

**PLANNING and ZONING COMMISSION
Monroe, Connecticut**

**MEETING MINUTES
June 4, 2015**

Meeting: Planning and Zoning Commission
Regular Meeting – June 4, 2015
7 Fan Hill Road, Town Hall, Council Chambers

Present: Chairman Patrick O’Hara
Vice Chairman William Porter
Secretary Karen Martin
Commissioner Dave Townson
Commissioner Pedro Villanueva (alternate)
Commissioner Cathleen Lindstrom (alternate)
Commissioner Jane Flader (alternate)

Absent: Commissioner Brian Quinn

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 7:00 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.
3. **GENERAL PUBLIC PARTICIPATION** – None
4. **GENERAL APPOINTMENTS** – None

PUBLIC HEARINGS

5. SUBDIVISION/RESUBDIVISION

SUB-2015-01, File #1256C – 2 Victoria Drive, Two lot re-subdivision on private road parcel, Kimball Development, LLC and Kimball Land Holdings, LLC

Secretary Martin read the public notice and Chairman O'Hara read the instructions for the public hearing. Planner Agresta listed Exhibits 1 through 9 for the record.

Kevin Solli, Licensed Professional Engineer with Solli Engineering spoke on behalf of an application for re-subdivision that was previously approved last year. One of the conditions included a declaration that took longer than expected which allowed the permit approval to lapse and consequently expire. Mr. Solli described the location of the property and said it is located outside the public supply water shed. The size of the property is approximately 39.8 acres and contains some wetlands, however the applicant obtained an Inland Wetlands Permit approval for the project. There is a small conservation easement on the northeast side of the property but they have provided a letter from Monroe First Selectman, Steve Vavrek stating the proposed re-subdivision does not have any adverse effects on the conservation easement. Mr. Solli said that they are proposing to create two building lots and establish Victoria Drive as a private road parcel which is allowed under the subdivision regulations and zoning. The plan includes some conveyances to the Department of Transportation which allows for roadway widening. The proposal includes sidewalks to be installed along the length of Victoria Drive and across the frontage of the property and street trees along Main Street and Victoria Drive. The proposal provides information on marking the multi use trail crossing and providing access to where it crosses the property. They included examples of how the lots could be developed by using previously approved businesses for the area that were never developed, ie: a 13,000 square foot pharmacy and a day care. The lighting proposed for along Victoria Drive is the same lighting that was previously approved.

Chairman O'Hara asked Planner Agresta if he feels everyone is happy with the legal instruments in relation to this application. Planner Agresta answered yes after speaking with the town attorney, he is satisfied with the revisions that have been submitted. Planner Agresta said there are a few minor housekeeping items left to be addressed on the resubdivision map to which Mr. Solli replied they would be happy to complete them and will include them on the final site plan.

Town Engineer Schatzlein said that the Inland Wetlands Permit approval is still good from the last application and confirmed the bond amount stands at \$63,000.

There were no public comments.

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

6. **SPECIAL EXCEPTION PERMIT**

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 (*adjourned on 5/21/15; scheduled to reconvene on 6/18/15 per applicant's request*)

Chairman O'Hara read a letter from the applicant granting an extension to adjourn and reconvene the public hearing till the June 18, 2015 meeting, thus tabling the matter for the evening.

SEP-2015-03, File # 1554A – 288 Monroe Turnpike – Construct daycare center and site improvements, Gary Brown.

Secretary Martin read the notice of the public hearing, Chairman O'Hara reminded all in attendance that the public hearing rules read earlier still apply, and Planner Agresta listed exhibits 1-24 for the record.

Mr. David Bjorklund, Civil Engineer and President of the firm Spath Bjorklund Associates, Inc. introduced himself and stated that he was representing Kim and Gary Brown who are the operators of the proposed Goddard School to be located at 288 Monroe Turnpike. He began with the history of the Goddard School stating that they currently have 430 sites in operation in 39 states and have been in business for over 25 years.

The location for the proposed school was previously occupied by the Zitto family since the early 1950's with what used to be The Monroe Nursery. The site was previously zoned in the front as limited office and the rear being zoned residential but the entire lot has recently been re-zoned LOR. There are single family homes abutting the property to the rear which are accessed by Barton Drive. The proposed use for the property is a day care center which is allowed under the LOR zoning regulations.

The proposed building would be 10,158 square feet with a parking lot containing 54 parking spaces. At capacity, the school would have 148 students and 24 staff. They are proposing site access from two points one being an ingress drive located on the south side of the property adjacent to the post office property. This was preferable in the eyes of the CTDOT as they have some concerns about the northerly driveway coming out of the post office. Secondary access will be an exit located on the north side of the property from which drivers can travel north or south onto Route 111.

Mr. Bjorklund continued saying that operationally, The Goddard School has their parents park their car and walk their children into the classroom hence, there is no designated "drop off" area in the plan. The site does contain two separate playgrounds, one for the younger children and one for the older children. Both playgrounds are designed as a hard surface area covered by a rubber mat for the children's safety in addition to being surrounded by a security fence that people cannot look through.

The proposed landscaping plan consists of trees in the traffic islands, trees along the road which have been set back to provide proper site lines, as well as a dense landscape along the front of the building. There are no homes on the north and south sides of the property and they are already heavily wooded. In the rear of the property there is a 50 foot required landscape buffer area where they will install evergreen plantings that will blend into an already existing natural wooded area along the east side of the property and the neighbor directly behind them has an existing evergreen buffer.

The lighting plan overall minimizes spill off into the adjacent areas around the entire property. The hours of operation for the school are 7:00 am to 7:00 pm so except for minimal security lighting, at 7:00 pm the site goes dim.

The drainage system they are proposing has a point of discharge from the site to the state highway system in addition to having an underground detention system which will pick up all of the parking lot and roof drainage and contains sand/oil separators. They propose to extend the water main approximately 550 feet to tap into the public water line. The site will be serviced by a sub-surface waste water disposal system located on the south side of the building which is already approved by the Health District and with that Mr. Bjorklund completed his presentation and introduced Mr. Craig Yannes.

