

**PLANNING and ZONING COMMISSION
Monroe, Connecticut**

**MEETING MINUTES
March 3, 2016**

Meeting: Planning and Zoning Commission **Meetings are Video and Audio Recorded**
Regular Meeting – 7:00 p.m.
7 Fan Hill Road, Monroe, Connecticut

Present: Chairman Patrick O'Hara
Vice-Chairman Porter
Secretary Jeremy Hayden
Commissioner David Townson
Commissioner Leon Ambrosey
Commissioner Cathleen Lindstrom (alternate)
Commissioner Michael O'Reilly (alternate)

Absent: Commissioner Paul Lisi (alternate)
Scott Schatzlein, P.E. *Land Use Group Director, Town Engineer*

Also Present: William Agresta, *Planning and Zoning Administrator*
Donna Suszynski, *Recording Secretary*
Rebecca Wood, *Recording Secretary in Training*

OPENING of MEETING

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chairman O'Hara called the meeting to order at 7:04p.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. ZONING PETITIONS / SPECIAL EXCEPTION PERMITS

RAA-2015-03, File #974E Zoning Regulations Text Amendment Petition to add as a principal use subject to a Special Exception Permit "Construction Yard" in an Industrial District 2 and to establish/amend Definitions and Special Exception Permit Supplemental Standards relating thereto. Petitioner: Solli Engineering, LLC (reconvened from 02/24/16)

An extension of time was requested and granted by the applicant via a letter from Solli Engineering LLC to adjourn the open public hearing until the next Planning and Zoning Commission meeting on March 17, 2016.

SITE PLAN REVIEW

6. SITE DEVELOPMENT PLANS

None

DELIBERATIONS AND DETERMINATIONS

7. PERMIT AMENDMENTS / MODIFICATIONS / EXTENSIONS

Permit Amendments / Modifications

SEP-2015-17-A2, File #1568A 455 Main Street – Amendment Modification Re: Northern access driveway to address revised conditions of CT DOT

Mark Grocki, VHB, Professional Engineer representing the applicant described a requested modification to the approved northern site driveway to address revised CTDOT comments. CT DOT now wants only a single egress lane of 14 feet wide with no shoulder and a single ingress lane of 14 feet wide and a 4-foot mountable curb/shoulder.

Chairman O’Hara stated that CT DOT’s position did not hold logic as there was enough space to allow for a wider egress that would give a large, potentially explosive tanker truck room to enter if there was not a queue to exit with other traffic, and would be a safer situation with our numerous younger, and more assertive drivers, who might not cue properly to exit. Later Chairman O’Hara observed that since the majority of the use of the driveway would be by cars, that the revised design would be more controlling for that.

Commissioner Lindstrom wanted to revisit the issue of the multiple driveways but Chairman O’Hara reminded her that the requested modification was only about a specific aspect of the project. There was discussion as to what would happen if the Commission did not agree with the changes. To which, Mr. Grocki responded that it would put the applicant “between a rock and a hard place,” between CT DOT and Commission, and that CT DOT’s main goal was to reduce the overall width of the curb cut. Commissioner Lindstrom asked if this meant that the Town had no direct input or commentary on a CT DOT mandate, or if it had to approve of CT DOT’s modification, even if the Commission or residents disapproved of it. Chairman O’Hara and Mark Grocki responded that if you do not approve of the CT DOT modification, the applicant then would have to go back to CT DOT but that CT DOT could also not budge, leaving the applicant in a difficult situation.

Chairman O’Hara inquired as to whether there were set of published specifications, details, and guidelines regarding this egress and curb issue from CT DOT or if this modification was made by a single T DOT engineer.

Mr. Grocki responded by stating that CT DOT had numerous specifications, details, and guidelines regarding this issue and they tended to lean toward reducing the width of curb cuts, and that engineers looked to what was the safest, most practical, and most appropriate for a location. Mr. Grocki also said that he could see both viewpoints. Chairman O’Hara stated that the largest proportion of traffic that would utilize this egress would be car traffic and not large trucks, and inquired of Mr. Grocki if the 14 foot ingress would be wide enough for this purpose. To which, Mr. Grocki responded that it would be more than effective.

Vice Chairman Porter inquired what the composition of the curb would look like and how granite would be utilized in the design. Mr. Grocki illustrated through both discussion and projector what the composition of the curb would look like, section by section, resulting in a 45 degree to 60 degree angled curb.

Polling the Commission, discussion ended.

SEP-2015-17-A2, File #1568A– 455 Main Street (Map 46, Lot 7) & 10 Hattertown Road (Map 45, Lot 39)

OWNER Four Fifty Five Main Street LLC
APPLICANT Cumberland Farms Inc.
MOTION: Porter – To approve application SEP-2015-17-A2 permit amendment modification granting revised changes to the northerly site driveway based on continued review by the Connecticut Department of Transportation (northern driveway ingress lane to be 14 feet wide with 4-foot wide mountable granite curb set in concrete bed, and egress lane to be 14 feet wide no shoulder).
SECOND: Hayden
VOTE: 5-0-0 – Approved
 Ayes O’Hara, Porter, Hayden, Townson, Ambrosey
 Nays None
 Abstain None

8. EXTENSIONS

None

9. Bond Releases or Reductions

None

10. MEETING MINUTES

February 18, 2016 Minutes

MOTION: Hayden – To approve the meeting minutes for February 18, 2016 as drafted.
SECOND: Townson
VOTE: 4-0-1 – Approved
 Ayes O’Hara, Hayden, Townson, Ambrosey
 Nays None
 Abstain Porter

11. APPLICATION DELIBERATIONS / DETERMINATIONS

ZCA-2015-02, File #1005D 205 Monroe Turnpike (Assessor Map 6, Lot 10) Zone Boundary Change of 8.8 acres Limited Office Retail (LOR) to Business District 2 (B-2)

Commissioner Lindstrom was seated for deliberations continued from the previous meeting in place of Vice Chairman Porter who was absent the previous meeting.

