to change the affected area of the subject lots to Business District 2 (B-2) upon the completion of recording as required herein above.