Mr. Craig Yannes, a Professional Traffic Engineer with Tighe & Bond obtained information on existing traffic volume in the area by looking at the manual turning movement at the intersection of Monroe Turnpike and Purdy Hill Road during the morning and afternoon peak hours, 7:00 to 9:00 am and 4:00 to 6:00 pm. They also factored in any recently approved developments in the area of which there was one, Goodwill, which will be located on the southwest corner of Purdy Hill Road and Monroe Turnpike and included it into their analysis. The existing traffic volumes were grown by 1% to accommodate general background traffic growth and based the traffic generated by the school with the traffic volume generated at another school located in Orange, CT. They determined that the school will generate 102 trips in the morning peak, 59 entering and 49 exiting and 71 trips in the afternoon peak, 39 entering and 32 exiting. In addition, Mr. Yannes conducted a capacity analysis and it showed that the proposed site driveway that is entering and exiting traffic will operate efficiently for southbound left entering traffic and right turning traffic exiting the driveway with a level of service "A" and "B". Vehicles exiting left onto Monroe Turnpike southbound will experience moderate delays during both peak times but cue analysis shows that less than one vehicle will be in the cue during peak times. Consequently, Mr. Yannes stated that he feels the proposed development is not expected to have a direct impact on traffic operations in the area.

Mr. John Wicko, the Architect for the proposed Goddard School began by showing the commission a picture of the floor plan and roof plan of the one story building. It contains classrooms for the daycare and the preschool each delineated by age ranging from 6 months to 6 years old, each with its own age appropriate lavatory as well. There is a director's office, secured front lobby entrance, an adult handicap accessible bathroom, and a staff kitchen, not used for cooking but as a place for staff to eat their lunch.

The building square footage and its contents are in compliance with the state health code. It is designed with a 6 pitch roof made of asphalt shingles, the building façade is brick, sides and back are made of hardy plank clapboard siding. The Architectural features used to conceal the rooftop mechanical units are a solid PVC railing system similar to one located at the entrance canopy. The design includes dormers on both sides of the building to give the appearance of a traditional New England style building. There are external doors attached to each classroom giving them direct access to the playgrounds. Mr. Wicko concluded the presentation and invited any questions from the Commission.

Commissioner Flader had concerns about the center of the roof being flat and how that would handle a snow load. Mr. Wicko explained that the roof truss is designed with a slight pitch to allow rain and melting snow to run down into the gutter system.

Commissioner Lindstrom felt that the traffic count was low for 24 staff and 148 children and wanted to know how they arrived at their numbers. Mr. Yannes said that they used another Goddard School with similar numbers and figured out the rates per student that generates in the morning and afternoon peak time and transferred that to the 148 students at the proposed location. There are families with multiple children attending the school so that would reduce the number of trips overall and drop off time varies between 7:00 am and 10:00 am so the trips are staggered.

Commissioner Lindstrom asked if the parking lot for the Goddard School would ever be connected to the parking lot at the post office. Mr. Yannes said that it would not and that the post office lot is a secured lot.

Commissioner Lindstrom asked if the school would have a kindergarten. Mr. Loren Shaw, Cromwell, CT answered by saying that some of the Goddard Schools do have kindergarten but the need is determined by the area where it is located. The intent for this proposed location is to not offer kindergarten.

Commissioner Lindstrom asked if the sign on the front of the building was too large. Mr. Wicko said that it complies with the regulations.

Commissioner Villanueva asked if they were proposing any crosswalks or speed bumps as well as what their plan is for handling trash. Mr. Bjorklund responded saying there are no speed bumps or crosswalks in the plan but there is a dumpster noted on the plan. Mr. Shaw said they were not opposed to speed bumps being required.

Vice Chairman Porter wanted further explanation regarding the generated 59 trips in the morning when there are approximately 170 coming to the school. Mr. Yannes said that the staff arrives before the peak hour, there are multiple siblings in the same car that arrive both during that hour but some arrive outside the peak hour so the number 59 is approximately 40% of the total rides happening during the peak hour.

Vice Chairman Porter asked what the rating was for the driveway intersection. Mr. Yannes said it is rated a level of service A/B, A entering and B exiting to the right but there is some delay exiting to the left with a level of service F with only one car in the cue at a time.

Vice Chairman Porter asked how high the mechanical units were going to be on the roof. Mr. Wicko said they are approximately 30 inches tall and are screened by a railing system that is 36 inches tall.

Vice Chairman Porter asked if there would be a transformer. Mr. Wicko said that they haven't had an engineer calculate the load for the service required but a building this size generally requires 700 amps which would not require a transformer but they have one located on the plan if necessary but it would be unlikely. Vice Chairman Porter asked that if a transformer is found to be necessary would they be willing to place it away from the street and screened. Mr. Bjorklund said that he feels there would be plenty of room on the south side of the property set back from the street and they would be willing to do that.

Vice Chairman Porter asked weather or not they would be installing sidewalks. Mr. Bjorklund said they did not intend to because the property to the north does not have development potential, there is not one in front of the post office to the south and the sidewalk would simply be isolated.

Secretary Martin asked if the school would operate of Saturday or Sunday to which Mr. Shaw said no.

Secretary Martin asked if there would be any students attending part time as this would effect the arrival and departure times in the traffic study. Mr. Shaw said yes their total number of 148 students includes some children that will attend either half days or just several days a week. He continued saying that childcare guidelines require a student to staff ratio that will have to be maintained.

Secretary Martin asked if there would be any students who will be dropped off in the morning and then picked up by a Monroe school bus to go to kindergarten. Mr. Shaw said that there are no plans for that to happen at this location. Chairman O'Hara asked if the parking lot could allow for a school bus to enter and exit. Mr. Bjorklund said that if that were to ever happen that the children would be picked up on the street.