Commissioner Lindstrom stated that based on her site observation by driving around the neighborhood and looking at the property which has now been clear cut which shows a different perspective from that which the property has been perceived until now. Commissioner Lindstrom then read from Planning and Zoning Regulations Article 5.1.2 which describes the purpose and intent of the LOR Zoning District and its uses and reminded the other commissioners that the word "limited" is there for a reason to state what this zone is supposed to be and why this LOR zone was placed there. Commissioner Lindstrom then addressed several points of importance of concern:

- This is a piece of property where the developer did know or should have known the current permitted uses, and by granting approval of this particular application, we are, in fact, "spot zoning" in her opinion.
- The other business uses on Route 111 are further away, and are not contiguous, concerned that other property owners will decide that they want to combine properties that would include hotels, carnival uses, and other B-2 uses such as boat and trailer sales, gas stations, and other uses that we had decided we did not want included in this area and LOR zone when the previous LO was changed to LOR just a few years ago.

Chairman O'Hara challenged Commissioner Lindstrom's definition of this modification's approval as being "spot zoning." He stated that his understanding was that if you chose to combine residential properties in a residential zone and turn them into a business zone that would be "spot zoning." In this circumstance, this is already a business zone, and the owner of the property wishes to move from one business zone to another business zone. He does not see that as "spot zoning."

In addition, Commissioner O'Hara stated that if several LOR property owners wished to combine properties and have them become more contiguous, that he would consider that to be a move in a positive direction and worthy of reward. His example were two parcels adjacent to Monroe Elementary School, where if combined, would reduce curb cuts. Further, across the street, and at Rye Gate Terrace, if sliver lots were combined, this reduction in curb cuts would be helpful.

Commissioner Lindstrom agreed in part but stated that it would place the burden of development back into a higher use business zone which could be detrimental. In addition, the difference in required buffers to the abutting residential district properties would be substantial (reducing 50 feet to 30 feet) and the Commission should try to preserve and protect the property rights of the adjacent residential owners who will be impacted by this. Now that the property has been clear cut, one can easily see what the adjacent property owners are objecting to, and the landscaping that the developer is suggesting will only give the residential property owners 30 feet of buffer and not replace old growth trees; the buffer reduction from 50 feet to 30 feet is substantial and we need to protect the rights of residential property owners who came out against this, and we should be listening to the residential property owners and not just the land developers and business owners. Chairman O'Hara reinforced that the business owner has the right to clear cut even though it is not in the best interest of the residential property owner.

Commissioner Lindstrom stated that if the Commission changed this zone, they could not require the developer to put in a more filtering buffer than what is required by regulations, and 30 feet does not provide the adequate buffer that 50 feet of buffer would provide, and believes that the Commission would be setting a precedent where any zoning and usage that the Town of Monroe had adopted could and would be changed as soon as a developer asked for a change.

Chairman O'Hara disagreed that a precedent would be set in this situation as the courts would defend the Town's zoning determination under appeal, but believes that this 8.8 acre parcel would be best served under a B-2 zone. He stated that the lots next to Monroe Elementary School should not be treated in the same manner, and sees the difference between the two lots. Chairman O'Hara views this lot in a similar way to the Post Office location, a premium and large lot, on a four lane highway, and believes that the 30 foot landscape buffer would suffice.

Commissioner Hayden supported the protection of the 50 foot buffer indicating that a reduction by 20 feet would be significant. Commissioner Townson also supported the protection of the existing 50 foot buffer and believes that the added uses of the B-2 zone would not make a substantial economic difference over that of the existing zoning.

Commissioner Ambrosey also supported the protection of the 50 foot buffer noting that his issue was with the buffer and would be open to discussing additional uses for the LOR Zone, but did not want to change the required 50 foot buffer, especially seeing how the area is affected by the clear cut parcel.

Commissioner Hayden requested input on the questions at hand by Planner Agresta, who responded that that one of the factors that should be considered is the fact that the Town just kicked off a Transportation Planning study for the Route 111 and Route 25 corridors with Trumbull, MetroCOG and CTDOT, which has a large component about land use and access management, traffic capacities, and a zoning component as well. Planner Agresta also stated that there are basic differences between the LOR and B-2 zones and part of this is due to this parcel being at the fringe of the Town, not at the fringe of a zone. He reminded the Commission that this was a legislative action as opposed to an administrative action and as such the courts do look more favorably on the decisions of the Commission. He did think there could be precedent setting implications if the zoning for the site was changed, as there are no other like zones nearby and it might be hard to distinguish the site from other surrounding LOR parcels if they too wanted to change to B-2. If the Commission approves this zone change, the questions would be—"what is unique to this parcel that would not hold true for a parcel across the street, or next door" to change or not change it from LOR to a B-2 zone. In closing, Planner Agresta stated that after you look at these items, it comes down to uses and setbacks, and those could be something to look at in the future, either adding B-2 uses to an LOR zone or changing a B-2 zone to add different uses, setbacks, and buffers.

Chairman O'Hara polled all members to voice their opinion as to direction of the application. Commissioner Lindstrom voiced that she opposed the zone change. Commissioner Hayden voiced that he would not support approval of the requested change. Commissioner Townson voiced that he was not for the zone change. Chairman O'Hara stated that he was in favor but accepts three Commission members voting against the change, and requested that Planner Agresta draft a Decision of Denial for ZCA-2015-02, File #1005D for the next meeting with the key issue for discussion being the setback reduction from 50 feet to 30 feet.

