

**PLANNING and ZONING COMMISSION
Monroe, Connecticut**

**MEETING MINUTES
April 21, 2016**

Meeting: Planning and Zoning Commission
Regular Meeting – 7:00 p.m.
7 Fan Hill Road, Monroe, Connecticut

Meetings are Video and Audio Recorded

Present: Chairman Patrick O'Hara
Vice-Chairman William Porter
Secretary Jeremy Hayden
Commissioner David Townson
Commissioner Leon Ambrosey (recused in part)
Commissioner Cathleen Lindstrom (alternate) (seated in part)
Commissioner Paul Lisi (alternate)
Commissioner Michael O'Reilly (alternate)

Absent: Scott Schatzlein, P.E. *Land Use Group Director, Town Engineer*

Also Present: William Agresta, *Planning and Zoning Administrator*
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 7:00 p.m., and invited those in attendance to join in the Pledge of Allegiance.

2. ROLL CALL AND SEATING OF ALTERNATES (if required)

Commissioners were seated on a roll call.

3. GENERAL PUBLIC PARTICIPATION

None

4. GENERAL APPOINTMENTS

- Solli Engineering, LLC – 205 Monroe Turnpike, Regulations Amendment to accommodate sale of Gasoline in LOR District

Kevin Solli, Licensed Professional Engineer of Solli Engineering, LLC on behalf of the owner of 205 Monroe Turnpike inquired to the Commission the suitability, based on the Commission's questions regarding a previous application for zone boundary change from LOR to B-2 for said property, which was withdrawn. Mr. Solli's understanding was that the Commission was concerned with maintaining setbacks and less about the use of a gas station.

The owner would like to pursue a zoning text amendment modifying the regulation to add gasoline service stations for the retail sale of gasoline, diesel, and other motor vehicle fuels and lubricants as a Special Exception Permit in the LOR District but to insure that there are some additional protections in place to also require that such facilities be no closer than 350 feet to abutting residential zoned property. The supplemental standard could state that, "In an LOR District, fuel pumps, storage tanks, and associated convenience buildings, shall not be located within 350' of any residential district." Mr. Solli went on to illustrate by visual presentation that the potential for this type of development would only be relevant to five other parcels on the Route 111 corridor at the entrance to Monroe.

Commissioner Lindstrom voiced that she was neutral at this time in regard to this proposal.

Commissioner Lisi questioned whether the proposed amendment was for 350' from a residential property line or 350' from a residential district. Commissioner Lisi asked for clarification and voiced that a gas station on first entry into Monroe would not be his first choice, was concerned with the architectural appearance of a gas station at the entrance to the Town – did not feel it was consistent with the LOR and location within the Town.

Commissioners Porter and Hayden voiced agreement that their original concern was not over usage so much as it was about maintaining the setbacks.

Mr. Solli responded that the 350' setback would be from a residential district vs. property line. They reviewed all the LOR parcels in the RT. 111 corridor, their residential district boundaries, and applied a setback to those boundaries, and this resulted in only five parcels with the ability to develop and accommodate that use.

Chairman O'Hara inquired if Mr. Solli looked at 100' as a supplemental setback and if that added another group of properties to the list if at Public Meeting, some members of the public thought 350' to be excessive, and secondly, by calling this a gasoline service station, does it imply that service is being performed.

Mr. Solli responded that with a setback of 100-200', another group of parcels would be able to adopt that use, but that once you added in front yard and side yard setbacks, there would be limitations to what an applicant could do. He also stated that the convenience store usage was treated in other sections of the regulations as retail.

Chairman Porter indicated that the regulations only spoke to a gasoline station vs. a gasoline service station, with Chairman O'Hara recommending that the amendment speak clearly in calling this convenience/retail gas sales operation, Mr. Solli was in agreement.

Planner Agresta stated that the wording would need to be adjusted accordingly in the supplemental standard, requiring clarification from Mr. Solli as to the 350' setback relating to the fuel pumps, the storage tanks, and the supplemental storage facility, while accessory components such as parking and dumpsters would not be subject to that setback.

Mr. Solli responded in agreement, stating that parking and drive aisles would be outside of the setback. Planner Agresta inquired as to what was "offensive" about the use that would warrant the added setback, and whether the Commission would be writing a regulation that was just serving this property. Planner Agresta also noted that there presently is an exception in the current zoning regulations that allows gas station canopies to exist in the front setback, which Planner Agresta question the merit of such an exception, especially if this use is to be added to the LOR District as he did not think that would be consistent with the LOR District or POCD.

Chairman O'Hara responded that it was the point of sale of gasoline that required this application to be set back 350' from the property line, and secondly, that the architectural design and placement of the canopy would need to be a part of the application, and the setback exception for canopies should be removed.

- Solli Engineering, LLC – 754 Main Street, zone change to accommodate potential purchaser for retail and light manufacturing.

Kevin Solli, Licensed Professional Engineer of Solli Engineering, LLC introduced Steve Singlak of Stone Farm, LLC and oriented the Commission to the property at 745 Main Street with maps projected on the screen, as well as a brief historical background. The site was formerly used as a church, with a considerable lot size of 20.2 acres, of which a sizeable portion is wetland. The site includes a 15,000 square foot building with both front and rear parking. The property was recently purchased and aggressively marketed for sale. Lastly, Mr. Solli introduced Brian Atherton of Atherton Associates, who is representing both the owners of the property and Mr. Singlak as a new potential purchaser of the property.

Stone Farm is an outdoor living supply business which sources stones, brick veneers, and other reclaimed stone materials such as pavers, cobblestones, and slate both domestically and internationally. In addition, they manufacture fireboxes and firepits, and provide design services. They are located in Newtown, Connecticut, but require more space. This property is currently zoned Residential and Farming District 1 (RF-1). A zone change to like B-2 would be needed to permit the Stone Farm as a business entity.

The site constraints are substantial: septic system expansion is limited to 5,000 gallons per day. With Stone Farm they will be able to utilize much of the available outdoor area for orderly storage on pallets. This business is not a contractor, but rather partners with and services contractors (wholesale dealer).

The B-2 district provides for wholesale, retail, and manufacturing as an accessory use. Other uses are storage, warehouse, lumber and building materials, supply businesses, landscaping businesses, feed and grain businesses and contractors and building trades establishments. While this business would fit well into this definition, Stone Farm thought it would make sense to differentiate this business by establishing a new use such as an "outdoor living supply business." Mr. Solli noted for the Commission of its recent zoning amendment for another separate use (firewood processing facility) which allowed for greater outdoor use as approved by the Commission than the standard 20% of the building floor area. Using this as a precedent, the outdoor storage could be increased to greater than 20% in this B-2 District with additional restrictions as to where the storage would be located in terms of distance from the road, behind the building in the rear of the property, etc.

