PLANNING and ZONING COMMISSION
Monroe, Connecticut

FINAL MEETING MINUTES
June 18, 2015

Meeting: Planning and Zoning Commission
Regular Meeting – June 18, 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 Pedro Villanueva (alternate)
Commissioner Cathleen Lindstrom (alternate)
Commissioner Jane Flader (alternate)

Absent: Commissioner Dave Townson

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. Commissioner Lindstrom was seated.

3. GENERAL PUBLIC PARTICIPATION – None

4. GENERAL APPOINTMENTS – None

PUBLIC HEARINGS

5. 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

Secretary Martin read the public notice and Chairman O'Hara read the instructions for the public hearing. Planner Agresta listed Exhibits 26 through 38 for the record.
Commissioner Flader arrived at 7:03 pm.

Attorney Daniel Kleinman, representing the applicant TMC New England, LLC, introduced himself and Paul Vitaliano, the project manager for this application.

Mr. Vitaliano began by providing the Commission with paperwork regarding the sight lines at the proposed Cross Hill Road entrance, labeled exhibit #39. They are proposing to level out the ground by the road at abutting 224 Cross Hill Road and extend the retaining wall onto that neighbor's property to improve the sight line. The neighbor is ok with the wall but they have yet to decide on the financial reimbursement for this agreement and the applicant asks that the Commission accept this as a condition of approval.

Chairman O'Hara asked Mr. Vitaliano to acknowledge that "lack of sight line would be a killer for this application." Mr. Vitaliano said that lack of sight line would bring up very drastic changes that would lead to restricting the entry drive on Cross Hill Road and the full access the seek approval for.

The applicant is requesting three waivers the first being waiver of no grading change within 25 feet of the property line around the perimeter of the entire property, the second is a maximum 4 to 1 grade within 50 feet of the property line and the third is no more that a 4 to 1 grade within 50 feet of the street line.

There is a Town Engineer comment about the possible need for an additional pipe line to the road and whether or not that needs to be replaced. The Town Planner comments still outstanding have to do with landscaping, the retaining wall in front of the site and its appearance, and site lighting. The applicant is proposing a three foot high split faced block wall but if during construction they are able to use rock from the site construction the wall would reuse the stone. The applicant has reconfigured the driveway on Route 111 and made it wider for truck access which entailed going back to the Inland/Wetlands Commission with a modification which modified approval was received. White Pines were eliminated as requested by the Commission for White Spruce trees.

Mr. Vitaliano confirmed the store hours of operation will be Monday through Sunday 8:00 am to 10:00 pm. The pharmacy hours will be Monday through Friday 8:00 am to 9:00 pm, Saturday and Sunday 9:00 am to 6:00 pm.

Although CVS is still not proposing a generator for the site they have allocated a spot for one near where the transformer will be located and it will be screened as requested. In response to concerns about the water quality exiting the site they have added a catch basin and water quality unit as well as minor modifications to the detention system.

Commissioner Lindstrom asked what the distance is between the neighbor at 220 Cross Hill Road and the driveway exiting the site on Cross Hill Road. Mr. Vitaliano was unsure but Planner

Agresta answered saying that it is 40 feet from the house corner to the site driveway and 150 feet to the back corner of the building.

Commissioner Lindstrom asked Mr. Vitaliano to speak about the potential environmental issues of this application. Mr. Vitaliano invited their environmental consultant, Mr. Barrett Smith, to respond to this. Mr. Smith introduced himself and discussed the environmental issues as they pertain to the Town Planner comments. In regard to the notifications for new release he said that is the responsibility of the current owners and has not been done. In addition, Mr. Smith has recommended that a program be implemented at 515 Monroe Turnpike to identify ground water quality. For water remediation they will remove the underground source tanks, a water separator, hydraulic lifts, and some above ground storage tanks currently located at the site and they are anticipating removing approximately 1,200 yards of petroleum impacted soil. Their goal is that they would accept the ground water conditions after this work is done as the water quality will improve substantially. They have a sequencing time for the proposed construction and if the applicant agrees to it the Commission can consider making the soil ground water plan a condition of approval. In regard to site mitigation and soil restoration if they should find contaminated soil at the site, Mr. Smith said they have not set up an action plan because there is none required at this time. This was discussed with the Inland/Wetlands Commission and other than the various UST systems being removed no soil remediation was discussed. At this point they are not planning on doing any post remediation ground water monitoring however, depending on what they find they may have to implement a program to do so.

Chairman O'Hara asked who decides if a ground water monitoring plan is appropriate. Mr. Smith said if the site doesn't go into the voluntary clean up program then it would be up to the discretion of the applicants and their consultants. Chairman O'Hara asked if the applicant has to submit reports on what is found to any State organization. Mr. Smith said that because it is not a Transfer Act Site, because it is not defined as an establishment, they are not required to report. They will pull tanks out of the ground and submit those reports to the DEEP and if there are concerns with what is found the DEEP will make a final determination regarding remediation. Vice Chairman Porter asked if Mr. Smith's company will involved during the tank removal process to which he answered yes. Commissioner Lindstrom asked if they will notify the State of the removal of tanks before they do it and Mr. Smith said they would.

Commissioner Lindstrom asked Mr. Vitaliano if they have done everything they can to allow trucks to exit onto Cross Hill Road easily and without blocking traffic. Mr. Vitaliano said that it was staff's preference to have all trucks enter the site from Route 111 and exit onto Cross Hill Road and they have added signage to indicate that.

Commissioner Quinn asked if they would consider installing a sidewalk on Cross Hill Road. Mr. Vitaliano said that there is a significant grade in the area where the retaining wall is being placed and extends onto the neighbors property and if they had to change the grade for a sidewalk it would impact the height of the proposed wall. Planner Agresta suggested instead of making the wall higher they could make a tiered wall. The neighbor's preference is to have the proposed wall and not any additional grading done to keep as much property as they can but Mr. Vitaliano said that if they can make it work to install the sidewalk they are open to that. Engineer Schatzlein said that the upside to a sidewalk is that it helps maintain the sight line whereas if

you left grass there, even though they have allowed an 18 inch setback, potentially something could be planted there to block the sight line or snow mounds could too.

Chairman O'Hara asked if they are planning on drafting an easement to do the work on the neighbor's property and maintain the sight line. Mr. Vitaliano said they definitely need an easement to do the work and that the area isn't a town right of way but if they need to maintain it that is no problem.