SUB-2015-02, File #1257C 64 Cambridge Drive (Assessor Map 94, Lot 15) Resubdivision, including a portion of dedicated but not yet accepted public street right-of-way

SUB-2015-02, File #1257C – 64 Cambridge Drive (Assessor Map 94, Lot 10)

OWNER New England Materials, LLC
APPLICANT New England Materials, LLC
MOTION: Hayden – To approve SUB-2015-02 as set forth in the Draft Approval Resolution as drafted dated March 3, 2016.
SECOND: Townson
VOTE: 5-0-0 – Approved
Ayes O'Hara, Hayden, Townson, Ambrosey, Lindstrom
Nays None
Abstain None

OTHER BUSINESS

14. REGULATIONS REVIEW / AMENDMENT WORKSESSION

Chairman O'Hara stated that the subcommittee met and that the Commission would receive a package of materials for review from Planner Agresta hopefully sometime in April that includes a number of definitions, revisions to uses, and related parking ratios. The process would be if a majority of the full Commission agreed with the draft amendments then that would proceed to a public hearing.

15. CORRESPONDENCE / OTHER RECEIVED

None

16. COMMISSION REPORTS

Chairman's Report

Chairman O'Hara described for the Commission follow-up regarding bus shelters on Route 111 and noted that the installation of shelters would be put off until the Transportation Planning study and additional town input on the mater could be made, the design could then be brought back to the Commission for further discussion of associated maintenance, snow clearing, associated landscaping.

Prior to the public hearing scheduled for April 7, 2016 regarding the stadium lights at the High School, the Commissioners will receive an email reminding them the lights at the Masuk field will be turned on for two evenings on April 4th and 5th from 7 to 9 p.m. to provide an opportunity to view the lights from adjacent properties and to help with the application decision making process.

Commissioner's Report

None

Land Use Staff Reports

None

17. MEETING ADJOURNMENT

Polling the Commission hearing no objections, Chairman O'Hara adjourned the meeting at 8:15 pm.

Respectfully Submitted,
Rebecca Wood, *Recording Secretary In-Training*

FILE COPY

MAILED

MAR 04 16

By LB



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

SEP APPROVAL AMENDMENT MODIFICATION

SEP-2015-17-A2 – Amendment Modification
Four Fifty Five Main Street LLC (Owner)
Cumberland Farms, Inc. (Applicant)

March 4, 2016

Joseph P. Williams, Esq.
Shipman & Goodwin LLP
One Constitution Plaza
Hartford, CT 06103-1919

VIA CERTIFIED MAIL: 7011 0110 0002 2153 2732

RE: **SPECIAL EXCEPTION PERMIT – AMENDMENT MODIFICATION (SEP-2015-17-A2)**
SEP-2015-17, File #1568A – SEP Approval November 19, 2015
455 Main Street (Route 25) – Cumberland Farms
Revised Modification to Route 25 Northern Driveway Entrance

Dear Attorney Williams:

Please be advised, at the March 3, 2016 Planning and Zoning Commission meeting, the Commission approved the Special Exception Permit Amendment Modifications (SEP-2015-01-A2) to authorize the following site development changes:

- Modification of the new northern access site driveway based on revised requirements of the Connecticut Department of Transportation, as follows:
 - Northern site driveway ingress lane to be 14 feet wide with 4-foot wide mountable granite curb set in concrete shoulder bed.
 - Northern site driveway egress lane to be 14 feet wide no shoulder.

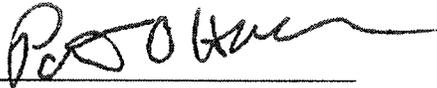
This SEP Amendment Modification Approval is subject to the following:

1. The previously approved Special Exception Permit Site Plans shall be revised accordingly to incorporate the approved amendment modifications as presented to the Commission and shall be coordinated with the acceptance of the final Special Exception Permit Site Plans as set forth in the original November 19, 2015 approval resolution.

SEP AMENDMENT MODIFICATION – SEP-2015-17-A2 – File #1551A
455 Main Street (Route 25)

2. A copy of this amendment approval (SEP-2015-17-A2) shall become effective upon its recording on the Monroe Land Records, which recording shall be the applicant's sole responsibility and which shall occur simultaneously with the recording of the original SEP-2015-17 Approval Resolution per the terms and conditions of said original Approval Resolution, or this amendment approval shall be null and void. Coordinate with the Planning and Zoning Department for recording the original copy.
3. All other prior conditions, requirements, bond and time periods of the original Special Exception Permit Approval dated November 19, 2015 (including Permit Amendment Modification SEP-2015-17-A1 dated January 21, 2016) shall remain unchanged and in full force and effect.

MONROE PLANNING AND ZONING COMMISSION



Patrick O'Hara, Chair

cc: Cumberland Farms, Inc. (Applicant)
Four Fifty Five Main Street LLC (Owner)
Mark Grocki, P.E., Senior Project Engineer



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-2015-02 – File #1257C)
64 Cambridge Drive – Section 4
Assessor Map 94, Lot 15 – I-2 District

New England Materials. LLC (applicant/owner)

March 3, 2016

| | |
|--|--------------------------|
| Date of Approval | March 3, 2016 |
| Final Plans to be Signed & Recorded | Within 90 days(*) |
| 5-Year Expiration | March 3, 2021 |

() from expiration of appeal period*

WHEREAS, the Monroe Planning and Zoning Commission (Commission) is considering an application for Resubdivision of a previously approved and recorded subdivision map (Record Maps #2905, #2972A and #2972B) involving property at 64 Cambridge Drive (Assessor Map 94, Lot 15), a portion of existing Cambridge Drive public right-of-way and a portion of dedicated but not yet constructed or accepted public street right-of-way, which was intended to extend Cambridge Drive by an additional approximately linear 550 feet, as detailed in the associated application materials, including:

Application:

- Application SUB-2015-02 – Resubdivision;
- Responses to Comments, Solli Engineering, 02/10/16;
- Engineering Report, Solli Engineering, 07/21/15, revised 02/10/16;
- Fig. 1 – Cambridge Drive Right-of-Way Configurations, Solli Engineering, 02/10/16;
- Legal Property Description;
- List of Property Owners within 100 feet;
- Bond Estimate Form;