Secretary Martin discussed handicap parking and if all the parents are parking and dropping their kids off what is to stop someone from parking in a handicap spot and walking their child in? Mr. Bjorklund said that weather its in front of CVS or The Goddard School it is a police issue.

Secretary Martin asked about the lighting for their signs for the purpose of EMS or the Fire Department. Mr. Wicko said they are not proposing lights for their signs and that EMS and the Fire Department have spot lights to help them locate the building. Secretary Martin said that solution is unacceptable. Mr. Wicko asked if there was a regulation requiring them to have a lighted sign to which Planner Agresta answered there was none that he is aware of.

Secretary Martin asked, "What is the significance of the horse on the sign?" Mr. Shaw said that it is The Goddard School logo. In reference to the proposed lighting for the site, Secretary Martin said that the commission usually requests applicants to use a New England style of lighting and requested they go back and rethink the lights they are proposing.

Secretary Martin asked about the classroom doors leading to the playground and how they are secured. Mr. Shaw said the locks on those doors are accessed by a key and those doors lead into the playground area that is surrounded by a six foot fence that has a gate system which has an alarm system built into it.

Commissioner Townson said that if there is a potential of bussing to and from this site in the future then he asked the applicant to include the impact of that in the traffic study. In addition, Commissioner Townson thinks that a sidewalk would be useful and asked that the applicant give that some consideration.

Commissioner Townson wanted to know if they can speculate what the collision rate may be with the increased traffic from this business. Mr. Yannes said that they consider road width which in this case is approximately 13 to 14 foot lanes which fall above the regulations as well as site distances which in this instance are sufficient for a driver to look and decide weather or not they have time to enter the traffic stream. Consequently, they meet the state and national standards for this site thus, it is not expected that this business will impact the collision rate negatively.

Commissioner Lindstrom asked if they were proposing a generator for the site to which Mr. Bjorklund responded no.

Town Engineer Schatzlein explained the up-coming road work and bridge repair being done by the State and how it may relate to The Goddard School installing a sidewalk. Chairman O'Hara then reviewed with the applicant the reasons why they are not requesting to install a sidewalk ie: wetland area to the north and the federally owned Post Office to the south with a steep grade in the area a sidewalk would be.

Chairman O'Hara asked the applicant to come prepared with all the signage for the location, the building sign and the road sign and Mr. Wicko said they have signs in the site plan ready for review.

Chairman O'Hara reviewed with Mr. Shaw the traffic flow as it relates to the flow of the parking lot configuration. With the help of a visual aid showing the directional flow in the parking lot Mr. Yannes said that there is a small one way section at the entrance and the rest of the parking lot allows for two way traffic ultimately all exiting to the north. Chairman O'Hara asked if they could make the section of one way traffic in the parking lot wide enough for two lanes for full circulation. Mr. Yannes said yes and that they would look into it. Planner Agresta had some concerns with that saying that the area needing to be widened is where the residential district boundary begins and there is a 50 foot landscape buffer requirement for that.

Planner Agresta had concerns about the parking lot having multiple lanes that merge into a two lane exit and depending on the direction the car will be traveling once it leaves the school they will be crisscrossing to get into the proper lane to exit potentially creating a bottle neck.

Chairman O'Hara referenced the comments made by staff in regard to the placement of the dumpster and how that effectively renders two parking spaces unusable. Mr. Bjorklund acknowledged this as a problem and that it needs to be addressed.

Chairman O'Hara came to an agreement with the applicant that the parking lot and its functionality need to be worked on and agreed to keep the hearing open to allow the applicant to address these and other outstanding issues.

Chairman O'Hara opened the floor for public comments.

Erica Mino, 21 Barton Road is concerned about privacy and the noise level that will be derived from the mechanical units on the roof and asked that these issues be taken into consideration.

Setna Pivich, 20 Barton Road is concerned with the drainage from this property going into his land and wants to make sure the gutter system will work properly. In addition, Mr. Pivich wants to make sure this project will not affect his Well and that it will not be contaminated which is located approximately 50 feet west of the site. Lastly, Mr. Pivich wants to assure that there will be ample screening so he can enjoy his back yard without being disturbed.

Polling the commission hearing no objections, Chairman O'Hara adjourned the public hearing to be reconvened at its June 18, 2015 meeting.

SEP-2015-04, File #1555A – 7 Fan Hill Road (Town Hall) – Closure and/or removal of underground gasoline and oil storage tanks, installation of dual compartment above ground storage tank for heating oil and diesel fuel, Town of Monroe

Secretary Martin read the notice of public hearing and Planner Agresta listed exhibits 1-23 for the record.

Deb Denfeld of Fuss and O'Neil introduced herself and said she was there to discuss the removal of underground storage tanks and the alternative ways of storing fuel at various town facilities. The first presentation was for Town Hall and with the aid of a power point presentation she gave a brief description of the types of storage tanks, what type of fuel they hold, and when they intend on removing them and reinstalling new ones. Ms. Denfeld talked about the components of underground storage tanks saying they have a maximum life of 30 years before they have to be closed. Underground tanks also require having a certified Class A Operator and the need to provide financial assurance in case they leak. After assessing the need at Town Hall Ms. Denfeld proposed some alternative storage units the first of which is an above ground Con Vault tank. This tank is one unit with dual tanks that can hold two different types of fuel stored on either side. The interior steel tank has rebar and 6 inches of concrete on the outside making them extremely heavy duty. There are options for finishes, colors, and for the layout of ancillary equipment such as fill ports and dispense units. The concrete unit is non-porous and durable, tested against cracking and is projectile resistant. They are set into place by a crane on a prepared pad and have a warranty indicated to last indefinitely.

Another item that was looked at was a Fleet Fuel Management System which will be able to gather information from all the dispensers that are used by municipal staff, track that usage of the fuel more accurately, and track the status of the vehicles. This is called a Fleet Fuel In Control System that has a centralized data base where every employee is given a card or a fab reader to use in the dispensers that will record all of that information.