Vice Chairman Porter questioned the location of the anti-seepage collars in the plans and noted that they are marked differently than where they are described to be. Vice Chairman Porter asked what they thought of the Town Planner's comment to construct a wet set stone wall with stone from the site as opposed to the dry stack masonry wall they are proposing. Mr. Vitaliano said that they exceed the regulation of how far away the wall needs to be from the septic to avoid any leeching. Vice Chairman Porter gave a description of how a standard split faced wall needs to be installed including crushed stone as a base with a drain line and that the stone, because it is constructed with no mortar, automatically drains and expressed his concerns about the walls longevity. Mr. Vitaliano said that they would do all of the above mentioned requirements when they install the wall in front of the building which meets the health code requirements and put the drainage back in the plan so the wall will release water to reduce hydrostatic pressure. Planner Agresta is concerned about the look of the wall and asked the applicant to look into other types of masonry walls that may look nicer.

Vice Chairman Porter asked about a tree being planted in an area by the front door and Mr. Vitaliano said that he needs to find a conical tree at the right height and one that won't block visibility but they are willing to take care of that.

Vice Chairman asked if the mechanical units are going to be on the roof. Brice from BK Architects said yes the 5 units will be housed on the roof in what is called a "bathtub" and will not be visible above the roof line.

Secretary Martin asked if they would do the natural stone wall instead of a block wall. Mr. Vitaliano said that they spent money on the building and the landscape and wanted to do a block wall screened with landscaping but if the Commission makes it a condition of approval to do the natural stone wall then they will have to do it.

Secretary Martin asked about crosswalk striping and concrete walkways. Mr. Vitaliano said they extended the concrete walkways to eliminate some of the crosswalk striping.
Secretary Martin wanted to know how they would take care of their wild flower/meadow mix. They have decided not to do the wild flower mix but just the meadow mix which grows like tall grass and doesn't have the variations that the wild flowers do and only gets mowed a few times a year.
Secretary Martin asked about an operational plan for the lights. Mr. Vitaliano said he has reached out to the appropriate people to determine what that will be. Planner Agresta explained that it is about when the lights are in operation servicing the parking lot and then after hours there may be a different sequence of lights. It's the overall maintenance of the lights in general.

Mr. Vitaliano mentioned the lighting for the monument sign will be an LED strip illuminating down over the sign. In addition, the monument sign will be the color of Manchester Tan and this color will also be used on the base of the sign.

Engineer Schatzlein listed his outstanding items which are; they need to provide an updated survey, check with the DOT about a stop bar on Cross Hill Road to allow more room for trucks to turn, he would like to have a 4 foot sidewalk instead of a 3 foot sidewalk, they need to address the fence proposed to be installed on the retaining wall on the neighbor's property and that it may be a safety issue. Engineer Schatzlein suggested some hedges instead. Lastly, the bond recommendation is $65,000.

Secretary Martin asked if there would be any outside storage and Mr. Vitaliano said none is proposed beyond the usual trash receptacle located near the entrance. She is also requesting that they try to choose another more New England style light fixture. Planner Agresta suggested one in particular and Mr. Vitaliano will consider it.

Chairman O'Hara asked Attorney Kleinman if they felt there were enough items outstanding to continue the public hearing and he responded that they are anxious to close the hearing and deal with the conditions of approval later.

Chairman O'Hara asked what the guard rail on top of the front retaining wall would look like to which Mr. Vitaliano said they have spoken with the DOT about that and will not be installing the guard rail.

Chairman O'Hara asked if they would accept as a condition of approval coming back to the Commission to pick a final wall choice and using the stone from the site to construct the wall if they find it suitable. Mr. Vitaliano said they would be open to this, not only for the front wall but the wall in the back too, if it did not delay their construction. Chairman O'Hara reassured him that it would just be a construction modification not a new public hearing. Engineer Schatzlein explained that if they come back wanting to use rock ledge as part of their wall construction they would need to submit a report from a Geo-technical Engineer verifying that the wall is stable enough to do that. Secondly, they would need to submit a report showing how they will contain the soil from the top of the rock and keep it from eroding.

Chairman O'Hara opened the floor to public comment to which there were none. Attorney Kleinman provided closing remarks. Poling the commission hearing no objections, Chairman O'Hara closed the public hearing.

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 25-30.

Mr. David Bjorklund, Civil Engineer and President of the firm Spath Bjorklund Associates, Inc. introduced himself and began by describing the changes that were made to the design of the proposed parking lot. They widened a previous one way lane in the parking lot to 24 feet allowing it to become a two way lane, added 6 more parking spaces with a walkway down the center leading to the front door, moved the loading area to the north side of the property near the dumpster and expanded the islands to allow for more landscaping.

They need to finalize the plans for the monument sign with The Goddard School marketing people and will come back with it when it is ready.

Planner Agresta proposed a Colonial light fixture for the site which the applicant is ok with using however they are best suited to light sidewalks and pedestrian ways so they may have to add some additional lighting to the parking lot.

The applicant studied the 85th percentile of traffic on Route 111 and modified the sight line to meet the requirements based upon their results.

In response to the neighbors concerns about runoff from the site, the applicant found that there will actually be less runoff because the watershed will flow toward the proposed building and all the drainage from the building is going out to Route 111. The distance of the septic system to the neighbors well is approximately 120 feet and the health code requirement is to be 75 feet so they feel the neighbor will not experience any problems and their water is protected. In reference to the air handlers, this is a commercial building and requires air handlers but there is a 50 foot separation distance from the neighbor in addition to dense landscaping on both sides that should help with the sound. The playgrounds will be active from 9 to 3 and are also buffered by landscaping and a significant change in grade from the adjoining properties so that should help lower the sound as well.

Mr. Bjorklund said they made adjustments to satisfy staff comments on the storm water control tanks and they will add them to the plan. Engineer Schatzlein said he would have Inland/Wetlands approve the loading area being moved near the dumpster and he is confident that will not be a problem as it does not pose any further disturbance.

Mr. Bjorklund concluded his statements and invited any questions from the Commission.

Commissioner Lindstrom asked if the lights were dark sky compliant and Mr. Bjorklund confirmed they were.

Chairman O'Hara asked about them installing a sidewalk. Mr. Bjorklund said the applicants are not in favor of a sidewalk and as it would lead to nowhere but are thrilled that the State will be installing a sidewalk on the west side of Route 111.

Chairman O'Hara asked if they would be ok with doing a monument sign. Mr. Bjorklund said yes, they are working toward a 32 square foot monument sign with an LED strip on top illuminating down.

Commissioner Lindstrom asked what material the playground equipment is made of. Mr. Norm Ramonte, Director of Research for the Goddard School said they are working with the manufacturer, Little Tykes to obtain their playground equipment and it is approved plastic, not wood.

Engineer Schatzlein recommended a bond amount of $23,000.

Chairman O'Hara opened the floor to public comment to which there was none. Poling the commission hearing no objections, Chairman O'Hara closed the public hearing.

6. REGULATION AMENDMENT

RAA-2015-01, File # 972E: Proposed amendments to the Zoning Regulations Section 3.5 Elderly Residence District, Beaver Brook LLC.