Plans:

- 0.00 – Cover Sheet (1/11), Solli Engineering, 07/21/15, revised 02/10/16;
- 2 of 11 – Resubdivision Plan (2/11), Solli Engineering, 02/10/16;

- 3 of 11 – Resubdivision Plan (3/11), Solli Engineering, 02/10/16;
- 1.11 – Partial Topographic Map (4/11), Solli Engineering, 07/21/15, revised 02/10/16;
- 1.40 – Property Radius Map (5/11), Solli Engineering, 07/21/15, revised 02/10/16;
- 1.41 – Site Area Map (6/11), Solli Engineering, 07/21/15, revised 10/10/16;
- 4.11 – Site Layout Plan (7/11), Solli Engineering, 07/21/15, revised 02/10/16;
- 4.21 – Grading, drainage & Utility Plan (8/11), Solli Engineering, 07/21/15, revised 02/10/16;
- 4.31 – Soil Erosion & Sediment Control Plan (9/11), Solli Engineering, 07/21/15, revised 02/10/16;
- 4.61 – Upland Planting Plan (10/11), Solli Engineering, 07/21/15, revised 02/10/16;
- 5.01 – Detail Sheet (11/11), Solli Engineering, 07/21/15, revised 02/10/16; d

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

- The applicant is the owner of the existing Cambridge Drive Right-of-Way (including both the portion previously accepted as complete which Cambridge Drive rests upon shown in Record Map #2905, and the yet to be constructed extension portion shown in Record Maps #2972A and #2972B);
- The Resubdivision property is not within 500 feet of a Town boundary or within a floodplain, but does include regulated wetlands and associated 100-foot upland review area, for which a separate Inland Wetlands Permit has been obtained (IWC-2015-19, File #974, approved on December 9, 2015 along with a positive referral dated December 14, 2015 to the Planning and Zoning Commission regarding the proposed Resubdivision);
- The Resubdivision property is located within the West Pequonnock watershed, a protected public watershed area, for which the applicant completed the required notices on December 18, 2015 to the State Commissioner of Public Health and the Aquarion Water Company of Connecticut pursuant to Connecticut General Statutes §8-3i;
- The proposed Resubdivision seeks to terminate Cambridge Drive with a permanent cul-de-sac generally in its present terminus, thereby eliminating the need for the remainder of the existing right-of-way shown on Record Map #2905 as well as the balance of the right-of-way extension, thereby allowing for reverting (merging) of said right-of-way land areas back into the 64 Cambridge Drive lot;
- The proposed Resubdivision also includes the following:
 - Construction of an additional 200 linear feet of roadway terminating in a permanent cul-de-sac without curbs to allow sheet flow towards a proposed water quality basin;
 - Construction of a 32-foot wide, approximately 400 linear feet long heavy duty bituminous pavement driveway accessing the reconfigured 64 Cambridge Drive property, replacing the existing unpaved driveway, including excavation of a stormwater detention basin to the west. The driveway would be partially curbed with Cap Cod curbing to allow amphibian crossing;
 - Enhancement of an upland habitat on 64 Cambridge Drive north of the existing scale house/garage;
 - Increase of the lot area of 64 Cambridge Drive property by 0.935 acres (for a new total of 53.014 acres);
 - Decrease in the street frontage for the abutting lots at 50 Cambridge Drive and 64 Cambridge;

- The proposal includes two (2) waiver requests as follows:
 - Waiver for the need of curbing, consistent with the other portions of Cambridge Drive already constructed and accepted by the Town;
 - Waiver of the street tree planting, also consistent with the other portions of Cambridge Drive and in lieu of the landscaping that is proposed at the cul-de-sac; and

WHEREAS, the Commission has considered the proposed Resubdivision Application at a duly noticed public hearing, which hearing was opened and closed on February 18, 2016. Notice of the public hearing was filed with the Monroe Town Clerk on January 28, 2016, and was published in the Monroe Courier on February 4 and 11, 2016);

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

BE IT FURTHER RESOLVED, consistent with Connecticut General Statutes (CGS) §8-25 and the Monroe Land Subdivision Regulations, the Commission at a meeting held on **March 3, 2016**, upon motion by **JEREMY HAYDEN** and seconded by **DAVID TOWNSON**, following deliberations conducted on **February 18 and March 3, 2016**, voted **FIVE (5)** in favor, **NONE (0)** in opposition to **Approve** the Resubdivision application, subject to modifications and requirements as set forth herein, with a vote as follows:

| | | |
|------------------------------------|------------|------------------------------------|
| <u>PATRICK O’HARA</u> | <u>AYE</u> | <i>For the Commission:</i> |
| <u>JEREMY HAYDEN</u> | <u>AYE</u> | |
| <u>DAVID TOWNSON</u> | <u>AYE</u> | |
| <u>LEON AMBROSEY</u> | <u>AYE</u> | |
| <u>CATHLEEN LINDSTROM (seated)</u> | <u>AYE</u> | <hr/> <i>Patrick O’Hara, Chair</i> |

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

- To the extent a waiver is needed, the Commission finds acceptable the alternative landscape treatment in lieu of soldier coursing of street trees [§111-310], as approved herein;
- To the extent a waiver is needed, the Commission finds acceptable that no curbs are necessary for the public road and new cul-de-sac construction, as approved herein; and

BE IT FURTHER RESOLVED, that this Approval only relates to the resubdivision and related improvements as described in the Resubdivision Application and as shown on the final Resubdivision Map and Resubdivision Construction Plans as subsequently endorsed by the Commission Chair; and

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

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

RESUBDIVISION APPROVAL MODIFICATIONS

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

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

1. Required Revision of the following Final Resubdivision Plans:

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

- 0.00 – Cover Sheet (1/11)
- 2 of 11 – Resubdivision Plan (2/11)
- 3 of 11 – Resubdivision Plan (3/11)
- 1.11 – Partial Topographic Map (4/11)
- 1.40 – Property Radius Map (5/11)
- 1.41 – Site Area Map (6/11)
- 4.11 – Site Layout Plan (7/11)
- 4.21 – Grading, drainage & Utility Plan (8/11)
- 4.31 – Soil Erosion & Sediment Control Plan (9/11)
- 4.61 – Upland Planting Plan (10/11)
- 5.01 – Detail Sheet (11/11)

a. General Plan Revisions

- (1) The plans shall each be signed and sealed providing live (original signature and seal) certification thereof by the professional(s) responsible for the preparation of each sheet.
- (2) The plans shall each include a common revision date later than March 4, 2016.

