

**PLANNING and ZONING COMMISSION
Monroe, Connecticut**

**MEETING MINUTES
May 5, 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 William Porter
Secretary Jeremy Hayden
Commissioner David Townson
Commissioner Leon Ambrosey
Commissioner Cathleen Lindstrom (alternate)
Commissioner Paul Lisi (alternate)
Commissioner Michael O'Reilly

Absent: None

Also Present: William Agresta, *Planning and Zoning Administrator*
Scott Schatzlein, P.E. *Land Use Group Director, Town Engineer*
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

None

PUBLIC HEARINGS

5. SPECIAL EXCEPTION PERMITS

SEP-2016-03, File #1572A 1014 Monroe Turnpike, Monroe Tax Assessor Map 109, Lot #28
Masuk High School / Town of Monroe Public Schools (applicant/owner – Town of Monroe) proposed conversion of existing stadium field from natural grass to a synthetic turf surface in addition to making other track related improvements, including replacement of existing stadium lighting (from 60 feet to 80 feet high (Reconvened from 4/21/2016)

The legal notice was read and file exhibits were listed for the record.

Dan Kroeger, Licensed Professional Engineer, retained by the Monroe Board of Education, introduced himself as the Engineer in charge of the project who had been absent from the last meeting, but would address the comments and questions of the Commission. Mr. Kroeger, through overhead presentation, illustrated how the lighting would be built indicating that you would see a galvanized steel pole above ground with a ballast box containing the controllers mounted just above head level, with a series of shaded luminaires to help control the light dispersal at the top of the pole, and in conformance with the Town's recently adopted regulations for stadium lighting.

Commissioner O'Hara noted that one of the changes the Commission had made was that the angle of the cutoff had to be parallel to the ground. Mr. Kroeger confirmed that would occur.

Mr. Kroeger then explained the scoreboard detail through overhead presentation, illustrating the visual aspect of the scoreboard including layout and sponsor locations along with LED lighting which included the change in the sound speaker location from the current light pole mounting which projects the sound into the neighboring properties, to a new location at the top of the scoreboard facing downward towards the concession stand, visitor and home bleacher areas away from adjacent properties. The specifications for the speakers have a limiter which controls the decibel level of the broadcast sound which will be set to a prescribed parameter, not to be exceeded. Commissioner O'Hara requested that the documentation include the designated personnel at the school responsible for monitoring the set parameters of the limiter and to act as a contact point. James Agostine, Superintendent of Monroe Schools introduced himself and responded that the designated person in charge of the limiter would be the Athletic Director, John DeGennaro.

There are conditions of approval that guide who can use the facility and the times of use, and the School would like to modify the terms to include youth programs and other programs beyond just School to other community groups to fully utilize the benefits of this field, as follows:

Condition Number four, which states in part, "All activities shall be limited to secondary school events, which are town sponsored." The Monroe public schools would like to open the facilities to additional users which would include Town of Monroe sponsored events, activities and athletics which would benefit of youth athletics in the Town of Monroe, and school interim and inter-scholastic athletic interrelated events as deemed appropriate as well as the town Planning & Zoning Commission approve any additional use of the property. Commissioner Lindstrom questioned if the expanded use in Item 4 would have the same time constraints. Mr. Agostine explained that the wording wants to more clearly expand the description to include Town of Monroe sponsored events to insure that the field could be used for all town athletics and to include interscholastic activities, including regional and state tournaments which would bring in significant revenues, as well as to use the field for larger events. Commissioner O'Hara stated that the regulation that just became effective gave the Commission oversight on the hours of operation in Item 5, and stated that Item 4 should be omitted as the applicant had oversight from the Board of Education regarding that Item. Mr. Agostine concurred that the absence of the language in Item 4 would be more beneficial, and reassured the Commission that the field would be maintained at a high level.

There were no public comments.

Mr. Kroeger and Mr. Agostine closed by thanking the Commission for its consideration. Polling the Commission and hearing no objections, Chairman O'Hara closed the public hearing.