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 1-17.

Mr. David Bjorklund, Civil Engineer and President of the firm Spath Bjorklund Associates, Inc. introduced himself and began with a brief history of the Zoning Regulations for elderly housing. The current regulation was established March 20, 1977 as a result of the Town's need for housing other than single family homes on large lots on public roads. The current regulations provide for smaller units in multi-family buildings allowing 5 units per acre. Ownership was in the form of condominium association where the building and property are taken care of by the association and not the homeowner. Three communities that emerged from the regulations are Hidden Knolls, High Meadows and Fairway Acres.

Currently, the trend for Elderly housing is moving toward single family detached units still held in an association but not being attached to the unit next to them. This trend is being driven by people wanting to downsize from their large home into something smaller that has all the latest amenities in addition to the master bedroom on the first floor and a garage.

Mr. Bjorklund said they updated the current regulations to accommodate the changing needs of the elderly in Monroe. The new regulations will allow for 2 units per acre with the number of single family units being 6% of the total number of single family homes in Monroe. They adjusted the set back for the single family units to 50 feet from the property line and adjusted other items such as; square footage, parking, sidewalks and street setbacks.

Mr. Bjorklund provided the Commission with a handout containing new information on the proposed regulation changes. They based their decisions on suggestions made by Planner Agresta but modified some to their liking. They are proposing a 20 foot set back from the street or dwelling sidewalk, the distance between the buildings be 25 feet but may have to be adjusted to 30 feet per the building code. They propose visitor parking for each unit in addition to the parking available in the garage and a maximum grade for parking at 5%. They recommend that sidewalks only be provided where active pedestrian traffic is anticipated.

Vice Chairman Porter asked if there was any design criteria for the maximum slope on the street. Mr. Bjorklund said there is not but they had talked about 8 to 10%. Vice Chairman Porter confirmed that with that slope they would be unable to create sidewalks and Mr. Bjorklund agreed.

In the new regulations they have included utilities such as cable, phone and internet as well as fire protection. They are proposing a maximum number of bedrooms be three which allows for family members and a possible care giver.

Chairman O'Hara had concerns with the age restriction of residents as it relates to the number of bedrooms in each home and how it pertains to the school age population. Mr. Bjorklund responded saying that under the Federal Fair Housing Regulation there is a provision stating that you can restrict residents in the development under the age of 55 and the number of inhabitants can be capped. The provision also states that the age and number of residents be policed on a yearly basis. Mr. Bjorklund said they could make this part of the regulation to protect against under age residents and the number of residents in each dwelling. Planner Agresta felt they would not be able to cap or restrict the actual number of people per household but could set a limit on age by percentage of units.

Commissioner Flader wanted to know if all the units would be 3 bedrooms or some would also be 2 bedrooms. Mr. Bjorklund said they are proposing all the units to be 3 bedrooms.

Commissioner Lindstrom asked if the 10 acres would be a minimum or a maximum to which Mr. Bjorklund answered it's a minimum so a parcel with 30 acres could contain this type of development.

Commissioner Lindstrom asked Mr. Bjorklund to explain why they are not proposing multi-unit and single family homes in the same development. He felt it was a bad mix due to the type of living differences. Commissioner Lindstrom asked if the proposal includes any affordable housing units to which Mr. Bjorklund said no.

It was discussed that this proposal will only be for currently residentially zoned areas in town but Planner Agresta interjected saying that it limits someone from petitioning an industrial zone change to the proposed new ARR District.

Commissioner Lindstrom wanted to know the distance between the units currently at High Meadows and Mr. Bjorklund said he did not know.

Commission Quinn pointed out that Aquarion Water Co. recommends 1 unit per 2 acres and by that standard we are at capacity for our watershed but this suggests 1 per 2.5 which is over the per acre gross use which speaks to the impervious surface in that area. He feels that Monroe cannot support the 3 bedroom option just to provide room for a caregiver and they should adjust it down to 2 bedrooms. Mr. Bjorklund feels that there are other factors to look at when deciding what the Town can handle as it pertains to housing such as public water which is available, soils, topography, etc. He feels the Commission should take into consideration weather or not public water is available and that there are areas in Monroe that are not part of the public watershed.

Commissioner Lindstrom asked if they would consider doing a 2 bedroom unit with a finished basement or a den that could potentially become a bedroom. Mr. Bjorklund felt that the Health Department would have a problem with that as it relates to the access to the nearest bathroom and the width of the openings in that room. Chairman O'Hara spoke on the importance of knowing how many bedrooms there are because that is how you size the septic needed for the residence.

Vice Chairman Porter inquired why they reduced the separation between units to 25 feet. Mr. Bjorklund said that it works for their site. They looked at many other sites and in their opinion 25 feet of separation is enough.

Vice Chairman Porter asked if any of the units will be ADA compliant. Mr. Bjorklund said that the developer must provide that if a homeowner is in need of it. Vice Chairman Porter is concerned that if the maximum grade is 5% then a unit cannot be compliant with ADA regulations due to the steep grade. The homeowner would have to request their need for an ADA compliant unit during development but once they are sold out that is no longer an option. Planner Agresta suggested that the applicant put a provision in the regulation so that some of the units would be built ADA compliant and then have them available when someone was in need.

Secretary Martin expressed concerns saying the sidewalks should be 4 feet wide instead of 3, the distance between the buildings is too close, there should be larger setbacks, whether or not the Town can handle the amount of proposed septic systems and having 1 parking space for every 5 units is insufficient.

Chairman O'Hara asked Mr. Bjorklund to provide additional information on the lower age restrictions and he said he would. Chairman O'Hara asked if the new provisions for the detached units would have any effect on the three existing senior housing developments, in particular could there be any detached units built within those developments?

Mr. Bjorklund stated that his firm represents both Hidden Knolls and High Meadows. He said that High Meadows and Fairway Acres are maxed out based upon septic capacity. The units located at Hidden Knolls are already 100 feet from the property lines so there isn't any room left to develop any detached units there. He confirmed that the new regulations do not allow for multi-unit and single family dwellings to exist on the same property. Chairman O'Hara asked if the minimum lot size is currently 10 acres and Mr. Bjorklund replied yes.

Chairman O'Hara asked what a typical home size is going to be and Mr. Bjorklund answered 2,200 square feet. The Chairman then asked Mr. Bjorklund and or Planner Agresta to speak about coverage areas. Planner Agresta said that the current regulation calls for no more than 35% of the total area be covered by an impervious surface while under the new regulation they are proposing no more than 30% for the building and another 35% for sidewalks and parking lots etc. bringing the total to 65%. Mr. Bjorklund said the percentage of site coverage could be brought down and he would like the chance to readdress that later. Chairman O'Hara suggested that the applicant make a decision on the sidewalks and if there are areas where they feel they don't need them they need to word it into the regulation.