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

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

Owner/Applicant

**New England Materials, LLC by Kimball Group, LLC its sole member
1428 Monroe Turnpike
Monroe, CT 06468**

b. **Resubdivision Map Revisions**

- (1) The terminus of the accepted road right-of-way shall be clearly delineated (similar to that shown on Fig. 1, Cambridge Drive Right-of-Way Configurations) with specific reference to the corresponding Record Map #2905. The remainder of the dedicated right-of-way shall include specific reference to its corresponding Record Map #2972A and #2972B.
- (2) The two labels towards the end of the existing dedicated (but not accepted) right-of-way (on both Resubdivision Map sheets) referring to “Note 13.1” shall instead refer to **Note 13.2**.
- (3) The label listing the acreage for revised 64 Cambridge Drive includes two separate listings of revised acreage, the first of which is unrelated and shall be deleted.
- (4) The source and content of General Survey Note #7 shall be confirmed: “Lot 0 on Assessor Map 94, Block 15” and revised accordingly (**Assessor Map 94, Lot 15**).
- (5) Delete reference to the unrecorded maps and easements (re: Note 13.6 and 13.7).
- (6) The following notes shall be added:
- ***DATE OF EXPIRATION: This Resubdivision Approval shall automatically expire on March 3, 2021, unless all applicable conditions of the referenced Resubdivision Approval have been fully complied with.***
 - ***Reference is hereby made to the corresponding Wetland Permit as issued by the Monroe Inland Wetlands Commission (IWC-2015-19, File #974, as approved dated December 9, 2015) and corresponding Wetland Permit Plans on file with the Monroe Inland Wetlands Department.***
 - ***Reference is hereby made to the corresponding Resubdivision Approval as issued by the Monroe Planning and Zoning Commission (SUB-2015-02, File #1257C, approved on March 3, 2016) and the corresponding Subdivision Construction Plans on file with the Monroe Planning and Zoning Department.***

- **Road Right-of-Way Parcel B as shown hereon (including conveyance of the balance of the existing previously accepted Cambridge Drive Road Right-of Way) shall be conveyed to the Town of Monroe subject to and following the official acceptance by the Town of suitably improved road improvements within said right-of-way parcel consistent with the Monroe Planning and Zoning Commission approval of this Resubdivision.**
- **Reference is hereby made to the associated Legal Instrument which has been recorded simultaneously herewith on the Monroe Land Records relating to the Drainage Easement on the 64 Cambridge Drive lot as shown hereon.**

c. **Resubdivision Construction Plans**

- (1) Revise Sheet 1.11 and 1.40 similarly as revised above for the Resubdivision Map.
- (2) Revise Sheet 1.40 to match the indicated new acreage for the revised 64 Cambridge Drive lot consistent with the Resubdivision Map.
- (3) Revise Sheet 4.11 as follows:
 - (a) The “Street Design Standards Compliance Table” shall be revised as follows:
 - Revise “Pavement Structure” as follows:

| | | |
|---|---------------------------|---------------------------|
| <i>Pavement Structure</i> | | |
| <i>Gravel Subbase</i> | <i>12”</i> | <i>12”</i> |
| <i>Process Stone Base Course</i> | <i>4”</i> | <i>4”</i> |
| <i>Surface Course</i> | <i>5” (Note 2)</i> | <i>5” (Note 2)</i> |
 - Change Note 2 to read:
Note 2: Placed in two layers consisting of 2” bituminous concrete Class 2 over 3” bituminous concrete Class 1.
 - Include a row for ***Turnaround Maximum Grade – 3%.***
 - Note the compliance with the specific standards of Subsections P and Q.
 - (b) Revise the new acreage for the 64 Cambridge Drive lot to match that indicated on the Resubdivision Map.
- (4) The 64 Cambridge Drive driveway layout shall be revised to provide an apron with a lip at the gutter, noting that stamped pavement and/or another form of tracking surface for sedimentation control is suggested. The private driveway entrance shall be clearly delineated with markings/signage and/or gate controlled to discourage random public access as a perceived continuation of the roadway.
- (5) The location of the water service and hydrant(s) shall be clearly indicated, noting that the location of the gate valve may need to be adjusted since the property line will be changing.
- (6) Labeling shall be provided indicating the stone filter strip along the roadway and cul-de-sac shoulder.

2. **Approval of Associated Legal Instruments** – The applicant shall provide to the Planning and Zoning Department a final draft legal instrument pertaining to the Drainage Easement to be conveyed to the Town of Monroe, which shall also be subject to acceptance by the Town Attorney
3. **Final Plans and Final Associated Legal Instruments**
 - a. Upon satisfactory revision and acceptance of the “final” Resubdivisions Map and Resubdivision Construction Plans, the applicant shall submit the following for authorized endorsement of same by the Commission Chair:
 - **One (1)** fixed line mylar and One (1) paper copy of the Resubdivision Map; and
 - **SEVEN (7)** complete sets of all final Resubdivision Construction Plans – Plan sets shall be full size 24”x 36”, collated, bound and folded, **except ONE (1) set shall be rolled.**
 - b. Upon satisfactory revision and acceptance of the “final” associated Legal Instruments, the applicant shall provide final copies awaiting their required recording as set forth herein.
 - c. Two (2) copies of a final Drainage Report shall be provided, certified by a Connecticut licensed Professional Engineer.
4. **Bond and Recording of Resubdivision Map and Associated Legal Instruments**
 - a. **Bond Prior to Road Construction** – In the event the applicant selects to establish with the Town of Monroe a Financial Guarantee (Bond) relating to the construction of the resubdivision road and related resubdivision improvements, the applicant shall comply with the requirements and standards as set forth in **Section B** herein.
 - b. **Build Prior to Bond and Deferred Recordings** – In the event the applicant selects to construct the resubdivision road and related resubdivision improvements prior to establishing with the Town of Monroe a Financial Guarantee (Bond) relating thereto, the applicant shall comply with the requirements and standards as set forth in **Section C** herein.