SEP-2016-02, File #1571A 34 Enterprise Drive, Monroe Tax Assessor Map 104, Lot #002/10
All Star Transportation (applicant) proposed construction and use of a School Bus Parking Facility to be built in two phases: (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 a separate 4,000 sf office building). The property consists of 12.64 acres and is located within an industrial District 2. Applicant: All Star Transportation Owner: Fox Group LLC. (*Reconvened from 4/21/2016*)

The public notice was read and file exhibits were listed for the record. Commissioner Hayden recused himself. Commissioner Lisi was seated.

Kevin iSolli, P.E. of Solli Engineering, representing the applicant, All Star Transportation and Owner Fox Group, LLC summarized the application and its geographic location. In the current Site Plan, curb and guiderails were incorporated as requested by the Town Engineer. Reference posts were added to provide markers for bus drivers to indicate backing up stop positions. Additional paving along the main driveway and passenger vehicle parking areas were made but the applicant is still requesting millings to be utilized as a pavement surface course in the bus parking area.

Mr. Solli responded to the Commission's concerns regarding the utilization of millings as a surface course, indicating that while this sitting Commission may not have approved millings as a surface course, previous Commissions have approved millings as a surface course in the Town of Monroe (156 Enterprise Drive-2007). Silicate is found as a common material for municipal and other use. The grading and drainage plan has remained substantially the same. A few small additions were made to the landscape plan per the request of the Town Planner. A dedicated loading area could be added along side of the Phase 2 building on either side, but the western side was preferred, but the applicant did not think a loading space was even necessary.

Commissioner O'Hara inquired if there was a specific regulation regarding loading space inclusion or non inclusion. Town Engineer Schatzlein added that his concern was based on not a need for a loading area specifically, but as an over-flow area for turnaround for vehicles if the lot was full, keeping them from having to back all the way out.

Mr. Solli stated that Section 6.1.4(b) stated in part, "the Commission may waive the need for an off street loading space if in its judgment such space is not necessary or warranted for the use or development." Commissioner O'Hara inquired what the applicant would like to do regarding loading space. Mr. Solli stated that they would keep the loading space as proposed in the current sketch on the west side of the Phase2 building.

Mr. Solli noted that the site design exceeded the 10% minimum interior landscape requirement.

The discussion turned to off-street parking with Mr. Solli indicating that the office space for the Phase 1 building needs only four parking spaces for office staff; in fact, it does not need more than three parking spaces. The applicant feels that there are provisions in the regulations that substantiate the Commission only requiring the 49 off street passenger vehicle parking spaces that are currently provided on the plan.

Planner Agresta disagreed inquiring why one more space could not be added at the end of the parking bay. While you are allocating for three spaces for office staff, there is nothing limiting that number to three workers on a given day. Mr. Solli responded stating that adding that additional space would require the applicant going back to the Inland Wetlands Commission for that increase in area, and would require a retaining wall.

Vice Chairman Porter inquired how many spaces there were for buses and how many for cars. Mr. Solli responded that there were 49 passenger vehicle spaces. Of those 49, 45 were allocated for buses and 4 parking spaces for office staff.

Gabriella DiBlasi, 362 Wheeler Road, Monroe, CT, and the Finance Director for the Monroe Board of Education introduced herself and clarified that there were currently about 40 vehicles used by All Star Transportation, which include long buses, short buses, and vans. Mr. Michael Muller from All Star Transportation introduced himself stating that there were about 40 vehicles for all bus runs to include long buses, short buses, and Dodge Caravan vans. Chairman O'Hara needed clarification that the parking spaces allocated for full size buses would include all of the various sized vehicles, not only the long buses. Mr. Muller concurred.

Commissioner Lindstrom questioned that this appears to be short-sighted in that the plan does not allow for any additional needs for parking, i.e., someone applying for a job, a part time employee, a salesperson, etc. Mr. Solli responded that the parking area has been designed to provide 40-foot deep parking spaces x 14' wide for 45 buses, and in addition, 49 standard vehicle spaces. The likelihood of all of the passenger vehicle spaces to be occupied at any one time if any of the instances that you have mentioned occurred is very unlikely. If a bus driver drives up in their vehicle, they then get in a bus and leave and on returning, park the bus, get in their passenger vehicle and leave the parking lot. The chance for both all bus spaces and all vehicle spaces to be filled at one time is low. Also, a large proportion of the spaces are not solely to be used by long buses, but many spaces will be filled by short buses and vans. A 40-foot long parking space could allow for tandem parking, if necessary, not impacting traffic flow or drive aisles, and only a temporary situation. The applicant believes that the site has been designed with the greatest amount of forethought and with the least amount of impact given the site constraints.