Mr. Bjorklund introduced one of the petitioners and invited him to speak. Mr. Kim Danziger 5 Stonewall Ridge Road Newtown, CT stated he is a builder and developer and has been for 35 years. He spoke of his associate Ken Twombly, a local nursery owner who currently owns the piece of property they are looking to develop. He feels that there is a demand for people over 55 who want affordable housing and an age restricted high end product that is maintenance free. They are proposing to build 3 bedroom houses so that according to the health code the septic systems will be adequate and there is room for family, most importantly, grandchildren could come and visit. There will be deed restrictions on having pools, tennis courts or developing large expansive areas. They feel the separation distance will not be a problem based on the landscaping ability of Ken Twombly and if they go under the 30 foot minimum and it warrants fire separation they will decide if it is cost effective to do so. They're opinion about having sidewalks is that with detached homes people want the feeling of separation, not to be linked by sidewalks and there will not be any common areas in the development. They feel it is a maintenance item, its more imperviousness and something that will probably not get used. They feel that the parking is ample based on each home having a two car garage, room for two more cars in the driveway and one more allocated for each unit in the parking lot.

Chairman O'Hara asked if Mr. Danziger could supply staff with copies of these developments for the Commission to review to which he said he would. Vice Chairman Porter reminded Mr. Danziger that this hearing is about the zone regulation and is not site specific and any decision made will affect the entire Town of Monroe.

Chairman O'Hara opened the floor for public comments.

Elize Delarosa, 376 Wheeler Road feels the current regulations are working because the current senior housing is at near full capacity. The new homes are too expensive and too large and thus will remain vacant.

Nancy Zarena, 1215 Monroe Turnpike lives at the bottom of the hill across from High Meadows and is concerned with the impact on the drinking water and damage from hillside runoff on her septic system.

Maria Davich, 1232 Holly Place agrees with what Nancy Zarena said and inquired as to why the regulations have to change as opposed to each house applying for a variance individually.

Karen Planch, 1153 Monroe Turnpike said her property borders High Meadows. She was in front of the Commission 20 years ago protesting the expansion of High Meadows and was told there would be no more units built. They did build more units in and they "sold like hotcakes". She feels that retirees will not be able to afford a $400,000 dollar home and the State of Connecticut is not a prime place for retirement.

Robert Blackwell, 103 Old Zoar Road agrees with the previous speaker and feels the Town is too wet to handle 85 new homes and he feels, because he has well water he has no way to protect it from being contaminated. He read that the new units will require a secondary access and wants to know if they need to put in a new road to comply with the regulations.

Rebecca Lopez, 26 Lanthorne Road said her road abuts to Hidden Knolls which still has undeveloped property in the back which could be developed and abuts property owned by the Town and if the Town sells that to Hidden Knolls they could expand even further. She currently lives in a house smaller than 2,200 square feet and the new houses are too large. She feels the applicants are using the age restricted housing need as an excuse to make money. She referenced the homes in Great Oak Farms and the lack of distance between homes and setbacks from the road and feels it is over crowded.

David Williams, 42 Old Zoar Road has a problem with the reduced setbacks, increased area coverage, and the potential impact upon his septic and well. Wants to know how 85 new units would benefit the Town of Monroe.

Stacy Troutline, 89 Old Zoar Road lives across from High Meadows and agrees with all previous speakers. She is not sure why homes would be built for people who would be opposed to the 2.5 tax increase that happens most every year and she is opposed to the whole regulation change.

Gail Bunovsky, 76 Holly Place said this is insane. The Town is too wet and has no sewers to accommodate what is being proposed. She read some items from the POCD such as density of houses, current infrastructures, adding more congestion to the roadways, lot sizes and how they relate to our agricultural past, schools and parks. She spoke about the need to protect the water supply within the Town and told the Commission that it is their responsibility too.

Paul Fernandez, 46 Richmond Drive spoke in opposition of the setbacks.

Ron Bunovsky, 76 Holly Place said there is not a burning need for age restricted housing in Monroe. He lives in a 2,200 square foot house with a septic and a well on 2 acres which the septic requires. The applicant has not shown the feasibility of the capacity of the land to accommodate the proposed development. He said it is the responsibility of the Commission to protect the health and safety of the Town residents not to provide a variety of housing that the land in Monroe cannot support.

Karen Planch, 1153 Monroe Turnpike spoke in opposition in regard to houses with two floors for age restricted people.

Bob, 88 Holly Place has lived in Monroe for 45 years and had no problems before High Meadows was developed but then had to put in a drain along the whole back of his property. Any new housing would only make the problem worse.

Martin Planch, 1153 Monroe Turnpike is concerned what will happen to the existing senior developments.

Steve Downs, 32 Holly Place agrees with all the previous speakers and said that just about his whole neighborhood qualifies for age restricted housing. All this is doing is opening up high density housing with no respect for current homeowners in the Town.

Lois Spence, 29 Partridge Drive feels that sidewalks are essential. She thinks that we have to make sure before anything happens that the proper waste water systems will be used in these developments so as to not contaminate the water system. She wanted to know if the new regulations could only apply to new developments so that the existing developments are unchanged.

Chairman O'Hara stated that Planner Agresta would make the information regarding this hearing available on the Town website. Polling the Commission and hearing no objections, Chairman O'Hara adjourned the public hearing until 7/9/15.

SITE PLAN REVIEW

7. **SITE DEVELOPMENT PLAN** - None

DELIBERATIONS and DETERMINATIONS

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

SEP-2014-13, File # 1549A – 462 Main Street - Time Extension
OWNER: **462 Main Street, LLC**
APPLICANT: **462 Main Street, LLC**
MOTION: **Porter** – To grant a 90 day extension to meet conditions of approval.
SECOND: **Quinn**
DISCUSSION: None
VOTE: **5-0-0 – Approved**
Ayes O'Hara, Porter, Martin, Quinn, Lindstrom
Nays None
Abstain None

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

10. **MEETING MINUTES** – Tabled

11. **APPLICATION DELIBERATIONS/DETERMINATIONS**

SEP-2015-01, File # 1551A – 5 Victoria Drive – Special Exception Permit
OWNER: **Victoria Drive Associates, LLC**
APPLICANT: **Victoria Drive Associates, LLC**
MOTION: **Martin** – To approve Special Exception Permit SEP-2015-01 as set forth in the draft approval dated June 18, 2015.
SECOND: **Flader**

DISCUSSION: Confirmed the bond in the amount of 28,000, if the applicant decides he needs lights in the back of the building he has to remove what's there and change them to ones that are dark sky compliant, the applicant can occupy the space while last minute items are finished within 6 months and it is an existing building so let the applicant move forward with the plan.