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

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

1. Prior to the expiration of the time period set forth above in **Section A**, and prior to any vegetation removal or site disturbance, or authorized recording of the Resubdivision Map on the Monroe Land Records, the following shall be completed:
 - a. **Resubdivision Map and Resubdivision Construction Plans** – The Resubdivision Map and related Resubdivision Construction Plans shall be revised as required above in **Section A** herein and deemed complete by the Planning and Zoning Department and the Town Engineer.

- b. **Associated Legal Instruments** – The associated Legal Instruments shall be completed as required above in **Section A** herein and deemed complete by the Planning and Zoning Department in consultation with the Town Engineer and Town Attorney.
- c. **Bonding**
- (1) A **Financial Guarantee (“Bond”)** in the amount of **\$107,000.00** shall be provided, which shall assure that all required resubdivision road and related public resubdivision improvements shall be completed in compliance with this Approval, subject to the requirements pursuant to **Section D** herein.
- (2) An **Erosion Stabilization and Restoration Bond (“Restoration Bond”)** in the amount of **\$20,000.00** shall be provided, which shall assure adequacy of erosion controls, site stabilization measures and restorative measures of the non-public improvements, subject to the requirements pursuant to **Section D** herein.
- d. **Recordings and Filings**
- (1) The following shall be simultaneously recorded by the applicant at its sole cost and expense in the Office of the Monroe Town Clerk on the Monroe Land Records and copies of such showing all markings of recording shall be filed in the Office of the Planning and Zoning Department:
- (a) An original copy (as provided by the Planning and Zoning Department) of this Approval as endorsed by the Commission Chair.
- (b) The final Resubdivision Map as endorsed by the Commission Chair.
- (c) The final Drainage Easement as approved by the Planning and Zoning Department.
- (d) A conveyance deed acceptable to the Town Attorney for those portions of the Cambridge Drive Right-of-Way (Parcel A) to be merged with property at 64 Cambridge Drive.
- Note: A conveyance Warranty Deed for Road Right-of-Way Parcel B shall be provided and recorded following the official acceptance of completed road improvements.*
- (2) The final Resubdivision Construction Plans as endorsed by the Commission Chair shall be filed in the Office of the Planning and Zoning Department.
- e. **Zoning Permit Required** – The applicant shall apply for a Zoning Permit relating SOLELY to the construction of the resubdivision road, related resubdivision improvements and alteration of the 64 Cambridge Drive driveway according to the final endorsed Resubdivision Construction Plans.

- f. **Pre-Construction Meeting** – A pre-construction meeting shall be held with the applicant/owner and/or general contractor, engineer and architect as the case may be, and with the land use and building officials of the Town of Monroe. The above noted required Zoning Permit shall be issued following the satisfactory completion of the Pre-Construction Meeting. Additional construction meetings may be called as deemed necessary throughout construction.

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

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

1. Prior to the expiration of the time period set forth above in **Section A**, and prior to any vegetation removal or site disturbance, the following shall be completed:
 - a. **Resubdivision Map and Resubdivision Construction Plans** – The Resubdivision Map and related Resubdivision Construction Plans shall be revised as required above in **Section A** herein and deemed complete by the Planning and Zoning Department and Town Engineer.
 - b. **Associated Legal Instruments** – The resubdivision associated Legal Instruments shall be completed as required above in **Section A** herein and deemed complete by the Planning and Zoning Department in consultation with the Town Engineer and Town Attorney.
 - c. An **Erosion Stabilization and Restoration Bond (“Restoration Bond”)** in the amount of **\$22,000.00** shall be provided, which shall assure adequacy of all erosion controls, site stabilization measures and restorative measures relating to both public and non-public improvements, subject to the requirements pursuant to **Section D** herein.
 - d. **Recordings and Filings**
 - (1) An original copy (as provided by the Planning and Zoning Department) of this Approval as endorsed by the Commission Chair shall be recorded by the applicant at its sole cost and expense in the Office of the Monroe Town Clerk on the Monroe Land Records. Copies of same showing all markings of recording shall be filed in the Office of the Planning and Zoning Department.
 - (2) The following shall be held by the Planning and Zoning Department until their release is authorized pursuant to satisfaction of the conditions set forth in **Condition 2b** below:
 - (a) The final Resubdivision Map as endorsed by the Commission Chair.
 - (b) The final Drainage Easement as approved by the Planning and Zoning Department.
 - (c) A conveyance deed acceptable to the Town Attorney for those portions of the Cambridge Drive Right-of-Way (Parcel A) to be merged with property at 64 Cambridge Drive.