In response to the questions and comments previously voiced by the Commission regarding the utilization of vinyl siding as an exterior siding, Mr. Solli stated he was not aware of vinyl siding being used anywhere else in the business park, but in reviewing the regulations he found that it provides a list of materials that could be used, that they should be high quality materials, it does not recommend or preclude the use of vinyl siding. In evaluating exterior materials, he viewed any number of structures on RT 25 and RT 111 that had both vinyl siding and paint, and noted that, like his own home, the vinyl siding structures maintained their appearance for far longer. The Architectural Review Board, while in an advisory capacity, provided a positive referral for the use of vinyl siding for this Commission to take under review.

The signage will comply with the minimum letter size which will also meet the standards of the code.

Commissioner O'Reilly indicated that Aquarion stated that this was a public drinking watershed area, and is a development that they have cautioned against, noting that according to the Medical Director for the Town of Monroe Department of Health, there is no safe level of lead in the blood. Commissioner O'Reilly continued by remarking that the city government in Michigan is being prosecuted for their role in creating a lead hazard through the mismanagement of lead piping in their water supply, and cautioned the Commission on their role in protecting the public from the hazards of using millings vs. bituminous concrete.

Vice Chairman Porter expressed continued concern regarding millings as a surface course and read excerpts from five more recent studies regarding airborne hazards and the leaching of pollutants from the usage of millings. Commissioner Lindstrom questioned whether the outcome of these studies was affected by the geographical location they were performed in, i.e., they had a positive outcome in Florida but would the studies have the same positive outcome in the colder climate in Connecticut.

Mr. Solli responded indicating that the subset of the five studies out of the 33 studies concluded that bituminous concrete was a safe and acceptable use as a fill material referring to the two renowned experts who were also involved in the study. Commissioner Porter reiterated but not as a surface course material.

Mr. Solli continued noting that the Aquarion letter spoke to the use of an underground fuel tank which is not proposed. The proposal includes an above ground fuel tank facility. Aquarion's second comment related to the Phase 2 building where the writer viewed this as a way to "pull the wool over the Commission's eyes," and that the building would actually be used as a maintenance and service garage. The maintenance and repair activities for All Star Transportation would not be here but rather at an offsite centralized location not in Monroe. The Phase 2 building will be an office building and there is no intention to do otherwise. If the need arises for another use than what is being proposed, All Star Transportation would be required to come back to the Commission for a change of use. Mr. Solli also noted that he was not aware of any climate effect on the volatility of millings.

Commissioner Townson expressed concern over the leaching of lead into the freshwater supply and inquired how difficult it might be to use bituminous concrete instead of millings. He stated that the studies suggest that these millings can be used as clean fill (not a surface course). Mr. Solli responded that it was primarily cost implications that drove the decision to use millings vs. bituminous concrete. All Star Transportation utilizes millings in a number of their facilities throughout the region and noted that millings are a commonly used material even on a municipal level indicating that the path around the lake at Wolfe Park as well as the overflow parking area are millings as well as behind the Town Hall itself as an alternate surface treatment.

Commissioner Lindstrom asked if the millings used at Wolfe Park were near a watershed area. Town Planner Agresta indicated that it was not.

Mr. Solli responded that millings were also used on rails trails throughout the town that are in close proximity to watershed areas.

Commissioner Lindstrom inquired as to the Phase 2 timetable and where the office staff would be located until that time. Mr. Solli stated that there was no definitive timetable at present, but that the applicant had five years to pursue the construction of the building within the Special Exception permit, but could then apply for another five year extension, and that the current office staff would be located within the Phase 1 building.