VOTE:	**4-0-0 – Approved**
Ayes	O'Hara, Martin, Lindstrom, Flader
Nays	None
Abstain	None

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 – **Tabled**

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 – **Tabled**

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 – **Tabled**

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 – **Tabled**

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 - **Tabled**

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 – None
- Land Use Staff Reports – None

15. MEETING AJOURNMENT

With no objections, Chairman O'Hara adjourned the meeting at 11:25 pm.

Respectfully submitted, Carol Re, Recording Secretary

Town of Monroe
PLANNING AND ZONING COMMISSION

7 Fan Hill Road
Monroe, CT 06468

Planning and Zoning Department
(203) 452-2812 Fax (203) 261-6197

TRANSMITTAL

DATE: June 24, 2015 via CERTIFIED MAIL: 7011 0110 0002 2153 1520

TO: Victoria Drive Associates, LLC; Attn: Mark Christo
26 Arrowhead Drive
Monroe, CT 06468

FROM William Agresta, AICP, Town Planner, P&Z Clerk
Town of Monroe Planning and Zoning Department

RE: SEP-2015-01, 5 Victoria Drive

Dear Mr. Christo:

Enclosed is a copy of **Notice of Decision** and **Approval** issued by the Planning and Zoning Commission in regard to the above referenced application. Please read these documents carefully as there are time sensitive requirements which need to be completed to effectuate the Approval, including coming to the Planning and Zoning Department office at the appropriate time (please call ahead to arrange an appointment) to obtain the ***original*** Approval document ***for recording*** in the Monroe Land Records with the Town Clerk, the recording of which is the applicant's responsibility.

If you have any questions or need further clarification, please contact the Planning and Zoning Department at 203-452-2812.

cc: Solli Engineering, LLC
Regular Mail

Recording Fees: *First Page: $53.00 (includes $30.00 Ct State surcharge fee) + $5.00 each additional page* (Fees subject to change) *Ct State Statute 05-228, Sec. 5, Section 7-34*

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

APPROVAL
SPECIAL EXCEPTION PERMIT
(SEP-2015-01 – File #1551A)
5 Victoria Drive
Assessor Map 4, Lot 4 – I-3 District

Victoria Drive Associates LLC (Owner/Applicant)

Date of Approval	June 18, 2015
Date Final Plans to be Signed by	September 16, 2015
5-Year Expiration	June 18, 2020

WHEREAS, the Monroe Planning and Zoning Commission (Commission) has considered an application for Special Exception Permit from Victoria Drive Associates LLC, Mark Christo Manager (owner/applicant) for a change of use to an indoor/outdoor recreation business including construction of a small (330 square feet) building addition, segmentation of the existing building into two separate tenant spaces, parking totaling 99 spaces (including 4 handicap accessible spaces), construction of 110 feet by 200 feet exterior practice field, and associated site Improvements on approximately 10.67 acres within an Industrial District 3 (I-3) on property located at 5 Victoria Drive, as shown and detailed in the associated application materials, including:

Application:

- Application SEP-2015-01 – Special Exception Permit, 5 Victoria Drive;
- Engineering Report, Solli Engineering, 11/10/14, revised 04/14/15;
- Figure EX-1, Compensatory Storage Exhibit, Solli Engineering, 05/12/15;
- Pond Report, 04/21/15;
- Letter Responding to Comments, Solli Engineering, 04/14/15 and 05/12/15;

Plans:

- 0.00 – Cover Sheet (1/17), Solli Engineering, 11/10/14, revised 05/01/15;
- 1.11 – Plan of Property (2/17), Accurate land Surveying, LLC, 05/13/14, revised 05/01/15;
- 1.20 – 500' Radius & Site Area Map (3/17), Solli Engineering, 11/10/14, revised 05/01/15;
- 2.11 – Site Layout Plan (4/17), Solli Engineering, 11/10/14, revised 05/01/15;
- 2.20 – Wetland Grading &Restoration Plan (5/17), Solli Engineering, 11/10/14, revised 05/01/15;
- 2.21 – Grading and Drainage Plan (6/17), Solli Engineering, 11/10/14, revised 05/01/15;
- 2.31 – Soil Erosion & Sediment Control Plan (7/17), Solli Engineering, 11/10/14, revised 05/01/15;

- 2.41 – Soil Erosion & Sediment Control Notes & Details (8/17), Solli Engineering, 11/10/14, revised 05/01/15;
- 2.60 – Wetland Restoration Planting Plan (9/17), Solli Engineering, 11/10/14, revised 05/01/15;
- 2.61 – Planting Plan (10/17), Solli Engineering, 11/10/14, revised 05/01/15;
- 2.71 – Lighting Plan (11/17), Solli Engineering, 04/15/15, revised 05/01/15;
- 3.01 – Site Details (12/17), Solli Engineering, 11/10/14, revised 05/01/15;
- 3.02 – Site Details (13/17), Solli Engineering, 01/14/15, revised 05/01/15;
- EX-1 – Existing First Floor Plan (14/17), Jonathan Kost Architecture, LLC, 04/15/15, revised 05/01/15;
- DEMO-1 – Demolition Plan (15/17), Jonathan Kost Architecture, LLC, 04/15/15, revised 05/01/15; and
- A-101 – Proposed Partial First Floor Plan (16/17), Jonathan Kost Architecture, LLC, 04/15/15, revised 05/01/15;
- A-201 – Elevations (17/17), Jonathan Kost Architecture, LLC, 04/15/15, revised 05/01/15; and

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

- The subject property consists of approximately 10.67 acres within an I-3 Industrial District and is located on the southerly side of Victoria Drive, a private commercial road with access via Main Street (Route 25). The relatively flat site with slopes ranging from approximately 0.5 to 1.5 percent is within 500 feet of a town boundary (a small portion of the site is located within the Town of Trumbull but this area is not proposed to be disturbed);

- Pequonnock River runs north to south along the eastern edge of the property, and includes mapped areas of 100-year floodplain generally following the River and encompassing most of the southern extent of the site. Proposed site redevelopment requires a separate Floodplain Development Permit pursuant to the standards and requirements set forth in Zoning §6.6.3. Proposed wetland remediation will remove approximately 4,860 cubic yards of material from within the floodplain, thus proportionally increasing the flood carrying capacity of the property;

- The site is served by public water and a private on-site septic system (located north of the existing building), no changes to these facilities are proposed. Projected design flow for the new site uses are approximately 400 gallons per day (existing system flow is approximately 420 gallons per day);

- The site is presently served by an on-site above ground propane fuel storage tank, which is proposed to remain. Natural gas service exists within a 4-inch main in Victoria Drive but is not proposed to be connected to the site at this time;

- The site includes a vacant one-story building formerly used by a wholesale nursery business. Proposed site redevelopment seeks in part to address past owner zoning violation conditions;