Commissioner Porter questioned how this business would not fit into the building materials category as these items were building materials, and secondly, since the I-2 District is adjacent to this property, this property might be better suited for the I-2 District. Commissioner Lindstrom inquired about the environmental effect of the manufacturing part of the business.

Mr. Solli responded that they had strongly considered building materials as a category but wished to differentiate themselves, and secondly, they thought the Commission wanted to move away from Industrial on the main corridor and move into moreover a business environment.

The type of light manufacturing that is performed at the facility is precast concrete only where concrete is poured into forms which then are covered by a stone veneer. This portion constitutes approximately 10% of the business presently but the goal is to grow it to 20% of the business once more space is obtained. There is no smoke or dust except when the cement mixers are cleaned out and the brick cutting for veneers is done in Massachusetts.

Commissioner Porter added that since a sizeable amount of the business is light manufacturing, that an I-2 District might be a more appropriate designation.

Planner Agresta stated that in B-2 District, manufacturing or processing of goods and materials is accessory to a principal retail use, which could be another concern for the B-2 District since the principal use would not be retail – but if a text amendment was proposed that could be addressed in that.

Mr. Solli responded that the portion of the building where the church services were held would be used for the light manufacturing whereas the balance of the front portion of the building would house two levels of office with a large vestibule which could serve as a retail space along with the use of outdoor space for display and demonstration to the general public—architects, residents, contractors.

Planner Agresta inquired whether the general public would be able to purchase at retail.

Mr. Singlak responded that yes, they would sell the product direct; to date they have done so on a limited basis because they lack the retail space and utilize dealers but it was acknowledged that they really are a wholesale business and that retail would be conflicting with their vendors.

Chairman O’Hara stated that currently outdoor storage is linked to 20% of the building footprint, and this would need to be something the Commission will need to come to terms with for some of the I-2 users to include how the storage is managed.

Planner Agresta suggested that finding a way to link storage space to not only building size but also to lot acreage may be something to consider.

Chairman O’Hara concluded that the Commission seemed to be leaning toward an agreement toward an I-2 classification rather than B-2, in addition to addressing storage and size of building/acreage issues.

Commissioner Porter stated that he did not approve of the suggested amendment to B-2.

Commissioner Lindstrom stated she was unsure of adding another I-2 District property along the Route 25 corridor. Chairman O’Hara stated that there were already industrial zoned properties nearby such as Edgerton and across from Pepper Street (I-3 District).

Brian Atherton, Atherton Associates, 702 Bridgeport Avenue, Shelton, CT: Broker of record: Most towns have a problem with the way that storage is managed, but Stone Farm is an excellent tenant with well-managed storage. Stone Farm would be penalized in the amount of storage available to them based on the building footprint vs. square footage. The second story has 5,000 additional square feet for a total of 20,000 square feet but the footprint and 20% remains at 15,000 square feet. Planner Agresta clarified that the 20% was based on gross floor area not building footprint). Mr. Atherton agreed with Planner Agresta’s approach to calculating available storage based on not only building size but also acreage. Stone Farm is currently in a twelve tenant location and would be able to add to both the town and the location.

Mr. Solli thanked the Commission and summarized what he understood an outcome to be from this meeting: The Commission would prefer to see this property zoned I-2 District over B-2; and moderate modification to how storage is calculated is desirable.

Chairman O'Hara agreed and recommended meeting further with Planner Agresta to address these issues in an expedient and productive manner that then would result in moving to a public hearing and final resolution more quickly.

PUBLIC HEARINGS

5. ZONING PETITIONS / SPECIAL EXCEPTION PERMITS

RAA-2016-03, File #978E Used Car Sales State Licensing -Zoning Regulations Text Amendment affecting 8.2.3(F)(8)(C) and (d) to allow the approval of a Certificate of Location for a Used Car Dealer license on a limited basis with Automobile Service and/or Body Shops.

The public hearing notice was read and exhibits listed for the record. Planner Agresta summarized the proposed zoning text amendments. Planner Agresta explained that the text amendments were a Commission-proposed amendment to fix something that inadvertently resulted from an earlier adopted text amendment relating to the I-2 District, when the Commission added Automobile Service Shops, there was an understanding that they could also sell a limited number of used cars under a repairer's license as the Commission wanted to preclude a used car dealership operating as a principal business. In actuality, you need a used car sales state license in order to sell any cars, to gain access to a dealer plate, or to attend car auctions unless you have an auto dealership license, not a repairer's license.

The language that is proposed is to allow that type of license and Certificate of Location to be approved in relation to an automobile service shop on a limited basis in both the B-2 and I-2 Districts. There is a space on the applications for the Certificate of Appropriateness License that goes to the State that can be checked for used car dealer with limitations and the limitations can be set forth on signing (these are included in the existing zoning regulations already).

Commissioner Chairman O'Hara read the text and requested any comments or questions from the Commission on the text amendments and there was none. There also were no public comments.

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

6. SPECIAL EXCEPTION PERMITS

SEP-2016-04, File #1573A 1014 Monroe Turnpike, Monroe Tax Assessor Map 109, Lot #28
Masuk High School – Conversion of existing field from natural grass to a synthetic turf surface, and other track improvements and replacement of existing field lights (60 to 80 feet) per the separately proposed text amendment application (RAA-2016-01. The property consists of 42.6 acres and is located within a Residential & Farming District (RF-2). Owner: Town of Monroe. (Reconvened from 4/07/16)

Chairman O'Hara stated that the applicant's representative sent an email requesting that this application be continued to May 5, 2016. The Commission is aware this application is subject to completion of its related Wetlands Permit. He then asked the members of the Commission if they had any comments or questions which might be passed on by staff to the applicant in prep of the next meeting, there were none.

SEP-2016-02, File #1571A 34 Enterprise Drive, Monroe Tax Assessor Map 104, Lot #002/10. School Bus Parking Facility (Phase 1: 45 bus spaces; 49 standard spaces; 2,000 sf office building, as well as gasoline fuel storage and dispenser facilities; and Phase 2: 24 standard spaces and separate 4,000 sf office building). The property consists of 12.64 acres and is located within an Industrial District 2. All Star Transportation (applicant); Owner: Fox Group LLC. (Reconvened from 4/07/16 and to be carried over to the 5/05/16 meeting)

This item was tabled to the May 5, 2016 meeting.

SEP-2016-05, File #1574A 178 Main Street, Monroe Tax Assessor Map 19, Lot John Lilly – Sound View Capital Partners LLC (applicant/owner) proposed Expansion of an existing retail drive-through car wash facility for property consisting of approximately 1.0 acre within a Business District 1 (B-1).