Vice Chairman Porter stated that he was not responsible for what the Commission approved in the past, but what it approves in the present, and did not recall any millings being approved during his tenure on the Commission. He noted that in the materials he has found there was little information on using millings as a wearing course. The USDOT Federal Highway Administration lists four uses of the millings: a component part of an either hot or cold recycled asphalt process; granular base; or fill material. They do not state that millings should not be used as a wearing course, but they do not list it as one of the four primary uses for millings.

CTDOT had no information on millings. The NJDOT prohibits the use of recycled asphalt pavement as a final surfacing material unless it is bound with hot asphalt emulsion or paved with a hot asphalt mix. The NJDEP states that "the bitumine binder used in asphalt paving applications contains a fairly large concentration of a family of carcinogenic compounds which can pose serious health and environmental concerns in certain circumstances such as when asphalt is ground into very small particles that easily blow off or wash from the surface. These compounds, known as polycyclic aromatic hydrocarbons are specified as targeted pollutants by the USEPA and are present in asphalt at much higher levels than the criteria established by the DEP for general use in a loose fashion on land. Asphalt millings used alone, without a paved top surface, have the potential to significantly migrate from the roadway through the actions of water, wind, and physical displacement, and possibly contaminate surrounding soils and/or surface water sediments. Traffic traveling on the unpaved asphalt millings would generate dust containing the compounds referenced above, and the dust would be a major migration route of the millings to the surrounding environment." In addition, they state that "the use of loose, unbound asphalt millings on land and roadway surfaces, without the placement of a paved top surface, is not generally appropriate."

Another study that was performed by a group that included the University of California Davis Pavement Research Center along with some of the regional water quality boards stated that “common and beneficial uses of millings were: incorporated into asphalt, placed directly beneath and fully contained by a paved road surface, asphalt millings may be used as surfacing materials if an appropriate binder is applied.”

Vice Chairman Porter stated that the findings note the same hydrocarbon references made in the NJDEP comments, had observed the millings to have toxic lead leaching, to be a source of water quality contamination, and that this regional authority had never approved the use of asphalt concrete grindings as a surface treatment and removed grindings needed to be removed to an approved disposal location.

Vice Chairman Porter stated that he found nothing on the use of millings as a suitable final course material, but conversely, that millings were and are unsuitable as a wearing surface. If you wish to use it as a base, then cap that base with bituminous pavement and the problem would be resolved.

Vice Chairman Porter also stated that he did not believe that the intent of the Regulations regarding exterior surface materials to be used for the building structure included vinyl siding.

John Kimball, 1420 Monroe Turnpike, in Monroe, responded noting that the current regulations state only that a high quality structural surface be used. The regulations also do not specify use of metal yet most of the buildings in the business park are metal clad. Vinyl was selected in part given its lower cost than wood siding and painting it. Paint no longer has any sustaining value as it readily chips and requires more continual upkeep. Vinyl has been on the market for quite a while, and like most products, there is a range of quality levels. A high quality vinyl siding product could be required.

When millings are used in a sufficient depth, and installed in the summer when the weather is very warm, the millings bond well and do not degrade. The surface becomes excellent for a non-high traffic use installation. For that reason, you would never install millings on a high traffic roadway, as it is not meant for that level of use, and would not hold up. When millings are rolled in properly, they bind up readily.

Mr. Kimball called his sister who is an environmental attorney with McCarter and English, to better understand the use and impact of millings. After speaking with the DEEP, he found that there is currently no regulation in the state of Connecticut that prohibits the use of millings, either under asphalt as fill, or as general fill. Fairfield County uses millings in lower traffic, industrial, and rural areas, for it is more forgiving and repairable than asphalt when using larger vehicles and machinery.

There is currently no regulation against using millings as either a base material, a sub-base, or as fill for a parking lot, but the DEEP states that it is probably unwise to use millings as general fill because they feel that at some point in the future there will be a regulation against using millings as general fill, but not a regulation against using it for asphalt surfaces.