- The subject property includes substantial areas of inland wetlands and associated upland review area; nearly the entire site falls within a regulated area, except the existing building and most of the front parking area. According to the application materials, approximately 82,251 square feet (or nearly 2 acres) of site wetlands have been filled (without permit authorization) by the former property owner. The current application seeks a change in use to Indoor/Outdoor Recreation (for two tenants: Cross Fit Gym and Panthers Den), including development of an outdoor playing field measuring approximately 110 feet by 200 feet with associated drainage features, parking lot and general site improvements, a stormwater quality basin, and wetland remediation (relating to past owner activities) for which separate approval was granted by the Inland Wetlands Commission (IWC-2014-13, File #900, approved February 11, 2015);

- The subject property is not located within a mapped protected public watershed area;

- The proposed site redevelopment also includes a small building addition consisting of approximately 330 square feet (for a new total gross floor area of 12,365 square feet). The existing building finished floor and proposed expanded floor elevation will be consistent, approximately 3.5 feet higher than the base flood elevation, thus would not require floodproofing;

- Redevelopment of the site proposes a total of 99 (26 in front of the existing building and 73 to the east of the building) off-street parking spaces (including 4 handicap accessible spaces) and a single loading space on the east side of the building with additional building access on the west side of the building. Site development is estimated to require excavation resulting in an excess cut of approximately ±5,640 cubic yards of material for off-site disposal;

- Proposed site development and change in use will require modification to existing STC Certificate #1601-A / OSTA Certificate #173-1309-01, but according to the applicant's traffic analysis, the proposed change in use will result in the generation overall fewer trips than the former site use;

- A favorable review and recommendation has been received from the Monroe Architectural Review Board (May 19, 2015); and

WHEREAS, by letter dated February 25, 2015, noticed was mailed certified return receipt to the Town of Trumbull Town Clerk; and

WHEREAS, on April 8, 2015, the applicant mailed a copy of the public hearing notice of the proposed Special Exception Permit application to abutting property owners within 100 feet of the subject property as evidenced by submission of certified mail receipts (and subsequent returned "green" cards); and

WHEREAS, the Commission has considered the proposed Special Exception Permit application at a duly noticed public hearing, which hearing was opened and adjourned on April 23, 2015, reconvened and closed on May 21, 2015. Notice of the public hearing was filed with the Town Clerk on April 2, 2015 and was published in the Monroe Courier on April 9 and 16, 2015;

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

A. The project site is developed and substantially disturbed. Proposed wetland remediation is intended to restore substantial areas of previous unauthorized disturbance. The existing building will be utilized and a very small (330 square feet) building addition will be constructed to accommodate bathroom facilities in each of the two proposed tenant spaces. Traffic volumes will be generally low as compared to other permitted office or industrial uses. The existing site access via Victoria Drive will remain. Truck traffic serving the site will be minimal;

B. The project seeks a change of use which includes a permitted use ("indoor/outdoor recreation") of the underlying I-3 District which has been designed to comply with applicable zoning lot area and bulk standards. A wetland permit has been obtained to address remediation and proposed regulated activities affecting wetland resources of the site. The small building addition has been designed to be compatible with the existing building architecture, which design has received a favorably recommended by the Town's Architecture Review Board. As such, the project is consistent with the Plan of Conservation and Development;

C. The existing building will be utilized. The location, nature and height of the new small building addition will be consistent with existing building architecture and design. Redevelopment of the site includes landscaping enhancements. As such, the proposed improvements are not anticipated to hinder or discourage the appropriate development and use of adjacent lands and buildings;

D. New exterior lights will be dark-sky compliant to help control and minimize its visual impact to adjacent areas. The proposed facilities and indoor/outdoor recreation uses do not include components which are known or anticipated to generate impacts by reason of fumes, smoke, dust, vibration, glare, intensity or flashing of lights.

E. The existing subsurface sanitary septic system and public water supply connections will be utilized;

F. Adequate and compliant off-street parking and loading facilities sufficiently setback and separated from the site driveway entrance are proposed. As represented by the applicant during the public hearing, the proposed field is a practice field which will not be used for *"public exhibitions or games involving other teams or spectators and is not proposed to be illuminated."*

G. The design of the proposed action has incorporated the comments and recommendations of town staff and applicable reviewing agencies;

H. Other required permits or approvals as may be needed to support the proposed facilities and site modifications shall be obtained accordingly by the applicant;

I. The proposed use involves the development of private property, including remediation of conditions affecting site wetlands as left by a previous owner. The new use will generate incremental increased demand for police, fire and emergency services, but increased tax revenues are anticipated to offset potential increased municipal fiscal costs. The Fire Marshall and Police department have reviewed the project plans and facility operations and did not have any specific comments; and

BE IT FURTHER RESOLVED, that the Commission at its regular meeting held on **June 18, 2015**, upon motion by **KAREN MARTIN** and seconded by **JANE FLADER**, following deliberations conducted on **June 4 and 18, 2015**, voted **FOUR (4)** in favor and **NONE (0)** in opposition to **approve** the above referenced Special Exception Permit, subject to modifications as set forth below, as follows:

Vote:	**PATRICK O'HARA**	**AYE**	*For the Commission:*
	KAREN MARTIN	**AYE**	
	JANE FLADER (seated)	**AYE**	
	CATHLEEN LINDSTROM (seated)	**AYE**	*Patrick O'Hara, Chair*

BE IT FURTHER RESOLVED, that this approval is specific only to the Special Exception Permit site and building improvements, uses and facilities as described in the application and as shown on the final Special Exception Permit Site Plans (Site Plans) as signed by the Commission Chair; and

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

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

SITE DEVELOPMENT PLAN MODIFICATIONS OF APPROVAL

A. TO BE COMPLETED WITHIN 90 DAYS (EXPIRATION TERM DATE of September 16, 2015)

Prior to the authorized endorsement on the final Site Plans by the Commission Chair, the following shall be completed within ninety (90) days of the date of this Approval, unless a written request for an extension is submitted by the applicant prior thereto (the Commission shall consider said request at its next available meeting, which may be past the date of expiration), or this Approval shall become null and void without further notice:

1. **Required Revision of Final Site Plans:**

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

   - 0.00 – Cover Sheet (1/17)
   - 1.11 – Plan of Property (2/17)
   - 1.20 – 500' Radius & Site Area Map (3/17)
   - 2.11 – Site Layout Plan (4/17)
   - 2.20 – Wetland Grading &Restoration Plan (5/17)
   - 2.21 – Grading and Drainage Plan (6/17)
   - 2.31 – Soil Erosion & Sediment Control Plan (7/17)
   - 2.41 – Soil Erosion & Sediment Control Notes & Details (8/17)
   - 2.60 – Wetland Restoration Planting Plan (9/17)
   - 2.61 – Planting Plan (10/17)
   - 2.71 – Lighting Plan (11/17)
   - 3.01 – Site Details (12/17)
   - 3.02 – Site Details (13/17)
   - EX-1 – Existing First Floor Plan (14/17)
   - DEMO-1 – Demolition Plan (15/17)
   - A-101 – Proposed Partial First Floor Plan (16/17)
   - A-201 – Elevations (17/17)

   a. The final Site Plans shall each be signed and sealed providing live certification thereof by the professional(s) responsible for the preparation of each sheet.