The public hearing notice was read and exhibits listed for the record, including submission of receipts of the public hearing notices as mailed to adjoining property owners within 100 feet.

John Lilly, applicant and owner of Sound View Capital Partners LLC for Monroe Car Wash, overviewed the four objectives for the proposed Special Exception Permit involving expansion of his existing car wash business:

- To improve the traffic flow
- To improve the safety on the site
- To improve the functionality
- To improve the aesthetic appearance of the site

These modifications would be attained by:

- Keeping the entrance the same as it is
- Have all customers pay through an automatic kiosk
- Remain seated in their car throughout the wash to alleviate walking in unsafe areas
- Have the ability to exit their car through an escape lane that precludes cars from backing up onto Route 25, then have the staff vacuum their car while they wait in a designated indoor waiting area, or
- Choose to vacuum the car themselves in one of 7 free vacuums (as opposed to the current 2), and have the ability to have their child/children wait outside in a grassy area.
- The aesthetic appearance of the building will be updated from a 1960's décor to a more current traditionally designed building.

John Swift, Licensed Professional Engineer, representing Sound View Capital Partners LLC, introduced himself and the parcel as an existing 1.0 acre parcel in a B-2 zone, as well as the reasons for seeking the following improvements to the property:

- The current level and type of services offered were not adequate to sustain this type of business.
- The proposed addition includes improvements/modifications as follows:
 - Interior vacuuming stations by both staff and as self service to/for customers.
 - A customer waiting area.
 - Three additional public parking spaces as well as handicapped parking.
 - A covered canopy kiosk system.
 - Improved signage.
 - Two new emergency lanes with a chained gate for emergency exit to alleviate the need to backup onto Route 25.
 - Updated exterior.

- The Wetlands Commission has already approved the plan for this property.
- This property is located in a flood plain which cannot take fill yet requires water flow management.
- An infiltration system has been added.
- A rain garden has been designed to take consideration of all water quality issues.
- There are three existing small catch basins and piping.
- Underground and curtain drains allow for slow drainage.
- They are assuring a higher water quality management by allowing water to flow through natural landscaped areas of lawn.

The septic system plan has been submitted to the Health Department as the current septic system is inadequate and requires upgrading to a new system including a new tank, galleys, as well as fill.

The current water service is taken from a well on the adjacent property. The State Health Department is currently testing the water for compliance criteria. If it meets or exceeds those standards, the business will continue to utilize the well, if it does not meet the standard criteria, the business will tie into the public water service across the street on Route 25.

- Erosion Control Plan: Our erosion control plan has been designed to protect the Pequonnock River at all costs with double hay bales, and to establish a rain garden designed to serve as a sediment basin.
- Landscape Plan: Grass, ornamental trees, shade trees, island and wetland plantings.

John Lilly described the proposed construction design for the building to include by visual presentation:

- The new building addition would include a sloped hip roof with partial brick and stucco covering the top portion of the existing brick to add interest and appeal.
- A new customer waiting area as well as self and staff vacuuming areas
- No pack or field lighting; architectural lighting only, with two existing light poles on facility to remain with flood lights directed inward for security.

Commissioner O'Reilly inquired if the lighting would be seasonal into winter; and where the dirty water produced from the business would be captured.

Mr. Lilly explained that the business would not operate outside in the winter, as its operating hours were 8 a.m. to 5 p.m. Monday through Saturday, 9 a.m. to 3 p.m. on Sunday. He noted that the lighting was for security purposes only. The used water from the car washing was captured and recycled with sediments and other matter trapped in three storage tanks. When the storage tanks begin to reach fill, the contents are picked up by an outside firm.

Commissioner Lisi expressed concern over the additional vehicle flow exiting the facility.

Commissioner Lindstrom questioned if there was any traffic blockage by cars parking for the free vacuum; if litter would be a problem in this area; whether there would be an attendant at the pay kiosk to assist customers; what the time frame was for completion of this project; if he had any environmental concerns regarding this work; and to reiterate the plantings for his landscape plan.

Mr. Lilly explained that there would be no traffic blockage caused by cars for free vacuums as they had a designated parking area out off the way of traffic flow; that there would be a constant attending to litter; that there would be an attendant to assist customers at the pay kiosk; that the time frame for this project was immediate; and that he had no environmental concerns as an outcome from this work.

Mr. Lilly stated that there would be four new trees, fencing, low bushes in the back, but no additional front landscaping as the winter plowing and salt deterred even grass growth.

Commissioner Ambrosey inquired if there were any catch basins in addition to the rain garden. Mr. Lilly explained that there were three pre-existing drains and that all other flow would be directed into the new rain garden. Mr. Swift elaborated and explained that storm drainage and vortex chambers would work well if the elevations of this site were 10 feet higher and they were not located in a floodplain. The current situation allows the site for no discharge or flow through piping. Typical catch basins and vortex chambers would work only to capture that silt, not to direct water flow. Through investigation, they found that the rain garden and flow through the natural landscape would provide the capture necessary to preclude any unwanted discharge into Pequonock River.

The Commission took a five minute recess and resumed at 9:11 p.m.

Commissioner Porter noted that the width of the parking areas for vacuuming stations were 10 feet wide but current regulations state that a parking space was limited to 9 feet wide as a standard parking space width, even though the Commission understands the reasoning behind the additional width and will need to be addressed at the next meeting.

Chairman O'Hara entered that Mr. Swift needs to determine if these vacuum station parking spaces should even be considered parking spaces and concurred that Mr. Swift would need to address the issue at the next meeting. He also inquired about the grassy area where children could wait until parents were finished vacuuming—what was to keep those children from straying into the oncoming traffic lane. He also questions if the existing lighting could be changed to dark sky compliance, and that the dumpster location and screening all need to be reviewed prior to the next meeting with Planner Agresta.

Planner Agresta stated that he had met with the architect for this project and the long wall facing the street does not meet code, as the face is 40 feet long needing at least two element changes with any face over 30 feet long, that the architect had suggested inserting windows as a solution.

Chairman O'Hara inquired why there were so many open bay garage doors, and whether it would be more attractive architecturally speaking to have doors in the front to indicate that when the doors are closed, that you are closed for business. Commissioner Porter concurred adding that this suggestion would stop the wind tunnel affect. Planner Agresta added that a carriage door design would also be more architecturally pleasing.

Upon discussion with the applicant and hearing no further comments, the hearing was adjourned to the May 19, 2016 meeting so the applicant could address the outstanding staff comments and the questions of the Commission.