- (d) Conveyance Warranty Deed for Road Right-of-Way Parcel B (including conveyance of the balance of the existing Cambridge Drive right-of-way for the portion of Cambridge Drive as previously accepted by the Town).
 - (3) The endorsed Resubdivision Construction Plans shall be released to the applicant and circulated as appropriate to other Town Departments, with copies retained on file in the Office of the Planning and Zoning Department, for the construction of the resubdivision road, other resubdivision improvements and 64 Cambridge Drive driveway improvements by the applicant and inspection and monitoring thereof by the Town.
 - e. **Zoning Permit Required** – The applicant shall apply for a Zoning Permit relating SOLELY to the construction of the resubdivision road, related resubdivision improvements and alteration of the 64 Cambridge Drive driveway according to the final endorsed Resubdivision Construction Plans filed with the Planning and Zoning Department.
 - f. **Pre-Construction Meeting** – A pre-construction meeting shall be held with the applicant/owner and/or general contractor, engineer and architect as the case may be, and with the land use and building officials of the Town of Monroe. The above noted required Zoning Permit shall be issued following the satisfactory completion of the Pre-Construction Meeting. Additional construction meetings may be called as deemed necessary throughout construction.
2. Prior to the expiration of the time period set forth above in **Section A**, and prior to the authorized recording of the Resubdivision Map, the following shall be completed:
- a. The resubdivision road and related resubdivision improvements shall be fully completed, deemed complete by the Town Engineer, recommended for acceptance by the Commission, and accepted by the Town Council for conveyance to the Town of Monroe, in accordance with the standards and requirements set forth in **Section F and Section G** herein.
- If the resubdivision road and related resubdivision improvements are not complete, the following shall be completed:***
- The applicant shall provide a certified Engineer’s Map and Report indicating the status of the completed resubdivision road and related resubdivision improvements, along with an identification of remaining work and a cost estimate associated therewith.
 - Town staff shall review and report to the Commission accordingly.
 - The Commission shall determine a remaining work bond amount.
 - The applicant shall provide a **Financial Guarantee (Bond)** in said amount and pursuant to **Section D** herein.
- b. Upon satisfactory completion of **Condition 2(a)** above, the following shall be simultaneously recorded by the applicant at its sole cost and expense in the Office of the Monroe Town Clerk on the Monroe Land Records, subject to the acceptance by and coordination with the Town Attorney, and copies of same showing all markings of recording shall be filed in the Office of the Planning and Zoning Department:
 - (1) The held final Resubdivision Map as endorsed by the Commission Chair.

- (2) A conveyance deed acceptable to the Town Attorney for those portions of the Cambridge Drive Right-of-Way (Parcel A) to be merged with property at 64 Cambridge Drive.
- (3) All other associated Legal Instruments including a conveyance Warranty Deed for Road Right-of-Way Parcel B (including conveyance of the balance of existing Cambridge Drive). If the resubdivision road and related resubdivision improvements are not complete, the conveyance Warranty Deed shall not be recorded and shall instead be held accordingly.

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

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

1. A properly executed Town of Monroe Bond Agreement shall be completed.
2. The Bond shall be in the form of cash (bank check), Letter of Credit, or surety bond, and all other applicable standards and requirements as set forth in §111-202 of the Land Subdivision Regulations, as may be amended from time to time.
3. The required Bond Agreement shall remain in full force and effect until such time as the Commission authorizes its release and/or cancellation.
4. Any change in ownership of the resubdivision relating to bonded improvements shall comply with the requirements set forth in §111-202(C)(4) of the Land Subdivision Regulations, as may be amended from time to time.
5. Partial and/or final release of any held Financial Guarantee (Bond) shall be completed in accordance with the standards and requirements set forth in **Section G** herein.

E. STANDARDS RELATING TO AUTHORIZED CONSTRUCTION

1. This Approval does not authorize, or grant development or alteration improvements beyond that shown on the final Resubdivision Map and Resubdivision Construction Plans as endorsed by the Commission Chair.
2. There shall be no clearing, grading, removal of vegetation or other site construction inconsistent with that shown on the endorsed Resubdivision Map and Resubdivision Construction Plans, except reasonable field changes as approved by the land use and building inspection staff in consultation with the Town Planner and Town Engineer. Field changes may only be permitted where they do not substantively alter the intent or design of the approved plans. All other changes require the prior review and approval of the Commission as a change pursuant to **Section H** herein.
3. Significant field changes shall not be initiated by the applicant/owner or its representatives prior to their review and approval by the Commission as a change pursuant to **Section H** herein.

4. 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.
5. All new or replacement utilities shall be installed underground in accordance with the approved plans.
6. Erosion and sedimentation controls and temporary stormwater management measures shall be properly installed and maintained until construction is completed, and all disturbed areas have been stabilized. Said controls and measures shall be periodically inspected by the applicant, continually maintained throughout the construction phase and supplemented by the applicant to ensure their proper maintenance and functions. The Zoning Enforcement Officer, Building Inspector and Town Engineer, or their duly authorized representatives, may require additional controls as deemed necessary or appropriate based on changing site conditions during construction.
7. Appropriate measures shall be maintained at no cost or expense to the Town to ensure proper and safe snow removal so there is no plowed snow stored within travel lanes or connecting driveways, until the road is officially accepted by and conveyed to the Town. A duly executed **Hold-Harmless Agreement** with the Town may otherwise be proposed and approved pursuant to §111-202(H) of the Land Subdivision Regulations, as may be amended from time to time.
8. Snow from individual lot driveways shall not be pushed into or across the street right-of-way.
9. All work subject to regulation and permit by the Inland Wetlands Commission shall be in compliance with Wetland Permit IWC-2015-19, File #974, approval dated December 9, 2015. Any amendments or changes affecting or altering the approved public improvements of the Resubdivision, as may be granted by the Inland Wetlands Commission subsequent to this Approval, shall require the prior review and approval by the Commission as a change pursuant to **Section H** herein.