Ms. Denfeld discussed the advantages of having an above ground storage unit as opposed to one below ground. With an above ground unit you do not need a certified operator, you do not need to do weekly inventory reconciliation because your system is continuously being tracked, and you don't need a special financial assurance mechanism to meet State standards and there is no closure assessment if it needs to be closed.

Currently, there are two underground tanks located at the Town Hall and they are proposing to remove one and bury the other one in place to avoid cost and damage to an existing wall above the tank. The new tank proposed for Town Hall will be an above ground Con Vault dual compartment that will hold 3,000 gallons of heating oil and 3,000 gallons of gasoline. It will be placed on a pad along side the generator that is currently behind the Town Hall building. It will have the same brick color finish as the Town Hall and will be surrounded by a wrought iron fence to match. The heating oil tank will have a pipe run from it to serve the boiler and the gasoline tank will have a short pipe going to a dispenser with a fueling pad in front of the dispenser. There will be various trees and shrubs planted to help screen the area where the tank will be located as well.

Chairman O'Hara asked the commission if they had any questions and they did not. He then asked staff if they had any comments. Town Engineer Schatzlein mentioned a drain pipe that runs in the area of one of the tanks that needs to be considered when the work gets done. Planner Agresta spoke to his comments regarding separation distances, and if there is a problem with the soil there be something built in to the plan to address the timeline for the work. Ms. Denfeld concluded her presentation.

Chairman O'Hara opened the hearing to public comments.

John Kimball of 1428 Monroe Turnpike asked that the area between Town Hall and the Library be beautified and the dumpster be enclosed.

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

SEP-2015-05, File # 1556A – 447 Purdy Hill Road (D.P.W) – Closure and/or removal of underground gasoline and oil storage tanks, installation of above ground storage tanks for heating oil, gasoline and diesel fuel, installation of new generator and modification of truck circulation for on-site fueling, Town of Monroe

Secretary Martin read the notice of the public hearing and Planner Agresta listed exhibits 1-21 for the record.

Deb Denfeld said there's a number of underground storage tanks located at the Town DPW Yard facility. There is one for gasoline and diesel as well as one for heating oil used to heat for the space heaters and the DPW garage building. By the former bus barn building there is an above ground 8,000 gallon AST, a 10,000 gallon underground tank for gasoline, and one behind the building with heating oil. In total there are 5 underground tanks and one above ground tank at this site. In an effort to consolidate these tanks and their use they are proposing a 10,000 gallon Con Vault dual tank unit linked to a Fleet Fuel Dispensary.

Landscaping is proposed along the street frontage near the existing stone Bell Tower. They will add some millings and plantings maintaining sight lines clear to enter and exit the facility. Chairman O'Hara asked if there would still be public sand available. Mr. Chris Nowacki responded yes and that it will be in the same location.

Chairman O'Hara opened the floor to public comment.

Mr. Joe Cavoto, 459 Purdy Hill Road has concerns about where the tanks will be and how they will look. He also asked that the dog kennel on the site be moved as the dogs bark all day and all night 7 days a week. He also said the generator that runs there is very loud.

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

SEP-2015-06 File # 1557A – 801 Main Street (Stepney Firehouse No. 2) – Removal of abandoned underground heating oil storage tank and restore site conditions, Town of Monroe

Secretary Martin read the notice of public hearing and Planner Agresta listed exhibits 1-21 for the record.

Deb Denfeld began by saying the Stepney Firehouse tied into natural gas a few years ago and there is one 2,000 gallon underground storage tank at the site that is not being used. Their proposal is to test the soil and remove the unused tank.

Town Engineer Schatzlein confirmed that a Wetland Permit Agent approval was issued.

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

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

SEP-2015-07 File # 1558A – 285 Cutlers Farm Road (Wolfe Park) – Closure of underground heating oil storage tanks & interior installation of two above ground heating oil storage tanks, Town of Monroe

Secretary Martin read the notice of the public hearing and Planner Agresta listed exhibits 1-18 for the record.

Deb Denfeld said there are two underground storage tanks located at Wolfe Park. One 500 gallon heating oil tank located by the picnic area which will be removed and a 2,000 gallon heating oil tank located in the sidewalk by the pool, this being the tank that they propose to close in place. Both tanks will be replaced with above ground 330 gallon tanks which will be installed inside existing buildings in the respective locations. The tank being replaced by the pool will be a single unit and the one by the picnic area will be a twin tank unit.

Commissioner Flader asked what the time frame was for this location. Ms. Denfeld said they have no set time frame yet but are flexible as they are concerned with public access during the summer months.

Chairman O'Hara requested they do the work some time after Labor Day and the Commission agreed.

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

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

SEP-2015-08 File # 1559A – 1260 Monroe Turnpike (Stevenson Firehouse No. 2) – Closure of underground storage tanks, relocation of an above ground storage tank off site & installation of dual compartment above ground storage tank for heating oil and diesel fuel, Town of Monroe

Secretary Martin read the notice of the public hearing and Planner Agresta listed exhibits 1-23 for the record.

Deb Denfeld said there is one underground heating oil storage tank located at Stevenson Firehouse and a 500 gallon above ground metal storage tank which is slated to be moved to the DPW yard. They are proposing to install a low profile above ground tank with dual storage 2,000 gallon heating oil and 2,000 gallon diesel linked to a dispenser with a fuel pad. They are proposing to build a shadow box fence around the tank and add some trees and shrubs to screen the area as well.

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

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

SITE PLAN REVIEW

7. **SITE DEVELOPMENT PLAN** - None

DELIBERATIONS and DETERMINATIONS

For the record Commissioner Villanueva was seated.