SITE PLAN REVIEW

7. SITE DEVELOPMENT PLANS

None

DELIBERATIONS AND DETERMINATIONS

8. PERMIT AMENDMENTS / MODIFICATIONS / EXTENSIONS

Permit Amendments / Modifications

None

9. EXTENSIONS

5-07-S-A1, File #1457A – 241 Roosevelt Drive (Route 34)

OWNER Hendel's Inc.

APPLICANT Hendel's Inc.

MOTION Porter – To grant a 90 day extension to meet Conditions of Approval.

SECOND Hayden

VOTE: 5-0-0 – Approved

Ayes O'Hara, porter, Hayden, Townson, Ambrosey

Nays None

Abstain None

SEP-2015-16, File #1567A – 482-484 Pepper Street

OWNER Pepper Street Partners LLC

APPLICANT Pepper Street Partners LLC

MOTION Porter – To grant a 90 day extension to meet Conditions of Approval.

SECOND Hayden

VOTE: 5-0-0 – Approved

Ayes O'Hara, porter, Hayden, Townson, Ambrosey

Nays None

Abstain None

SEP-2014-13, File #1549A – 462, 464, 466 & 470 Main Street (Route 25)

OWNER JV462 Main St LLC

APPLICANT JV462 Main St LLC

MOTION Porter – To grant a 90 day extension to meet Conditions of Approval.

SECOND Hayden

VOTE: 5-0-0 – Approved

Ayes O'Hara, porter, Hayden, Townson, Ambrosey

Nays None

Abstain None

10. Bond Releases or Reductions

Patriot Estates Main Street – 03-5, File #1206C – Request for final release of Bond

Tabled pending further notice as staff continues to works with applicant on the outstanding items.

11. MEETING MINUTES

March 17, 2016 Minutes

MOTION: Porter – To approve the meeting minutes for March 17, 2015 as drafted.

SECOND: Hayden

VOTE: 5-0-0 – Approved

Ayes O'Hara, Porter, Townson, Hayden, Ambrosey

Nays None

Abstain None

April 7, 2016 Minutes

MOTION: Hayden – To approve the meeting minutes for April 7, 2016 as amended.

SECOND: Townson

VOTE: 5-0-0 – Approved

Ayes O’Hara, Hayden, Townson, Ambrosey, Lindstrom

Nays None

Abstain None

12. APPLICATION DELIBERATIONS / DETERMINATIONS

RAA-2016-01, File #976E– SCHOOL STADIUM LIGHTING

MOTION: Porter – To approve RAA-2016-01 Zoning Regulations Text Amendments to add new definitions to §2.2.1 and to amend and add new supplemental standards to §6.2.2 relating to lighting in general and school stadium lighting specifically as set forth in the Draft Approval Resolution dated April 21, 2016, Effective April 29, 2016. Petitioner: Town of Monroe Public Schools.

SECOND: Townson

VOTE: 5-0-0 – Approved

Ayes O’Hara, Porter, Townson, Ambrosey, Lisi

Nays None

Abstain None

SEP-2016-03, File #1572A– 585 Fan Hill Road (Map 122, Lot 1)

OWNER P&M Realty, Inc.

APPLICANT Leon Ambrosey – Cross Hill Service

MOTION: Hayden – To approve application SEP-2016-03 as set forth in Draft Approval Resolution dated April 21, 2016 granting: (1) Certificate of Appropriateness for the Location of a General Repairer’s License; and (2) Special Exception Permit for Automobile Service Shop and Warehouse uses.

SECOND: Townson

VOTE: 4-0-0 – Approved

Ayes O’Hara, Hayden, Townson, Lisi

Nays None

Abstain None

Commissioner Ambrosey recused himself and Commissioner Lindstrom was seated.

RAA-2016-03, File #978E Proposed Zoning Text Amendment affecting “Used Car Sales State Licensing” affecting 8.2.3(F)(8)(C) and (d) to allow the approval of a Certificate of Location for a Used Car Dealer license on a limited basis with Automobile Service and/or Body Shops.

Commissioner Townson stated that there was an outpouring of positive support for the applicant, with a concern that a gas station would be in that location, which will not occur. The applicant has done an admirable job of listening to and taking into consideration the comments from both the public and the Commission.

Chairman O’Hara questioned Planner Agresta regarding Page 9: Procurement of Involved Agency Permits and Approval: the applicant shall be responsible for the procurement of all applicable local, state, and federal permits and approvals prior to the commencement of construction. Does applicable refer to those items which can be obtained prior to getting the building permit or an outside agency would be granting after a

Certificate of Occupancy? Planner Agresta assured Chairman O'Hara that there would be no conflict in permit timing and that such items like state licensing were required for a CO not a building permit.

Commissioner Lisi questioned that this regulation states that at this time no used car sales are permitted yet the applicant had asked for the ability to obtain dealer plates. Planner Agresta explained that in order to pursue selling a limited number of used cars, or obtain a dealer plate, the present regulations do not allow for this, so after adopting the other regulation amending the wording regarding this used car aspect for automobile repair facilities, and it becomes effective, the applicant would be required to ask for a new Certificate of Location Approval for a Used Car Dealer's License, and secondly, the applicant would then have to ask for a Modification of Approval of this application to allow for the sales of used cars in accordance with the new regulations once they are in effect.

Chairman O'Hara stated that this modification would consist of the applicant providing the proper correspondence and materials to the Commission only and would not require necessarily require further public hearing.

Commissioner Lisi requested clarification regarding Item 3 which states, "no inoperable or unregistered vehicles will be permitted on site," yet this is a repair facility that will have inoperable vehicles on site. Chairman O'Hara stated that there were degrees of inoperable, meaning that you might be able to get your vehicle to the repair facility, but would not be able to drive it away and speaks to having a junk car on site.

The consensus of the Commission was to direct staff to prepare an appropriate draft approval for future consideration.

OTHER BUSINESS

13. REGULATIONS REVIEW / AMENDMENT WORKSESSION

None

14. CORRESPONDENCE / OTHER RECEIVED

None

15. COMMISSION REPORTS

Chairman's Report

Chairman's Report: Chairman O'Hara noted his attendance at the public kick-off meeting for the commissioned Routes 25 and 111 corridor study.

Commissioner's Report

None

Land Use Staff Reports

None

16. MEETING ADJOURNMENT

Polling the Commission hearing no objections, Chairman O'Hara adjourned the meeting at 11:00 pm.