F. PRIOR to ACCEPTANCE OF PUBLIC IMPROVEMENTS

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

1. All public improvements according to the approved plans shall be completed and operational, including but not limited to all road and utility improvements, associated stormwater improvements, associated Wetland Permit activities and mitigation measures, streetscape plantings, stabilization and revegetation (landscaping) of all disturbed areas in accordance with the approved plans as endorsed by the Commission Chair and the standards of the Land Subdivision Regulations.
2. Inspections of said improvements shall be performed by the applicant’s design professional(s) who shall be a licensed State of Connecticut professional engineer, and a report certifying the acceptable completion of said improvements shall be provided accompanied by a “Final As-Built Plan” including a second copy of same superimposed on the original approved layout plan (to be shown in red or varied shading) and including adequate information to verify that all work is completed in compliance with this Approval, in quantities as specified by the Planning and Zoning Department. All professional certifications shall also be consistent with the standards and requirements set forth in §111-108 of the Land Subdivision Regulations, as may be amended from time to time.
3. The applicant shall provide post construction verification of the installation of all roadway survey monuments in addition to all property and easement corner pins in the form of an As-Built Plan that includes the entire resubdivision road and associated right-of-way and resubdivision lot/property line layout.
4. The applicant shall provide verification of the timely completion of all required recordings and filings set forth herein.
5. The applicant shall obtain a permanent Certificate of Zoning Compliance from the Zoning Enforcement Officer, which shall require completion of the following:
 - All Wetland Permit related activities shall be complete, as evidenced by written confirmation of completion by the Inland Wetlands Commission or their authorized agent.
 - All utilities shall be installed, connected and operational.
 - All disturbed areas shall be stabilized and all erosion controls removed.
 - The site shall be clean of construction related equipment, materials and debris.
 - A Certificate of Substantial Completion shall be obtained from the Town Engineer.
6. Upon the satisfactory completion of **Conditions 1 through 5** above:
 - The Commission may consider issuance of a recommendation to the Town Council of acceptance of the resubdivision public improvements and eligibility of final release of any active Bond pursuant to **Section G** herein.
 - No resubdivision public improvements shall be accepted prior to issuance of a written recommendation relating thereto by the Commission, or between October 31 and April 1.

- The Town Attorney shall coordinate with the Planning and Zoning Department, the Commission, Town Council, the Town Engineer, and the applicant/owner in regard to the process of road acceptance and recording of said deed(s).
7. Within ten (10) days of acceptance of the public improvements by the Town Council, the held Warranty Deeds conveying to the Town of Monroe resubdivision Road Right-of-Way Parcel B, subject to the acceptance by the Town Attorney, shall be recorded in the Office of the Monroe Town Clerk on the Monroe Land Records at the sole cost and expense of the applicant. Copies of such showing all markings of recording shall be provided to the Planning and Zoning Department.

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

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

1. Submission of a written request for either partial or final release of bond, including a commensurate As-Built Plan detailing and certifying completed improvements relating to such partial or final release request shall be provided.
2. Submission of a statement, with live signature and seal of the applicant's professional engineer, licensed in the State of Connecticut, certifying conformance as set forth in §111-202(F)(2) and (3) of the Land Subdivision Regulations, as may be amended from time to time.
3. The installation of survey markers (iron pins at all property corners, and concrete monuments at all changes in alignment or points of curvature along the property/streetline frontage) shall be shown and verified on the required As-Built Plan. Permanent Bench Marks shall be indicated at both ends of the roadway established on permanent roadway monuments, which shall be shown and labeled on the final As-Built Plan.
4. All related requirements as set forth and agreed to as part of the preconstruction conference, and any subsequent construction meeting or inspection shall be completed.
5. Verification through inspection shall be provided that all related drainage facilities (including drainage ditches/swales) are clean, and in proper condition and working order.
6. All related construction shall be completed; related disturbed areas stabilized; and related siltation and erosion control measures removed.
7. **Partial Release of Bond** - Shall be processed pursuant to the standards set forth in §111-700 of the Land Subdivision Regulations, as may be amended from time to time.
8. **Final Release of Bond** – Shall be processed as set forth in §111-701 of the Land Subdivision Regulations, as may be amended from time to time, and shall be conditioned upon the following:
 - a. Formal Town Council acceptance of the Resubdivision Road (and associated stormwater improvements) and other related Resubdivision public improvements.

- b. Acceptance and recording of associated conveyance deeds and easements, including provision of copies of such recordings showing all marks of recording.
 - c. Posting of a **Maintenance Bond** and signing of a **Maintenance Contract** pursuant to the standards set forth in §111-702 of the Land Subdivision Regulations, as may be amended from time to time.
9. **Release of Maintenance Bond** – Shall be processed pursuant to the standards set forth in §111-703 of the Land Subdivision Regulations, as may be amended from time to time.

H. APPROVAL ACCEPTANCE / CHANGES / COMPLIANCE / EXPIRATION

1. **Applicant/Owner Acceptance**

- a. All representations by the applicant and their representatives in the presentation of the Resubdivision Application and discussion reflected in the public hearing record shall be binding upon this Approval and are incorporated herein by reference, except to the extent as may have been modified herein by the Commission in the issuance of this Approval.
 - b. This Approval and all required modifications and requirements specified herein shall be binding in perpetuity upon the applicant/owner, and any heirs, assigns and/or successors, unless otherwise amended by a subsequent act of the Commission.
 - c. The acceptance of this Approval by the applicant/owner shall be evidenced by the completion of the required recordings and filings set forth herein, indicating the applicant's/owner's agreement that said Approval is contingent upon strict compliance with Town Regulations and all modifications and requirements set forth herein and on the Final Resubdivision Plans.
3. **Changes.** Any additions or changes to the approved activities, the plans, the site or the land use activities and site improvements, systems or facilities thereon, shall require the prior review and written approval of the Commission. All related permits and approvals shall be maintained as current throughout the duration of permitted use.
4. **Expiration.** This Approval shall expire and be null and void without further written notice **five (5) years** from the date of this Approval (**expiration date of March 3, 2021**), unless an extension as may be granted by the Commission is obtained. Any request for an extension shall be submitted to the Commission in writing a minimum of **forty-five (45) days** prior to the expiration date for which an extension is requested and shall state the reasons and circumstances for the requested extension, and shall include assurance acceptable to the Commission that any bond obligation will be covered by the extension period. In considering any such request, the Commission may require a public hearing.