8. **PERMIT AMENDMENTS / MODIFICATIONS / EXTENSIONS**

ZCA-2014-07, File # 1003D – 2 Victoria Drive, 10&36 Main Street (portions of) – Time Extension

OWNER: Kimball Land Holdings, LLC, Kimball Development, LLC, 10 Main Street, LLC
APPLICANT: Kimball Land Holdings, LLC, Kimball Development, LLC, 10 Main Street, LLC
MOTION: Porter – To grant a 60 day extension to meet conditions of approval.
SECOND: Villanueva
DISCUSSION: None
VOTE: 5-0-0 – Approved
Ayes O’Hara, Porter, Martin, Townson, Villanueva
Nays None
Abstain None

11-12-SEP-1A, File # 1504A – 7 Fan Hill Road, (Town Hall - Police Station

OWNER: Town of Monroe
APPLICANT: Town of Monroe
MOTION: Villanueva – To authorize issuance of a permanent Certificates of Zoning Compliance and Occupancy subject to pavement patching being completed within 1- year or a draft Site Facilities Maintenance and Rehabilitation Plan being presented to the Commission setting forth a schedule for total campus site improvement and rehabilitation.
SECOND: Martin
DISCUSSION: In order to receive a permanent CO the town is requesting a waiver of the permanent patching of the pavement until they address an overall site facilities plan. The Commission came to a conclusion to set a one year time limit on the paving and agreed to authorize issuance of a permanent CO.
VOTE: 5-0-0 – Approved
Ayes O’Hara, Porter, Martin, Townson, Villanueva
Nays None
Abstain None

9. **BOND RELEASES OR REDUCTIONS** - None

10. **MEETING MINUTES** – Tabled

11. **APPLICATION DELIBERATIONS/DETERMINATIONS**

For the record, Commissioners Lindstrom and Flader were seated in place of Commissioners Porter, Townson and Villanueva who will not be participating since they were not in attendance for the public hearing proceedings.

SEP-2015-01, File # 1551A – 5 Victoria Drive

OWNER: Victoria Drive Associates, LLC

APPLICANT: Victoria Drive Associates, LLC

The Commission discussed the allowance of Cross Fit to open while construction progressed. The gates will have a zig zag concept as opposed to an open door gate. The back lighting should be removed and only replaced with ones that are compliant if the owner feels he needs them, yet Chairman O’Hara feels they are not necessary. The signs need to be compliant size wise. The area to the right of the driveway which is currently paved will be removed. Gravel for the access to the rear overhead door would be ok. A floodplain permit is needed, and the bond recommendation is \$28,000. Dumpster location is in a strange location but it is completely enclosed and will be landscaped. It was decided that Planner Agresta should prepare a favorable draft approval letter for consideration at the Commission’s next meeting.

For the record, Commissioners Porter, Townson and Villanueva were reseated, relieving Commissioners Flader and Lindstrom.

SUB-2015-01, File # 1256C – 2 Victoria Drive - Resubdivision

OWNER Kimball Land Holdings, LLC & Kimball Development, LLC by Kimball Group, LLC

APPLICANT Kimball Land Holdings, LLC & Kimball Development, LLC by Kimball Group, LLC

MOTION: Porter –To approve Resubdivision SUB-2015-01 as set forth in the draft approval dated June 4, 2015.

SECOND: Villanueva

DISCUSSION: Chairman O’Hara summarized the draft approval.

VOTE: 5-0-0 - Approved

Ayes O’Hara, Porter, Martin, Townson, Villanueva

Nays None

Abstain None

The following SEP applications were discussed in deliberation concurrently given their interrelatedness:

SEP-2015-04, File #1555A – 7 Fan Hill Road (Town Hall)

Closure and/or removal of underground gasoline and oil storage tanks & installation of dual compartment above ground storage tank for heating oil and diesel fuel, Town of Monroe.

SEP-2015-05, File #1556A – 447 Purdy Hill Road (DPW Yard Facility)

Closure and/or removal of underground gasoline and oil storage tanks, installation of above ground storage tanks for heating oil, gasoline and diesel fuel, installation of new generator and modification of truck circulation for on-site fueling, Town of Monroe.

SEP-2015-08, File 1559A – 1260 Monroe Turnpike (Stevenson Firehouse No. 2)

Closure of underground storage tanks, relocation of an above ground storage tank off site & installation of dual compartment above ground storage tank for heating oil and diesel fuel, Town of Monroe.

SEP-2015-06, File #1557A – 801 Main Street (Stepney Firehouse No. 2)

Removal of abandoned underground heating oil storage tank & restore site conditions, Town of Monroe.

SEP-2015-07, File #1558A – 285 Cutlers Farm Road (Wolfe Park)

Closure of underground heating oil storage tanks & interior installation of two above ground heating oil storage tanks, Town of Monroe.

The Commission discussed each of the Town of Monroe Tank Closure / Replacement applications and agreed that if a tank is able to be removed that it would be preferred to its removal rather than its closure in place. They discussed the work at Wolfe Park and agreed the tank by the pool should not be permitted to start until after Labor Day and the tank by the pavilion could not interrupt activities there. For 7 Fan Hill Road and 285 Cutler's Farm Road there should be something in place that says they only need to come back to the Commission if they run into a major problem that can no longer be handled by staff in regard to contingency plans if contaminated soils are found; in fact this would be for all sites involving a removal of the tank. The Commission directed staff to prepare draft approvals for all five applications for tank removal and replacement and agreed to waive the A2 surveys were requested.

OTHER BUSINESS

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

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

14. **COMMISSIONER'S REPORTS**

- Chairman's Report – None
- Commissioner's Reports – Joe Chapman needs to go around town and pick up random signs. The Commission discussed the upcoming Zoning Regulations amendment application regarding how Planner Agresta is addressing comment inquires from concerned surrounding neighbors.
- Land Use Staff Reports – None

15. **MEETING AJOURNMENT**

With no objections, Chairman O'Hara adjourned the meeting at 10:38 p.m.