Respectfully Submitted,
Rebecca Wood, *Recording Secretary*



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

APPROVAL
ZONING REGULATIONS TEXT AMENDMENTS
SCHOOL STADIUM LIGHTS

RAA-2016-01 – File #976E

Adopted April 21, 2016
Effective April 29, 2016

WHEREAS, the Monroe Planning and Zoning Commission (hereinafter “Commission”) is considering a Zoning Text Amendment Petition as submitted by the Monroe School Public Schools (petition applicant), seeking amendments relating to the following:

- §2.2 – Establishment of new definitions relating to lighting;
- §6.2.2 – Amendments relating to lighting in general;
- §6.2.2 – Establishment of new supplemental standards relating to school stadium lighting; and

WHEREAS, pursuant to CGS §3i, Notice of the proposed zoning text amendments petition was sent to the Connecticut State Commissioner of Public Health and the Aquarion Water Company of Connecticut by the petition applicant; and

WHEREAS, via letter dated February 18, 2016, pursuant to CGS §8-3b, the proposed zoning text amendments were referred to the following regional planning agencies:

- Naugatuck Valley Council of Governments (NVCOG), responding that “*the proposed amendments to be of minimal regional significance.*”
- Connecticut Metropolitan Council of Governments (MetroCOG), responding that “*the proposed changes are of no regional impact;*”
- Western Connecticut Council of Governments (WestCOG), responding that “*the proposal is of local concern;*” and

WHEREAS, via letter dated February 18, 2016, pursuant to CGS §8-7d(f), the proposed zoning text amendments were referred to the following abutting municipalities: Oxford, Easton, City of Shelton, Newtown and Trumbull, to which none responded; and

WHEREAS, pursuant to CGS §8-7d the Commission has considered the proposed petition at a duly noticed public hearing opened and closed on April 7, 2016, at which time interested persons were afforded an opportunity to be heard; and

WHEREAS, notice of the above noted public hearing was duly filed with the Monroe Town Clerk on March 18, 2016, and was published in the Monroe Courier on March 24 and 31, 2016;

NOW THEREFORE BE IT RESOLVED, that the Commission at a meeting held on **April 21, 2016**, upon motion by **PORTER** and seconded by **TOWNSON**, following deliberations conducted on **April 7 and 21, 2016**, voted **FIVE (5)** in favor, and **NONE (0)** in opposition, to **approve** the attached text amendments to the Zoning Regulations, Chapter 117 of the Code of the Town of Monroe, as follows:

<i>Vote:</i>	PATRICK O’HARA	AYE	<i>For the Commission:</i>
	WILLAM PORTER	AYE	
	DAVID TOWNSON	AYE	
	LEON AMBROSEY	AYE	
	PAUL LISI (seated)	AYE	
			_____ <i>Patrick O’Hara, Chair</i>

BE IT FURTHER RESOLVED, that the Commission, consistent with CGS §8-2 and §8-3 hereby finds that the proposed zoning text amendments are consistent with the goals and recommendations of the 2010 Town of Monroe Plan of Conservation and Development (POCD), as follows:

- The text amendments will further the goals and recommendations of the POCD in regard to facilitating increased opportunities for school and community oriented recreational activities;
- The text amendments provide desirable updating of zoning provisions relating to the control of lighting to ensure the minimization of light pollution through careful regulation and consistency with day sky standards in design and performance; 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 §8-3(d); and

BE IT FURTHER RESOLVED, that a copy of the adopted zoning text amendments and an original signed copy of this approval shall be recorded in the Monroe Land Records, and copies thereof showing all marks of recording shall be filed in the office of the Planning and Zoning Department; and

BE IT FURTHER RESOLVED, that the adopted zoning text amendments shall become effective upon their authorized recording on the Monroe Land Records and publication of a Notice of Decision, but no sooner than April 29, 2016; and

BE IT FURTHER RESOLVED, that the Planning and Zoning Department is hereby authorized to revise the official Zoning Regulations of the Town of Monroe to include the adopted zoning text amendments upon the completion of recording and publication noticing as required herein above.



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

APPROVAL

CERTIFICATE OF APPROPRIATENESS
(Location for General Repairer License)
and
SPECIAL EXCEPTION PERMIT
(SEP-2016-03 – File #1572A)

Cross Hill Service
585 - 591 Fan Hill Road – Assessor Map 122, Lot 1
Industrial District 2 (I-2)

APPLICANT

LEON AMBROSEY – CROSS HILL SERVICE

PROPERTY OWNER

P&M REALTY, INC.

Date of Approval	April 21, 2016
Date Final Plans to be Signed by	October 18, 2016
5-Year Expiration	April 21, 2021

WHEREAS, the Monroe Planning and Zoning Commission (Commission) has considered a Special Exception Permit application received from Leon Ambrosey – Cross Hill Service (applicant) and P&M Realty, Inc. (property owner) relating to property consisting of approximately 1.47 acres within an Industrial District 2 (I-2); and

WHEREAS, the Commission is also considering a request for a Certificate of Appropriateness of the “location for a General Repairer” license as issued by the DMV of the State of Connecticut in accordance with CGS §14-54 and Zoning §9.1.3(F); and

SPECIAL EXCEPTION PERMIT APPROVAL & CERTIFICATE OF LOCATION DETERMINATION
SEP-2016-03– File #1572A – 585-591 Fan Hill Road – Cross Hill Service

WHEREAS, the project is for a change of use from Industrial Manufacturing to an Automobile Service Shop and separate Warehouse use, configured as follows:

- 4,634 sf – Building A – Warehouse;
- 3,159 sf – Building B – Automobile Service Shop; and

WHEREAS, the existing buildings are both one-story each. Site utilities include existing separate subsurface septs, separate private water supply wells, and existing connections to public electric, gas and communication mains. No expansion or building additions are proposed to either building. The project is proposed to be implemented in two (2) phases, as follows:

Phase One

- Occupation of Building B for a new Automobile Service Shop with two (2) service bays;
- Occupation of Building A as a separate Warehouse use;
- Installation of bollards at Building A and B main entrances;
- Parking area line striping to delineate 19 spaces;
- Installation of oil water separator;
- Extension of parking space pavement with curbing at front parking area;
- Enhanced landscape buffer plantings;

Phase Two

- Construction of two (2) additional service bays (for a total of four (4) services bays) in Building B;
- Expanded driveway and parking area development resulting in 29 spaces;
- Installation of stormwater basin to address added impervious surface coverage; and

WHEREAS, the proposal is shown and detailed in the associated application materials, including:

Application:

- Application SEP-2016-03 – Special Exception Permit;
- Response to Comments, Solli Engineering, 03/17/16 and 03/30/16;
- Freestanding Sign Detail, ABCSign, 04/05/16;
- List of Property Owners within 100 Feet;
- Project Narrative, Solli Engineering;
- Engineering Report, Solli Engineering, 02/03/16, revised 03/09/16;
- Response to ART Comments, Solli Engineering, 03/09/16;

Plans:

- 0.00 – Cover Sheet (1/12), Solli Engineering, 02/03/16, revised 03/30/16;
- 2 of 12 – Zoning Location Survey (2/12), Accurate Land Surveying, 11/05/16
- 1.40 – Property Radius & Site Area Map (3/12), Solli Engineering, 02/03/16, revised 03/09/16;
- 2.11 – Phase 1 Site Layout Plan (4/12), Solli Engineering, 02/03/16, revised 03/30/16;
- 2.12 – Phase 2 Site Layout Plan (5/12), Solli Engineering, 02/03/16, revised 03/30/16;
- 2.21 – Phase I Grading & Drainage Plan (6/12), Solli Engineering, 02/03/16, revised 03/30/16;
- 2.22 – Phase 2 Grading & Drainage Plan (7/12), Solli Engineering, 02/03/16, revised 03/30/16;
- 2.32 – Phase 2 Soil Erosion & Sediment Control Plan (8/12), Solli Engineering, 02/03/16, revised 03/09/16;
- 2.61 – Phase 1 & 2 Landscape Plan (9/12), Solli Engineering, 02/03/16, revised 03/30/16;
- 2.72 – Phase 2 Lighting Plan (10/12), Solli Engineering, 02/03/16, revised 03/30/16;
- 3.01 – Detail Sheet (11/12), Solli Engineering, 02/03/16, revised 03/09/16;
- A1 – Proposed Floor Plan (12/12), Barry Unger Associates, 02/03/16; and

SPECIAL EXCEPTION PERMIT APPROVAL & CERTIFICATE OF LOCATION DETERMINATION
SEP-2016-03– File #1572A – 585-591 Fan Hill Road – Cross Hill Service

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

- The site is not within 500 feet of a Town boundary, is not within a mapped 100-year floodplain, is not within a mapped public watershed area, and does not include any regulated wetlands;
- The site includes two (2) existing vacant buildings built in 1966 and there is no zoning permit history for the site or previous site uses;
- The site includes compliant street frontage on Fan Hill Road;
- As no changes to the existing buildings' architecture or appearances are proposed, a referral to the Monroe Architectural Review Board was not necessary;
- The existing parking flanking the existing site entrance driveway occurs within the applicable front yard landscape buffer area for the property. This is an existing nonconforming condition. The dimension of the existing parking spaces and driveway width are also an existing nonconforming condition. The project proposes to expand the paving associated with these spaces to provide dimensionally compliant parking spaces and a compliant site driveway width, consistent with the provisions of Zoning §1.9.1C(5)(c); and

WHEREAS, the applicant provided a copy of the public hearing notice to abutting property owners within 100 feet of the subject property as evidenced by submission of certified mail receipts (and subsequently returned "green" cards); and

WHEREAS, the Commission has considered the proposed application at a duly noticed public hearing, which hearing was opened and adjourned on March 17, 2015, reconvened and closed on April 7, 2016. Notice of the public hearing was published in the Monroe Courier on March 3 and 10, 2016;

NOW THEREFORE BE IT RESOLVED, the Commission, in accordance with CGS §14-54 and §9.1.3(F) of the Zoning Regulations, hereby finds the following in regard to the requested **Certificate of Appropriateness** of "location for a General Repairer License" as issued by the DMV of the State of Connecticut, and thus determining the site location appropriate for same:

- The subject property is located in an Industrial District 2 (I-2), where Automobile Service Shop is permitted as a principal use subject to a Special Exception Permit;
- The site is not visually or physically near any churches, schools or other similar facilities. There are no theaters, playhouses or other significant public gathering uses in the area. Properties across the street to the east are residentially zoned, while lands to the north, south and west are similarly zoned I-2 with developed and operating industrial uses, including manufacturing uses involving large sized trucks;
- Ingress and egress sight lines at the existing site driveway have been shown to be adequate. Minor widening of the southerly turning radii movement will be constructed to improve the movement of trucks (sized SU-30 or smaller);

SPECIAL EXCEPTION PERMIT APPROVAL & CERTIFICATE OF LOCATION DETERMINATION
SEP-2016-03– File #1572A – 585-591 Fan Hill Road – Cross Hill Service

- The proposed Automobile Service Shop change of use includes a number of safety and emergency provisions inside the building related to such use, as well as site development alterations intended to improve the appearance of the site and facilities including improvements involving stormwater runoff collection and treatment, dark sky exterior lighting and new landscaping; and

BE IT FURTHER RESOLVED, in accordance with the above, the Monroe Zoning Enforcement Officer is hereby authorized to sign a corresponding State of Connecticut DMV Application for General Repairer’s license for the project site location and applicant; and

BE IT FURTHER RESOLVED, the Commission, in accordance with §8.2.2 of the Zoning Regulations, hereby finds the following in respect to the **Special Exception Permit General Standards** (*numbering sequence follows that in the Zoning Regulations*):

- A. The subject property is and has been zoned I-2 District, which Zoning District permits the proposed Automotive Service Shop and separate Warehouse uses as principal uses subject to Special Exception Permit approval. The use and operations of the new industrial facility are consistent with other existing, approved and permitted uses of the I-2 District. The hours of operation would be similar to those of other area uses, and would have limited evening and weekend hours. Site access will be provided via Fan Hill Road over the existing site access driveway. No roadway improvements except a minor driveway radius improvement are required or proposed to support the new site development. The new facilities have been designed consistent with the applicable I-2 District zoning bulk and supplemental standards (the proposed site development does not seek any zoning variance modifications). Changes and minor expansion of the front landscape buffer area in the area of the existing driveway and flanking parking spaces is proposed consistent with the nonconforming standards set forth in the Zoning Regulations. Anticipated trip traffic to the new facility is expected to be similar to past uses of the site, except fewer large trucks.
- B. The proposed action is consistent with the Plan of Conservation and Development (POCD) in that it proposes to reutilize and repurpose a vacant industrial zoned facility.
- C. The location, nature, height and design of the site buildings are essentially existing conditions not proposed to be altered, which condition is generally consistent with other industrial buildings and sites in the underlying I-2 District. The existing facilities will be enhanced by a comprehensive landscape program. As such, the proposed improvements are not anticipated to hinder or discourage the appropriate development and use of adjacent lands and buildings;
- D. Existing building exterior lighting will be changed to dark sky compliant lighting and the proposed freestanding sign, which will comply with applicable zoning size and design standards, will not be lighted. No wall signs are existing or proposed. Appropriate controls and measures relative to air (exhaust fumes) emissions and waster oil collection and storage will be employed to address the operational aspects of the proposed Automotive Service Shop, including installation of an oil water separator in the existing parking area. The facilities do not otherwise include components which are known or anticipated to generate impacts by reason of glare, intensity or flashing of light, fumes, smoke, dust, vibration or noise – all operations will occur within the principal enclosed buildings;
- E. Subsurface sanitary septic systems exist for each existing building, as does an existing water supply well serving the site;