Lead is not exclusively an issue relating to millings, but could most probably be found within the first 25 feet of property next to roads from the use of leaded gasoline, but agreed that there is no way to know the pedigree of the millings being used or their lead content. The applicant is working to be thrifty in using a by-product wisely and appropriately as cost is a factor. Another added feature of millings is that they allow water to seep into the pervious paving surface, rather than create point concentrated runoff which theoretically is positive from a wetlands standpoint.

If the Commission believes that millings present a health hazard in the town, and then it should vote accordingly, and we will accept that outcome, but because millings are used in so many locations in town already, there is a larger issue with the millings already in existing in use.

Vice-Chairman Porter added that his findings did not object to the use of millings as a base material, only that the base coat needed to be capped with a hot binding surface coating. Commissioner Lindstrom inquired if the applicant could consider putting a top coat over the millings as the present Commission has not approved millings for this use. Mr. Kimball responded by stating that he is already installing a full coat of paving on a number of areas on the site, needs to construct the building, and would prefer to use millings vs. a full coat on the bus parking lot portion, but would consider any reasonable alternative.

Commissioner Townson voiced his concern over the leaching of lead into groundwater from the millings, his concern in the last meeting was the carcinogenic nature of the airborne particles and dust, had little confidence in regulations as they many times lag behind common sense, and the issue needs to be viewed in context. The studies provided by Vice Chairman Porter were more recent (2013) and were more helpful in analyzing the impact of millings. In particular, New Jersey found that at times, millings can be used as a suitable base layer in low traffic areas as long as they are capped.

Commissioner Townson added that millings now come with an MSDS (Materials Safety Data Sheet) with one of the risks under toxicity resulting from inhalation. The knowledge of the risks and hazards associated with millings are evolving over time, and we should be cognizant of these risks. Currently it can be used as regulated fill vs. clean fill under the right circumstances.

Chairman O'Hara voiced that he would like to see an example of the type of vinyl siding being proposed. Mr. Kimball presented a visual presentation from the manufacturer, Certainteed, and provided multiple examples of how vinyl siding is integrated into the overall construction technique. Chairman O'Hara then inquired what the plan was for the bus parking lot middle island. Mr. Solli stated that they were still proposing the island to be a vegetative drainage soil

Commissioner Lisi stated that vinyl siding comes in a variety of thicknesses and offered that the Commission could recommend that the highest thickness be used for architectural integrity. Mr. Kimball responded that they would be using a premium grade vinyl siding.

Mr. Kimball added that the Wetlands Commission favored them removing the middle island in the bus parking lot so the buses could drive through and maintaining some landscaping at both ends where the light poles are located while still falling within the 10% requirement.

Chairman O'Hara opened up the floor to public comment:

Mr. Luciano, owner of the property: concurred that vinyl siding was an excellent exterior surface as his 12 year old siding still maintained both structural and architectural integrity.

In closing, Mr. Solli thanked the public and the Commission.

Upon polling of the Commission and hearing no objections, Chairman O'Hara closed the public hearing.

Commissioner Hayden returned to the meeting unseating Alternate Commissioner Lisi.

SITE PLAN REVIEW

8. SITE DEVELOPMENT PLANS

None

DELIBERATIONS AND DETERMINATIONS

9. PERMIT AMENDMENTS / MODIFICATIONS / EXTENSIONS

None

10. EXTENSIONS

None

11. BOND RELEASES OR REDUCTIONS

None

12. MEETING MINUTES

April 21, 2016 Minutes

MOTION: Porter – To approve the meeting minutes for April 21, 2016 as drafted.

SECOND: Hayden

VOTE: 5-0-0 – Approved

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

Nays None

Abstain None

A five minute recess at 8:35 p.m. was taken, the meeting resumed at 8:41 p.m. Commissioner Ambrosey recused himself and Commissioner Lindstrom was seated.

13. APPLICATION DELIBERATIONS / DETERMINATIONS

RAA-2016-03, File #978E **Used Car Sales State Licensing**

Proposed Zoning Text Amendment affecting 8.2.3 (F)(8)(c) and (d) to allow the approval of a Certificated of Location for a Used Car Dealer license on a limited basis with Automobile Service and/or Body Shops

MOTION: Porter – To approve RAA-2016-03 Zoning Regulations Text Amendments affecting §8.2.3(F)(8)(c) and (d) to correct an unintended conflict issue that was inadvertently created with a recent regulations amendment adopted earlier this year relating to the addition of Automobile Service Shops and Automobile Body Shops to the I-2 District and B-2 District as set forth in the Draft Approval Resolution dated May 5, 2016, Effective May 13, 2016. Petitioner: Town of Monroe Planning and Zoning Commission.