Respectfully submitted,
Carol Re, Recording Secretary

Meeting Minutes
June 4, 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
RESUBDIVISION
(SUB-2015-01 – File #1256C)
2 Victoria Drive
Assessor Map 46, Lot 11 – B-1 & I-3 District

Kimball Development LLC and Kimball Land Holdings LLC
(John M. Kimball Member - Owner/Applicant)

June 4, 2015

	Date of Approval	June 4, 2015
	<u>Final Plans to be Signed & Recorded</u>	<u>Within 90 days(*)</u>
	5-Year Expiration	June 4, 2020
		<i>(*) from expiration of appeal period</i>

WHEREAS, the Monroe Planning and Zoning Commission (Commission) has considered a Resubdivision application from Kimball Development LLC and Kimball Land Holdings LLC (John M. Kimball Member – Property Owner/Applicant) for two building lots and a private street road parcel, including conveyances to the State of Connecticut relating to the abutting Route 25 State right-of-way of road widening strips of land, as well as relocation of an existing trail easement held by the Town of Monroe to correspond to the presently built location and configuration of the existing trail, as presented on the following application documents and plans:

Application:

- Application SUB-2015-01 – Resubdivision – 2 Victoria Drive;
- Supporting Narrative and Information, Solli Engineering, 05/18/15;
- Roadway Condition Inspection Assessment, Solli Engineering, 06/03/14;
- Recorded Declaration of Covenants and Easements;
- Recorded Access and Utilities Easement;
- Draft Declaration of Restrictions and Covenants;

Plans:

- Cover Sheet (1/9), Solli Engineering, 04/04/14, revised 05/15/15;
- Resubdivision Plan 1/3 (2/9), Accurate Land Surveying, LLC, 04/04/14, revised 05/15/15;
- Resubdivision Plan 2/3 (3/9), Accurate Land Surveying, LLC, 04/04/14, revised 05/15/15;
- Resubdivision Plan 3/3 (4/9), Accurate Land Surveying, LLC, 04/04/14, revised 05/15/15;
- Overall Parcel Line Configuration Map (5/9), Solli Engineering, 05/30/14, revised 02/15/15;
- Area Map (6/9), Solli Engineering, 04/08/14, revised 02/02/15;
- Existing Roadway Plan (7/9), Solli Engineering, 05/30/14, revised 02/02/15;
- Sidewalk Layout Plan (8/9), Solli Engineering, 04/08/14, revised 02/02/15;
- Potential Development Plan (9/9), Solli Engineering, 05/30/14, revised 02/02/15; and

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

- The resubdivision parcel consists of approximately 39.7 acres and includes approximately 389 linear feet of street frontage on Main Street (Route 25), as well as approximately 50 linear feet at the terminus of East Dale and approximately 53 linear feet on Partridge Drive, neither of the latter two are proposed to be accessed;
- The subject property is located partially in a Business District 1 (B-1) District and partially in an Industrial 3 (I-3) District. Rezoning of portions of the site was recently approved (ZCA-2014-07, File #1003D) and corresponds to the proposed lot boundaries but has not yet been recorded;
- The property is not within a protected public watershed area and is not within 500 feet of a Town border, but includes areas of 100-Year and 500-Year Floodplain, regulated wetlands and 100-foot upland review area;
- A portion of the subject property is subject to an existing Conservation Easement (recorded at Volume 1203, Page 284) held by the Town of Monroe. A letter from First Selectman Vavrek dated May 8, 2015 indicates *“The Town finds the proposed subdivision...an acceptable proposal that does not change or impact the area within the conservation easement.”*
- Resubdivision of the subject parcel proposes to create two (2) building lots (Lot 1 consisting of approximately 26.83 acres and Lot 2 consisting of approximately 10.96 acres), as well as a private road parcel (consisting of approximately 1.81 acres), along with conveyance of road widening strips to the State of Connecticut relating to the abutting Route 25 State Highway right-of-way, affecting the acreage balance of the existing 2 Victoria Drive lot. The Resubdivision Plan also includes a similar conveyance to the State from the abutting 36 Main Street property;
- Site access is presently provided via a private road known as Victoria Drive, which road also serves a number of other abutting lots and is currently proposed to be placed within an officially designated private road parcel;
- With the proposed resubdivision, proposed Lot 1 would include approximately 230 linear feet of frontage and proposed Lot 2 would include approximately 988 linear feet of frontage on the proposed Victoria Drive road parcel, respectively. Additionally, 7 Victoria Drive (Swiss Army Land Inc., Assessor Map 4 Lot 37-03) would include 200 linear feet and 5 Victoria Drive (Victoria Drive Associates, LLC – Assessor Map 4 Lot 37-04) would include approximately 283 linear feet of frontage on the proposed Victoria Drive road parcel. 36 Main Street would also be provided access to Victoria Drive via an easement agreement, as it would include approximately 658 linear feet of frontage on the proposed Victoria Drive road parcel;

- The land area of proposed Lot 1 was recently approved for a substantial single tenant retail store development (13-12-SEP, File #1532A, January 23, 2014), which development was planned to ensure continued zoning compliance with the creation of the presently proposed building lot;
- At the present time, there are no pending or valid approved development plans associated with the land area of proposed Lot 2;
- The subject property and other abutting and surrounding lots are presently served by existing public water service mains, including water lines in the bed of Main Street and Victoria Drive, which will also provide service to proposed Lots 1 and 2;
- Sewage disposal for proposed Lot 1 will be provided by an onsite sewage treatment facility and discharge to onsite subsurface treatment fields, under the jurisdiction of the CT Department of Energy and Environmental Protection;
- According to the Trumbull Monroe Health District (correspondence dated May 1, 2014) additional test work would be needed for the development of proposed Lot 2 as well as a formal engineering plan; noting however, that test work was conducted in the past which demonstrated suitability for an onsite sewage disposal system;
- The construction of existing Victoria Drive has been shown to be consistent with the private commercial street standards of §111-301 of the Subdivision of Land Regulations;
- The applicant’s engineer (Sam Goater, PE of Solli Engineering) performed an assessment evaluating the current Victoria Drive roadway conditions, which assessment did not identify any visible cracks or evidence of rutting or pavement degradation, nor any evidence of settlement around catch basins, thus concluding that “the roadway needs no repair work or reconstruction” (Roadway Condition Inspection Assessment dated June 3, 2014);
- Plans and details for street trees and street lighting along Victoria Drive were previously approved in conjunction with the separate Special Exception Permit Approval affecting a portion of the subject property (relating to proposed Lot 1 – 13-12-SEP, File #1532A, January 23, 2014);
- Existing access and maintenance agreements are recorded between the subject property and the properties located at 7 Victoria Drive (Swiss Army Land Inc., Assessor Map 4 Lot 37-03, recorded at Volume 1417, Page 271), 5 Victoria Drive (Victoria Drive Associates, LLC – Assessor Map 4 Lot 37-04, recorded at Volume 1188, Page 95), and 8 Maple Drive (REM Enterprises LLC – Assessor Map 12 Lot 85, recorded at Volume 1263, Page 332) over existing Victoria Drive;
- An additional Declaration of Restrictions and Covenants is proposed to establish an access easement and maintenance agreement for proposed Lots 1 and 2 over Victoria Drive;
- The resubdivision includes the installation of a 5-foot wide pedestrian sidewalk along the northerly side of Victoria Drive and along the street frontage of Main Street (Route 25);