SPECIAL EXCEPTION PERMIT APPROVAL & CERTIFICATE OF LOCATION DETERMINATION
SEP-2016-03– File #1572A – 585-591 Fan Hill Road – Cross Hill Service

- F. Adequate and compliant off-street parking and loading facilities are proposed for each Phase. All site access and parking areas will be paved, including areas lined with curbing, with facilities for the collection and treatment of stormwater runoff;
- 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 will be required to be obtained accordingly by the applicant;
- I. The proposed use involves the use of private property, the changes to which are not anticipated to generate significant new demands for police, fire and emergency services. The Fire Marshall and Police department have reviewed the project plans and facility operations, which reviews have been incorporated into the design of the project; and

BE IT FURTHER RESOLVED, the Commission, in accordance with §8.8.3(F) of the Zoning Regulations, hereby finds the following in respect to the **Special Exception Permit Supplemental Standards** specific to an Automobile Service Shop use (*numbering sequence follows that in the Zoning Regulations*):

- (1) The plans show the location and number of permitted off-street parking and designated exterior vehicle storage areas;
- (2) An automotive body shop is not proposed and not permitted;
- (3) No inoperable or unregistered vehicles are permitted or authorized to be stored on the premises;
- (4) No car wash facilities or car washing are proposed, nor authorized on the premises;
- (5) No fuel dispensing is proposed or permitted;
- (6) No exterior retail sale or display of merchandise is permitted, nor authorized on the premises;
- (7) N/A;
- (8) At this time no used car sales shall be permitted or authorized on or from the premises;
- (9) The plans show the location and means of waste oil storage pending its lawful disposal;
- (10) All automobile service repairs are required to be completed within the inside of Building B;
- (11) N/A;
- (12) N/A;
- (13) No outdoor audio or video advertisement or systems are proposed or authorized;
- (14) N/A; and

BE IT FURTHER RESOLVED, that the Commission at its regular meeting held on **April 21, 2016**, upon motion by **HAYDEN** and seconded by **TOWNSON**, following deliberations conducted on **April 7 and 21, 2016**, voted **FOUR (4)** in favor, **NONE (0)** in opposition, to **APPROVE** the above referenced application for **Special Exception Permit**, subject to modifications as set forth below, as follows:

	<u>PATRICK O’HARA</u>	<u>AYE</u>	<i>For the Commission:</i>
Vote:	<u>JEREMY HAYDEN</u>	<u>AYE</u>	
	<u>DAVID TOWNSON</u>	<u>AYE</u>	
	<u>PAUL LISI (seated)</u>	<u>AYE</u>	<hr/> <i>Patrick O’Hara, Chair</i>

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

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

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

MODIFICATIONS AND REQUIREMENTS OF APPROVAL

A. TO BE COMPLETED WITHIN 180 DAYS (EXPIRATION TERM DATE of **October 18, 2016)**

Prior to the authorized endorsement on the final Special Exception Permit Site Plans by the Commission Chair, the following shall be completed within one-hundred (180) 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 Special Exception Permit Site Plans

The applicant shall submit a **SINGLE (1)** complete set of final Special Exception Permit 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 (1/12)
- 2 of 12 – Zoning Location Survey (2/12)
- 1.40 – Property Radius & Site Area Map (3/12)
- 2.11 – Phase 1 Site Layout Plan (4/12)
- 2.12 – Phase 2 Site Layout Plan (5/12)
- 2.21 – Phase I Grading & Drainage Plan (6/12)
- 2.22 – Phase 2 Grading & Drainage Plan (7/12)
- 2.32 – Phase 2 Soil Erosion & Sediment Control Plan (8/12)
- 2.61 – Phase 1 & 2 Landscape Plan (9/12)

SPECIAL EXCEPTION PERMIT APPROVAL & CERTIFICATE OF LOCATION DETERMINATION
SEP-2016-03– File #1572A – 585-591 Fan Hill Road – Cross Hill Service

- 2.72 – Phase 2 Lighting Plan (10/12)
- 3.01 – Detail Sheet (11/12)
- A1 – Proposed Floor Plan (12/12)

- a. The final Special Exception Permit 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 set sheet shall include a common revision date of April 22, 2016 or later. The Cover Sheet shall also be revised to reflect all of the plans within the set listed above and original dates of preparation and the common revision date required herein.
- c. Each plan set sheet shall 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 other applicable State and Federal laws, requirements and regulations.

Owner:

**{INSERT PRINTED OWNER NAME}
{INSERT PRINTED ADDRESS}**

Applicant:

**{INSERT PRINTED APPLICANT NAME
{INSERT PRINTED ADDRESS}**

- d. The following notes shall be added to the Cover Sheet, Sheet 2.11 and Sheet 2.12: ***Reference is hereby made to the corresponding Special Exception Permit Approval as issued by the Monroe Planning and Zoning Commission (SEP-2016-03, File #1572A, approved on April 21, 2016) and these corresponding Special Exception Permit Site Plans on file with the Monroe Planning and Zoning Department.***
- e. The plans shall be revised to address the following:
 - (1) Provide a certified version of the survey, and include a survey Bench Mark reference.
 - (2) Add the freestanding sign detail and expand to note that it will not be lighted. Also, note: ***No wall signs exist nor are proposed.***
 - (3) For Phase 1:
 - Add curbing along the north side of the front parking area.
 - Widen the entrance/exit driveway radii and provide an offset centerline line stripe at the site exit lane.
 - Revise the listed plant quantity for “PP” to read **6**.
 - Delete or revise accordingly Phase 1 Note #5 to be consistent with edge of the gravel area inside the bounds of the applicable setback.
 - Clearly delineate and label the limits of asphalt pavement extensions.

(4) For Phase 2:

- Provide separation between the dumpster enclosure and the adjacent parking area.
- Asphalt pavement shall be provided for all site driveway areas, parking and vehicular access areas, including that to the rear of Building B.
- Show and detail a rigid or protective surface spillway at the spillway elevation.

(5) For Both Phase 1 and 2:

- The Floor Plan for Building B shall be revised to provide separate plans detailing Phase 1 and Phase 2 and the use of all spaces during said separate phases.
- A Floor Plan of Building A (showing the warehouse use layout under Phase 1 and Phase 2) shall be added, showing the layout and use of the interior space to both confirm and provide a basis for zoning compliance now and into the future.
- Identify the number of vehicles which could be stored in each of the areas marked “vehicle storage.”
- Revise the grading to eliminate the flat slope off the west side of Building B.