SECOND: Hayden

VOTE: 5-0-0 – Approved

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

Nays None

Abstain None

Commissioner Ambrosey returned unseating Commissioner Lindstrom.

SEP-2016-03, File #1572A 1014 Monroe Turnpike, Monroe Tax Assessor Map 109, Lot #28
Masuk High School / Town of Monroe Public Schools (applicant – Town of Monroe owner) proposed conversion of existing stadium field from natural grass to a synthetic turf surface in addition to making other track related improvements, including replacement of existing stadium lighting (from 60feet to 80 feet high (Reconvened from 4/21/2016)

OWNER: Town of Monroe
APPLICANT: Town of Monroe Public Schools – Masuk High School
MOTION: Porter – To approve application SEP-2016-04 as set forth in Draft Approval Resolution dated May 5, 2016, as amended, granting Special Exception Permit.
SECOND: Hayden
VOTE: 5-0-0 – Approved
Ayes O’Hara, Porter, Hayden, Townson, Ambrosey
Nays None
Abstain None

Commissioner Hayden recused. Commissioner Lisi seated.

SEP-2016-02, File #1571A 34 Enterprise Drive, Monroe Tax Assessor Map 104, Lot #002/10 – All Star Transportation (applicant) School Bus Parking Facility

The consensus of the Commission was to approve the application with following conditions:

- High quality vinyl siding is used;
- The recommended bond amount;
- If Inland Wetlands agrees to the removal of the water quality feature in the bus parking area and can maintain the 10% interior landscaping then the feature can be eliminated;
- The modifications to the guardrails and posts are acceptable;
- The number of parking spaces at 49 is sufficient;
- The location of the loading space on the west side of Phase 2 building is acceptable;
- The monument signage letter sizing be clarified;
- Address outstanding Town Engineer comments.

In regard to millings the Commission was split. The draft would be written both ways with and without millings and the Commission would further deliberate upon receipt of the draft.

OTHER BUSINESS

14. REGULATIONS REVIEW / AMENDMENT WORKSESSION

None

15. CORRESPONDENCE / OTHER RECEIVED

None

16. COMMISSION REPORTS

Chairman's Report

None

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 9:20 p.m

Respectfully Submitted,
Rebecca Wood, Recording Secretary In-Training



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
USED CAR SALES LICENSING – B-2 & I-2 DISTRICTS

RAA-2016-03 – File #978E

Adopted May 5, 2016
Effective May 13, 2016

WHEREAS, the Monroe Planning and Zoning Commission (hereinafter “Commission”) is considering a Zoning Text Amendment affecting §8.2.3(F)(8)(c) and (d) to correct an unintended conflict issue that was inadvertently created with a recent regulations amendment adopted earlier this year relating to the addition of Automobile Service Shops and Automobile Body Shops to the I-2 District and B-2 District; and

WHEREAS, the proposed text amendment will allow the approval of a Certificate of Location for a Used Car Dealer license on a limited basis and as an accessory component to an otherwise permitted principal Automobile Service Shop or Auto Body Shop; 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; and

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

- Connecticut Metropolitan Council of Governments (MetroCOG), responding that *“the proposed changes are of no regional impact;”*
- Western Connecticut Council of Governments (WestCOG), to which no response was received; and

WHEREAS, via letters dated March 18, 2016, pursuant to CGS §8-7d(f), the proposed zoning text amendments were referred to the following abutting municipalities:

- Newtown, responding their recommendation for approval;
- Trumbull, to which no response was received; 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 21, 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 April 1, 2016, and was published in the Monroe Courier on April 7 and 14, 2016;