- Portions of the above noted sidewalk along Victoria Drive are planned for areas within regulated 100-foot upland review area associated with site inland wetlands resources, for which a Wetland Permit from the Monroe Inland Wetlands Commission has been obtained by the applicant (IWC-2014-04, File #856, approved on June 18, 2014);
- An existing multi-use public access trail crosses through the subject property, which trail will not be disturbed or altered by the resubdivision. However, the easement area alignment and configuration associated with the trail will be relocated with the recording of the Resubdivision Plan to coincide with the actual location of the previously constructed trail; and

WHEREAS, the Commission has considered the proposed Resubdivision Application at a duly noticed public hearing, which hearing was opened and closed on June 4, 2015 (notice of hearing was filed with the Town Clerk on May 18, 2015 and was published in the Monroe Courier on May 21 and 28, 2015);

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

BE IT FURTHER RESOLVED, consistent with Connecticut General Statutes (CGS) §8-25 and the Monroe Subdivision of Land Regulations, the Commission at a regular meeting held on **June 4, 2015**, upon motion by **WILLIAM PORTER** and seconded by **PEDRO VILLANUEVA**, voted **FIVE (5)** in favor and **NONE (0)** in opposition to **APPROVE** the above referenced Resubdivision Application, subject to modifications as set forth below:

<i>Vote:</i>	PATRICK O'HARA	AYE
	WILLIAM PORTER	AYE
	KAREN MARTIN	AYE
	DAVID TOWNSON	AYE
	PEDRO VILLANUEVA (seated)	AYE

For the Commission:



Patrick O'Hara, Chair

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

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

BE IT FURTHER RESOLVED, as set forth above, this Resubdivision 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:

- Cover Sheet (1/9)
- Resubdivision Plan 1/3 (2/9)
- Resubdivision Plan 2/3 (3/9)
- Resubdivision Plan 3/3 (4/9)
- Overall Parcel Line Configuration Map (5/9)
- Area Map (6/9)
- Existing Roadway Plan (7/9)
- Sidewalk Layout Plan (8/9)
- Potential Development Plan (9/9)

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 their preparation.
- (2) The plans shall each include a common revision date later than June 4, 2015.

- (3) The following signature block shall be added to each sheet with an original signature of the applicant / property owner:

The 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.

***Applicant / Owner, Kimball Development LLC and
Kimball Land Holdings LLC (John M. Kimball, Member)
523 Pepper Street, Monroe, CT 06468***

b. Resubdivision Plan Sheets

- (1) Correct the southern property line as depicted in the Location/Inset Map on Sheet 1 of 3 (Resubdivision Plan) to reflect the current property limits following the recent Lot Line Adjustment recordings.
- (2) Eliminate reference to 10 Main Street as included in the Table of Existing and Proposed Lot Area Summary on Sheet 1 of 3 (Resubdivision Plan).
- (3) Expand the label for Parcel A to also indicate Private Street Right-of-Way.
- (4) Revise Note 28 to reference **Trail** easement...
- (5) Add metes and bounds description of the relocated public access trail easement.

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

- a. The applicant shall provide final draft legal instruments to the Planning and Zoning Department pertaining to the following, subject also to acceptance by the Town Attorney:
- (1) Declaration of Restrictions and Covenants pertaining to Access and Utility Easement and Maintenance Agreement in favor of Resubdivision Lots 1 and 2 over Parcel A (Victoria Drive private road parcel).
- (2) Declaration of the relocated public access multi-use trail easement as shown (realigned and reconfigured) on the Resubdivision Plan.
- b. The final approved legal instruments shall be recorded in the Monroe Land Records simultaneously with the recording of the Resubdivision Plan, and copies thereof as recorded and showing all marks of recording shall be provided to the Planning and Zoning Department.
- c. All future deeds of title associated with Lots 1 and 2, and Parcel A, shall include reference to said recorded legal instruments, and to all prior easements, covenants, agreements and restrictions.

3. **Required Posting of Bond:**

- a. A bond in the amount of **\$63,000.00** shall be provided, which bond shall assure that all required resubdivision improvements shall be completed in compliance with the signed Final Resubdivision Plans. The applicant shall complete a properly executed Bond Agreement.
- b. The bond shall be in the form of cash (bank check), Letter of Credit, or surety bond, and all other applicable standards and requirements as set forth in §111-202 of the Subdivision of Land Regulations.
- c. The required bond agreement shall remain in full force and effect until such time as the Commission authorizes its release and/or cancellation.
- d. Any changes in ownership of the resubdivision relating to bonded improvements shall comply with the requirements set forth in §111-202(C)(4) of the Subdivision of Land Regulations, as may be amended from time to time.