   b. Each plan sheet shall include a common revision date, dated later than June 18, 2015.

c. Each plan set sheet shall each include the following signature block with original signature of the applicant/owner affixed thereon:

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

_____

Owner/Applicant
Victoria Drive Associates LLC, Mark Christo Manager
26 Arrowhead Drive, Monroe, CT 06468

d. The following notes shall be included on the Cover Sheet and Sheet 2.11:

- ***Reference is hereby made to the corresponding Inland Wetlands Permit Approval as issued by the Monroe Inland Wetlands Commission (IWC-2014-13, File #900, approved on February 11, 2015) and these corresponding Wetland Permit Plans on file with the Monroe Inland Wetlands Department.***
- ***Reference is hereby made to the corresponding Special Exception Permit Approval as issued by the Monroe Planning and Zoning Commission (SEP-2015-01, File #1551A, approved on June 18, 2015) and these corresponding Special Exception Permit Site Plans on file with the Monroe Planning and Zoning Department.***

e. The final Site Plans shall address the following:

(1) The design of the exterior practice field fence gates shall be revised to instead provide an integral zig-zag overlapping design.

(2) The existing building mounted lights on the front and northerly side walls shall be replaced with dark-sky compliant lights subject to the satisfaction of the Planning and Zoning Department. The existing wall mounted lights on the rear and southerly side wall shall be removed or replaced with equally dark-sky compliant lights. Appropriate construction details shall be provided accordingly.

(3) The location of separate wall signs, one for each tenant, on the front façade wall only shall be deemed acceptable provided the size and design of said signs are appropriately detailed on the final Site Plans.

(4) A tree and ground cover plantings shall be added to the open island to the north of the central island.

(5) The note regarding restorative soil augmentation and revegetation shall be included in the area at the northwestern property boundary where the unauthorized site access will be removed.

(6) The Zoning Data Table on Sheet 2.11 shall be revised to address the following:

- The table should also note ***1-Story*** across each column.
- Revise "Proposed Conditions" relative to "Building Coverage" from "2.66%" to read ***0.07%***.

(7) The location of screened mechanicals shall be clearly shown.

(8) Lighting shall be improved in the area of the handicap accessible parking area off the front of the existing building.

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

The applicant shall provide:

- Verification of the referenced/proposed net removal of material from the areas of the site within the floodplain.
- Verification that the compensatory excavation area needed to achieve no net decrease in floodplain storage volume does not represent any changed impact to a wetland and/or associated regulated area.
- Verification that available storage above the water table within the stormwater quality basin can accommodate the calculated water quality volume.

3. **Required Posting of Bond:**

a. A site restoration and stabilization bond in the amount of **$28,000.00** shall be provided to the Town of Monroe.

b. The bond shall be in the form of cash (bank check), Letter of Credit, or surety bond, and all other applicable standards and requirements of the Zoning Regulations and CGS §8-3. The applicant shall complete a properly executed Bond Agreement.

c. The required Bond Agreement shall remain in full force and effect until such time as the Commission authorizes its release and/or cancellation.

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

e. 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 E** herein.

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

   Upon satisfactory revision of the final Site Plans as required above, the applicant shall:

   - Submit **SEVEN (7)** complete sets (plan sets shall be full size 24"x 36", collated, bound and folded, **except ONE (1) set shall be rolled**) for the authorized endorsement of same by the Commission Chair.
   - Submit **TWO (2)** complete copies of the final Drainage Report (with live seal and signature), which shall include the supplemental information submitted via public hearing Exhibit 19 (Pond Report and Compensatory Storage Exhibit EX-1).

5. **Required Recording of Approval:**

   a. Upon satisfactory completion of requirements **1 through 4** above, the applicant shall record an ***original*** copy of this Approval document ***(as provided by the Planning and Zoning Department)*** in the Monroe Land Records. The applicant shall be responsible for providing a copy of said recording, showing all marks of recording to the Planning and Zoning Department.

   b. Consistent with §8.1.6(A) of the Zoning Regulations and CGS §8-3c(b), this Special Exception Permit Approval shall be effective upon endorsement of the Site Plans as final and the recording of this approval document in the Monroe Land Records as set forth herein.

   c. The acceptance of this Special Exception Permit Approval by the applicant/owner shall be evidenced by the completion of the required recording set forth herein, indicating the applicant's/owner's agreement that said Approval is contingent upon strict compliance with Town Regulations and all modifications and requirements set forth herein and on the signed final Site Plans.

B. PRIOR TO AUTHORIZED ISSUANCE OF ZONING AND BUILDING PERMITS

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

1. No **Zoning Permit or Building Permit** relating to this Approval shall be authorized or issued until the recording as set forth in **Condition A5** above is completed and a copy thereof as recorded is provided to the Planning and Zoning Department, and until the final Site Plans are filed with the Planning and Zoning Department as required herein.

2. All required **recordings and filings** as set forth above shall be confirmed as completed. This Approval does not authorize, or grant development or site improvements beyond that shown on the signed final Site Plans.

3. Prior to the authorized issuance of a Zoning Permit, the following shall be provided to the Zoning Enforcement Officer (**no Building Permit shall be issued prior to a Zoning Permit** – *Zoning and Building Permits are not issued until the required pre-construction meeting is held*):

   - Application for a Certificate of Zoning Compliance based on the signed final Site Plans.
   - Duly authorized Floodplain "Development Permit."
   - Verification of a modified STC Certificate #1601-A / OSTA Certificate #173-1309-01.
   - Inland Wetland Agent sign-off.
   - Health Department sign-off relative to sewage disposal and water supply.
   - Confirmation of submission and acceptance of CT DEEP General Permit for Stormwater.

4. A **Pre-Construction Meeting** shall be held with the applicant/owner and/or general contractor, engineer and architect as the case may be, and with the land use and building officials of the Town of Monroe. The pre-construction meeting shall not be scheduled until all requirements set forth above have been completed by the applicant/owner. Additional construction meetings may be called as deemed necessary throughout construction.

C. DURING SITE CONSTRUCTION

1. This Approval does not authorize, or grant development or alteration improvements beyond that shown on the final Site Plans as endorsed by the Commission Chair.