NOW THEREFORE BE IT RESOLVED, that the Commission at a meeting held on **May 5, 2016**, upon motion by **WILLAM PORTER** and seconded by **JEREMY HAYDEN**, following deliberations conducted on **April 21 and May 5, 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	
	JEREMY HAYDEN	AYE	
	DAVID TOWNSON	AYE	
	CATHLEEN LINDSTROM (seated)	AYE	<hr/> <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 economic development;
- The text amendments correct an inadvertent internal regulatory conflict; 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 May 13, 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

**SPECIAL EXCEPTION PERMIT
(SEP-2016-04 – File #1573A)**

**Masuk High School Stadium Field and Lighting
1014 Monroe Turnpike – Assessor Map 109, Lot 28
Residential and Farming District 2 (RF-2)**

APPLICANT

TOWN OF MONROE PUBLIC SCHOOLS

PROPERTY OWNER

TOWN OF MONROE

Date of Approval	May 5, 2016
Date Final Plans to be Signed by	November 1, 2016
5-Year Expiration	May 5, 2021

WHEREAS, the Monroe Planning and Zoning Commission (Commission) is considering a Special Exception Permit Application (SEP-2016-04, File #1573A) received from the Town of Monroe Public Schools (applicant) and the Town of Monroe (property owner) relating to property consisting of approximately 42.6 acres within an Residential and Farming District 2 (RF-2); and

WHEREAS, the site includes the existing Monroe High School and related facilities, including an existing track and field with existing field lights measuring approximately 60 feet in height (which height is an existing nonconforming condition); and

WHEREAS, the project proposes to replace the existing High School stadium's natural grass field with a synthetic turf surface, make several track improvements, relocate and construct an enlarged scoreboard, relocate and replace field audio speakers to the new scoreboard, and replace existing field lighting with lights at a height of 80 feet pursuant to recently adopted stadium lighting zoning standards (RAA-2016-01, effective April 29, 2016); and

SPECIAL EXCEPTION PERMIT APPROVAL

SEP-2016-04– File #1573A – 1014 Monroe Turnpike – Masuk High School Stadium Field and Lighting

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

Application:

- Application SEP-2016-04 – Special Exception Permit;
- Special Exception Application Narrative, Milone & MacBroom, 02/16/16, revised 03/22/16;
- Comment Response letter from Milone & MacBroom, 04/12/16;
- Datasheet: Light-Structure Green Lighting System, Musco;
- Existing/Proposed Viewshed, Milone & MacBroom;

Plans:

- Title Sheet, Milone & MacBroom, 02/08/16, revised 03/31/16;
- EX – Existing Conditions, Milone & MacBroom, 02/08/16, revised 03/31/16;
- SR – Site Plan - Removals, Milone & MacBroom, 02/08/16, revised 03/31/16;
- LA – Site Plan - Layout, Milone & MacBroom, 02/08/16, revised 03/31/16;
- GR – Site Plan – Grading and Erosion Controls, Milone & MacBroom, 02/08/16, revised 03/31/16;
- UT – Site Plan - Utilities, Milone & MacBroom, 02/08/16, revised 03/31/16;
- SD-1 – Sediment and Erosion Control Details and Specifications, Milone & MacBroom, 02/08/16, revised 03/31/16;
- SD-2– Site Details, Milone & MacBroom, 02/08/16, revised 04/12/16;
- SD-3 – Site Details, Milone & MacBroom, 02/08/16, revised 03/31/16;
- SD-4 – Site Details, Milone & MacBroom, 02/08/16, revised 03/31/16;
- SD-5 – Site Details, Milone & MacBroom, 02/08/16, revised 03/31/16;
- Existing Photometric Plan (1/2), Milone & MacBroom, 03/22/16, revised 03/31/16;
- Proposed Photometric Plan (2/2), Milone & MacBroom, 03/22/16, revised 03/31/16;
- Area Plan, Milone & MacBroom, 02/08/16; and