4. **Filing and Recording of Final Approval Documents and Plans:**

- a. Upon satisfactory revision of the **Final Resubdivision Plans** as required above, the applicant shall submit the following for authorized endorsement of same by the Commission Chair:
 - **Two (2)** fixed line mylar copies of the Resubdivision Plan (Sheets 2, 3 and 4 of the total plan set) – one (1) for subsequent recording in the Monroe Land Records and one (1) for filing with the Planning and Zoning Department; and
 - **SEVEN (7)** complete sets of all Final Resubdivision Plans (Sheets 1 through 9) – Plan sets shall be full size 24"x 36", collated, bound and folded, **except ONE (1) set shall be rolled.**
- b. Upon satisfactory completion of requirements **1 through 4a** above, the applicant shall complete all required recordings and filings as set forth below:
 - (1) The Final Resubdivision Plan shall not be authorized to be recorded in the Monroe Land Records until its approval has been endorsed thereon by the Commission Chair; any filing or recording of the Final Resubdivision Plan without such endorsement shall be null and void.
 - (2) The applicant shall record this Resubdivision Approval document (as approved by the Commission and thereafter provided by the Planning and Zoning Department) in the Monroe Land Records, along with a copy of the approved Final Resubdivision Plan, revised as set forth herein and signed by the Commission Chair, and all related legal instruments as required and approved herein.
 - (3) No new lot within the resubdivision may be sold or leased, and no related zoning or building permit authorized or issued relating thereto until the above recording is completed, copies thereof provided to the Planning and Zoning Department, and all Final Resubdivision Plans are filed with the Planning and Zoning Department, as listed and required to be revised and signed by the Commission Chair.

- c. **Applicant/Owner Acceptance.** The acceptance of this Resubdivision Approval by the applicant/owner shall be evidenced by the completion of the required recordings 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.

B. PRIOR TO AUTHORIZED ISSUANCE OF ZONING AND BUILDING PERMITS

The following 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 A4 above is completed and a copy thereof as recorded is provided to the Planning and Zoning Department, and until the Final Resubdivision Plans are filed with the Planning and Zoning Department as required herein. This approval does not authorize or grant development or site improvements beyond that shown on the Final Resubdivision Plans.

C. PRIOR TO COMMENCEMENT OF SITE CONSTRUCTION

The following shall be completed prior to the commencement of any site disturbance, preparation or construction activity:

1. 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 the aforementioned zoning and building permits are ready for issuance and all requirements set forth above under Sections A and B have been completed by the applicant/owner. Additional construction meetings may be called as deemed necessary throughout construction.
2. All erosion and sedimentation controls, and temporary stormwater management controls consistent with the signed Final Resubdivision Plans shall be installed and functioning properly, and said controls shall be continually maintained throughout the construction phase.

D. DURING SITE CONSTRUCTION

The following shall be addressed during site construction:

1. There shall be no clearing, grading, removal of vegetation or other site construction inconsistent with that shown on the signed Final Resubdivision Plans, except reasonable field changes as approved by the land use and building inspection staff in consultation with the Town Planner and Town Engineer. Field changes may only be permitted where they do not substantively alter the intent or design of the approved Final Resubdivision Plans. All other changes require the prior review and approval of the Commission.
2. Significant field changes shall not be initiated by the applicant/owner or its representatives unless first approved in writing by the Commission.

3. The applicant/owner shall be responsible for the following:
 - Notifying the Planning and Zoning Department of changes in the status of ownership and/or contractor(s) and/or professional design or inspection consultants involved in the construction and/or subsequent facility operations associated with the resubdivision;
 - Notifying any new owner and/or contractor(s) and/or consultants of all construction requirements including all job meeting notes and inspection notes produced up to the date of any such change in project related personnel;
 - Notifying and informing its contractors, employees, agents and assigns of their responsibility to comply with the modifications and requirements set forth in this approval; and
 - Adherence with the standards and requirements as set forth in the aforementioned pre-construction meeting (Report of Pre-Construction Meeting) and any subsequent construction meetings and inspections.
4. All new or replacement utilities shall be installed underground in accordance with the Final Resubdivision Plans.
5. Erosion and sedimentation controls and temporary stormwater management measures shall be properly 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.
6. An “As-Built Plan” shall be provided detailing and certifying completed improvements prior to submitting a written request for partial or final bond release.

E. PRIOR TO PARTIAL OR FULL 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, including a commensurate As-Built Plan.
2. All requirements as set forth and agreed to as part of the preconstruction conference, and any subsequent construction meeting or inspection shall be completed.
3. All related construction shall be complete, disturbed areas stabilized, and siltation and erosion control measures removed.
4. All required installation of survey markers shall be verified on an As-Built drawing of the resubdivision.

F. PRIOR TO CERTIFICATE OF ZONING COMPLIANCE AND CERTIFICATE OF OCCUPANCY

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

1. All improvements according to the Final Resubdivision Plans shall be completed, including stabilization and revegetation (landscaping) of all disturbed areas, and accepted pursuant to the Final Resubdivision Plans as endorsed by the Commission Chair. The site shall also be clean of construction related equipment, materials and debris.
2. Inspections of improvements shall be performed by the applicant's design professional who shall be licensed to practice in the State of Connecticut, and a report certifying the acceptable completion of all 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.
3. Use 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. It shall be the applicant's/owner's responsibility to coordinate and request all inspections and the issuance of said final certificates.

G. 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.

H. CONTINUING CONDITIONS OF OPERATION

The following shall be completed as continuing conditions of operation:

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, sediments and litter.
2. Appropriate measures shall be maintained to ensure snow removal so there is no plowed snow stored within travel lanes or connecting driveways.
3. No changes to road construction, signage, lights, or landscaping without prior authorized approval.

I. EXPIRATION

1. 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.
2. 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.
3. This Resubdivision 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, unless otherwise amended subsequently by separate act of the Commission.
4. This Resubdivision Approval shall expire (null and void) five (5) years from the date of this approval (**expiration date of June 4, 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 sixty-five (65) 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.
5. 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.