2. All work subject to regulation and permit by the Inland Wetlands Commission shall be in compliance with an authorized Wetland Permit. Any amendments or changes affecting or altering the site, 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 G** herein.

3. All new/replacement utilities shall be installed underground in accordance with the approved plans.

4. There shall be no clearing, grading, removal of vegetation or other site or building construction inconsistent with that shown on the signed final Site Plans, except reasonable field changes as approved by the land use and building inspection staff in consultation with the Town Planner and Town Engineer. Field changes may only be permitted where they do not substantively alter the intent or design of the signed final Site Plans or increase the size of the footprint of any structure or use of land. All other changes require the prior review and approval of the Commission as a change pursuant to **Section G** below.

5. 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 G** herein.

6. Erosion and sedimentation controls and temporary stormwater management measures as may be required shall be properly maintained until construction is completed and all disturbed areas have been stabilized. Said controls and measures shall be periodically inspected, continually maintained throughout the construction phase and supplemented to ensure their proper installation and functions. The Zoning Enforcement Officer, Building Inspector and Town Engineer or their duly authorized representatives may require additional controls as deemed necessary or appropriate based on changing site conditions during construction.

7. The applicant/owner shall be responsible for the following:

   - Notifying the Planning and Zoning Department of changes in the status of ownership and/or contractor(s) and/or professional design or inspection consultants involved in the construction and/or subsequent facility operations;
   - Notifying any new owner and/or contractor(s) and/or consultants of all construction requirements including all job meeting notes and inspection notes produced up to the date of any such change in project related personnel;
   - Notifying and informing its contractors, employees, agents and assigns of their responsibility to comply with the modifications and requirements set forth in this Approval; and
   - Adherence with the standards and requirements as set forth in the aforementioned pre-construction meeting (Report of Pre-Construction Meeting) and any subsequent construction meetings and inspections.

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

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

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

2. Prior to the authorized issuance of a Permanent Certificate of Zoning Compliance and/or a building Department Certificate of Occupancy/Use, the following shall be completed consistent with the final Site Plans as endorsed by the Commission Chair:

   - All Wetland Permit and site improvements consistent with the signed final Site Plans shall be completed, as well as all related requirements as set forth and agreed to during the pre-construction meeting and subsequent construction meetings or inspections, except the front tenant space only, for Crossfit Gym, may be occupied prior to the completion of the site improvements. Within six-months of occupancy, the approved site improvements shall be commenced and diligently pursued to completion or said authorized occupancy shall be revoked unless an alternative time schedule is requested and approved by the Commission.
   - All related utilities serving the site facilities shall be connected and operational.
   - Related sewage disposal and water supply systems and operational connections confirmed.
   - All disturbed areas shall be stabilized; the site shall be clean of construction related equipment, materials and debris; and all erosion controls shall be removed.
   - The applicant shall provide an As-Built Plan detailing and certifying completed improvements, including a second copy of same superimposed on the original approved layout plan (to be shown in red or varied shading), including adequate information to verify that all work is completed in compliance with this Approval, in quantities as specified by the Planning and Zoning Department.

E. PRIOR TO PARTIAL OR FINAL RELEASE OF BOND

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

1. Submission of a written request for either partial or final release of bond, including a commensurate As-Built Plan detailing and certifying completed improvements relating to such partial or final release request shall be provided.

2. All submitted As-Built Plans shall detail and certify completed improvements, superimposed on the original approved layout plan (to be shown in red or varied shading) and shall include adequate information to verify the completion of related work as authorized by this Approval.

3. Prior to the full release of bond, all requirements as set forth and agreed to as part of the preconstruction conference, and any subsequent construction meeting or inspection shall be completed; and all related construction shall be completed, disturbed areas stabilized, and siltation and erosion control measures removed.

F. CONTINUING CONDITIONS OF OPERATION FOLLOWING AUTHORIZED OCCUPANCY/USE

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

1. The property, premises and all site improvements shall be maintained in good working order and shall be regularly maintained to function as designed in a neat and orderly manner, free of debris, sediment and litter.

2. All related permits and approvals shall be maintained as current throughout the duration of permitted use.

3. Appropriate measures shall be maintained to ensure snow removal so there is no plowed snow stored within travel lanes, parking spaces or over landscaping to its detriment.

4. No new exterior signs or other materials or devices shall be permitted to be installed, supported, hung, flown or otherwise attached to site buildings, structures, light posts or site grounds or vegetation without prior authorized approval and permit.

5. No subsequent changes to the appearance, coloring or physical dimensions, rooflines, materials, trim or facades of the site buildings, accessory uses and structures, fencing, signs, lights and other accessory site improvements relating to the operations and functions of the site use shall be permitted or authorized without the prior authorized review and permit.

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

G. ACCEPTANCE / CHANGES / COMPLIANCE / EXPIRATION

1. **Applicant/Owner Acceptance.**

   a. All representations by the applicant and their representatives in the presentation of the Special Exception Permit Application and discussion reflected in the Commission meetings record shall be binding upon this Approval and are incorporated herein by reference, except to the extent as may have been modified herein by the Commission in the issuance of this Approval.
   b. This Approval and all required modifications and requirements specified herein shall be binding upon the applicant/owner, and any heirs, assigns and/or successors, as well as the subject property and premises, unless otherwise amended by a subsequent act of the Commission.

   c. The acceptance of this Approval by the applicant/owner shall be evidenced by the completion of the required recordings and filings set forth herein, indicating the applicant's/owner's agreement that said Approval is contingent upon strict compliance with Town Regulations and all modifications and requirements set forth herein and on the signed final Site Plans.

2. **Changes.** Any additions or changes to the approved activities, the Site Plans, the site or the land use activities and site improvements, systems or facilities thereon, shall require the prior review and written approval of the Commission. All related permits and approvals shall be maintained as current throughout the duration of permitted use.

3. **Approval Compliance.** Failure to maintain compliance with any specified requirement of this Approval shall constitute a violation of the terms of this Approval and a violation of the Zoning Regulations enforceable and subject to any and all remedies prescribed by applicable State and local laws, including but not limited to the ordered suspension of the use of the premises in full or part until such time as the failure or noncompliance has been satisfactorily resolved, and/or the revocation of said Approval or the revocation of any issued Zoning or Building Permits or Certificate of Zoning Compliance or Certificate of Occupancy/Use.

4. **Expiration.** The Approval to construct the site improvements as detailed on the signed final Site Plans shall expire and be null and void without further written notice **five (5) years** from the date of this Approval **(expiration date of June 18, 2020)**, unless an extension as may be granted by the Commission is obtained, not to exceed an additional period of **five (5) years**. Any request for an extension shall be submitted to the Commission in writing a minimum of **forty-five (45) days** prior to the expiration date for which an extension is requested and shall state the reasons and circumstances for the requested extension. In considering any such request, the Commission may require a public hearing.