2. Filing of Final Stormwater Management Report

The applicant shall provide two (2) copies of a “final” **Drainage Report**, as certified by a Connecticut licensed professional engineer, including as follows:

- a. Provide drainage calculations to include a combined hydrograph for adding hydrographs 5 & 6.
- b. Test pit information at the basin location shall be provided to verify that the depth of the water table is a minimum of 18 inches below the bottom of the basin.
- c. The drainage calculations shall include sizing and details for the oil/water separator.

3. Filing of Final Special Exception Permit Site Plans

Upon satisfactory revision of the final Special Exception Permit Site Plans as required above under **Section A1** and the filing under **Section A2**, the applicant shall submit **SEVEN (7)** complete plan sets (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. This Approval does not authorize, or grant development or site improvements beyond that shown on the signed final Special Exception Permit Site Plans.

B. PRIOR TO AUTHORIZED ISSUANCE OF ZONING AND BUILDING PERMITS

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

1. **Procurement of Involved Agency Permits and Approvals**

The applicant/owner shall be responsible for the procurement of all applicable local, State and Federal permits and approvals prior to the commencement of construction. Any substantive changes to the approved site uses, or to the overall final Special Exception Permit Site Plans as a result, shall require modified review and approval by the Commission, which review may include the submission of a new application and/or the holding of a Public Hearing.

2. **Required Posting of Bond**

a. A site restoration and stabilization bond in the following amounts by phase shall be provided to the Town of Monroe:

- Phase 1 \$3,000.00
- Phase 2 \$12,000.00

b. The bond(s) 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.

3. **Required Recording of Approval**

a. Upon satisfactory completion of **Sections B1 and B2** 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 (for the purpose of obtaining zoning and building permits) upon endorsement of the Special Exception Permit Site Plans as final and the recording of this approval document in the Monroe Land Records as set forth herein.

4. No **Zoning Permit or Building Permit** relating to this Approval shall be authorized or issued until the recordings as set forth in **Condition B3** above have been completed and a copies thereof as recorded have been provided to the Planning and Zoning Department, and until the final Special Exception Permit Site Plans are filed with the Planning and Zoning Department as required herein. All required **recordings and filings** as set forth above shall be confirmed as completed.
5. 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 Special Exception Permit Site Plans.
 - The applicant shall provide verification of the procurement of a Street Modification Permit from the Monroe Public Works Department.
 - Verification of completion of **Conditions B1 through B3** above.
6. 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

The following shall be addressed during construction:

1. There shall be no clearing, grading, removal of vegetation or other site or building construction inconsistent with that shown on the signed final Special Exception Permit 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 Special Exception Permit Site Plans or increase the size of the footprint of any structure or use of land. All other changes shall require the prior review and approval of the Commission as a change pursuant to **Section G** below.
2. Erosion and sedimentation controls and temporary stormwater management measures as may be required shall be properly maintained until construction is completed and all disturbed areas have been stabilized. Said controls and measures shall be periodically inspected, continually maintained throughout the construction phase and supplemented to ensure their proper installation and functions. The Zoning Enforcement Officer, Building Inspector and Town Engineer or their duly authorized representatives may require additional controls as deemed necessary or appropriate based on changing site conditions during construction.

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

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

D. PRIOR TO CERTIFICATE OF ZONING COMPLIANCE / CERTIFICATE OF OCCUPANCY/COMPLETION

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

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/Completion. 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/Completion.
2. Prior to the issuance of a Permanent Certificate of Zoning Compliance and/or a Building Department Certificate of Occupancy/Completion, the following shall be completed consistent with the final Special Exception Permit Site Plans as endorsed by the Commission Chair:
 - The applicant shall provide verification of an approved State of Connecticut DMV issued General Repairer's License for the site location and applicant.
 - All Phased improvements consistent with the signed final Special Exception Permit 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.
 - Verification of the satisfactory completion in compliance with associated permit approvals of the following shall be provided:
 - Satisfactory completion of the Phased site driveway improvements.
 - Installation and functional operation of Phased stormwater facilities as certified by the applicant's professional engineer, with acceptance by the Town Engineer.
 - Acceptance by the Monroe Fire Marshal.
 - All disturbed areas shall be stabilized; the site shall be clean of construction related equipment, materials and debris; and all erosion controls shall be appropriately removed.
 - The applicant shall provide an accepted final As-Built Plan detailing and certifying completed improvements, including a second copy of same superimposed on the original approved layout plan (to be shown in red or varied shading), including adequate information to verify that all work is completed in compliance with this Approval, in quantities as specified by the Planning and Zoning Department.

E. PRIOR TO PARTIAL OR FINAL RELEASE OF BOND

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

1. Submission of a written request for either partial or final release of bond shall include a commensurate “As-Built Plan.”
2. An As-Built Plan shall detail and certify completed improvements, superimposed on the original approved layout plan (to be shown in red or varied shading) and including adequate information to verify the completion of related work as authorized by this Approval.
3. Prior to the final release of bond, all associated 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 adhered to as conditions of operation following acceptance pursuant to a ZEO Certificate of Zoning Compliance and Building Department Certificate of Occupancy/Completion:

1. All permits and approvals shall be maintained as current throughout the duration of permitted use. The premises and 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. 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. No snow shall be plowed into or upon any abutting street right-of-way.
3. There shall be NO outdoor display or sale of merchandise. There shall be NO outdoor warehouse operations except loading activities in designated areas as set forth on the final signed site plans.
4. No new or changes to exterior signs or other materials or devices shall be permitted to be installed, supported, hung, flown or otherwise attached to site buildings, structures, lights 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 new landscaping and existing vegetation to remain shall be maintained in a healthy growing condition consistent with the signed final Special Exception Permit Site Plans. Dead, damaged or diseased landscaping shall be replaced promptly consistent with the original landscaping plans set forth in the signed final Special Exception Permit Site Plans.

7. 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 on-site overnight parking or storage of vehicles except in the designated areas shown on the Special Exception Permit Site Plans. 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. There shall be no construction equipment or vehicle parking or storage on the premises, nor any storage of building or construction materials inconsistent with the Special Exception Permit Site Plans.

G. ACCEPTANCE / CHANGES / COMPLIANCE / EXPIRATION

1. **Applicant/Owner Acceptance.**

- a. All representations by the applicant/owner and their representatives 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 completion of the required recordings and filings set forth herein, indicating 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 Special Exception Permit Site Plans.

2. **Changes.** Any additions or changes to the approved land uses activities, the Special Exception Permit Site Plans, the site and site improvements, systems or facilities thereon, shall require prior review and authorized approval and permit.

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/Completion.

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 April 21, 2021**), 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 and shall review the adequacy of any held bond.