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;
- The site includes areas of mapped 100-year floodplain but proposed development activities will not occur or impact said areas;
- The site is located within the Means Brook Reservoir public watershed area, for which notifications to Aquarion Water Company of Connecticut and the Connecticut Commissioner of Public Health were completed by the applicant;
- The site includes regulated wetlands and associated 100-foot upland review area, for which a separate application has been submitted to and approved by the Inland Wetlands Commission (IWC-2016-05, File #989, approved April 27, 2016);
- The site is registered under OSTA Certificate #229A, no modifications are proposed or required as was confirmed by CTDOT;
- As no changes to the existing buildings' architecture or appearances are proposed, referral to the Monroe Architectural Review Board was not necessary;
- The proposed synthetic turf consists of artificial grass blade made of a polyethylene product, which is woven and adhered to a backing material comprised of geotextile fabric with a urethane coating. The artificial grass is filled with approximately 4 pounds of sand and 1.5 pounds of an organic product made of rice husks, cork and coconut husks;
- No site alterations or disturbances are proposed to the existing school buildings and other structures, facilities, parking areas, or other site areas of the school property; and

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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 April 7, 2016, reconvened and carried over on April 21, 2016, reconvened and closed on May 5, 2016. Notice of the public hearing was published in the Monroe Courier on March 24 and 31, 2016;

NOW THEREFORE BE IT 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 zoned RF-2 District, which Zoning District permits the existing principal public school use and accessory recreation facilities, subject to a Special Exception Permit. The use and operations of the school and stadium field will remain substantially unchanged, and the hours of operation would also not change. Site access and parking facilities will remain unchanged. No roadway improvements are required or proposed. The new facilities have been designed consistent with the applicable RF-2 District zoning bulk and supplemental standards (the proposed site development does not seek any zoning variance modifications). The proposed field will be relatively the same size and in the same location as the existing field. No changes in seating are proposed, thus user and spectator capacities will remain unaltered.
- B. The proposed action is consistent with the Plan of Conservation and Development (POCD) in that it proposes to redevelop and improve an existing public recreation facility (public school field).
- C. The location, nature, height and design of proposed facilities will be relatively similar to existing conditions, except the scoreboard will be enlarged and the height of the stadium lights will be raised approximately 20 feet higher (existing: 60 feet; proposed: 80 feet) but still below the height of the surrounding woodland trees. The existing drainage facilities will be enhanced but tie into existing outlet structures. Excavation and filling work at the site will generally be confined within the existing track limits (some earthwork is required for the proposed sprint lanes as well as for the new shot put area but all work will be limited to areas previously disturbed. There will be no site disturbance on the east side of the existing field other than the new light pole installation. 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 remain unaltered, while the new replacement stadium lights will be of a higher light output but of a design which better controls and directs light emissions downward and targeted to the field. The new lights propose full-cut off fixtures (the existing field lights presently are not) which have been sited and designed consistent with the School Stadium Lighting standards set forth in Zoning §6.2.2(G), including the following:
 - The existing recreation facility is located at the Monroe High School, a municipal public school owned and operated by the Town of Monroe;
 - The subject lot area is greater than the minimum 25 acres (the site consists of 42.6 acres);
 - The stadium includes greater than 500 permanent seats (has approximately 1,000 seats);

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- The stadium playing field exceeds an area of 10,000 sf (will be approximately 87,400 sf);
- A Facility Illumination Plan as required has been provided;
- A Light Visibility Impact Assessment as required has been provided;
- The new stadium lights are proposed consistent with the maximum height, design, type, full cut-off and light output standards as set forth in Zoning §6.2.2(G)(4);
- The hours of permitted operation were previously set under Special Exception Permit File #1569A and will not be altered,

The new audio system will control the output preventing manual override, while the location of the speakers will be relocated to the new scoreboard on the north side of the field to allow the direction of sound to cross over the long length of the field towards the interior of the school property rather than across the field towards neighboring residential properties to the east;

- E. Existing subsurface sanitary septic systems and water supply facilities will remain unaltered;
- F. Existing off-street parking and loading facilities will remain unaltered;
- 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 public school property, the changes to which are not anticipated to generate significant new demands for police, fire and emergency services (the stadium field is existing and being redeveloped substantially in place). 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, that the Commission at its regular meeting held on **May 5, 2016**, upon motion by **WILLIAM PORTER** and seconded by **JEREMY HAYDEN**, following deliberations conducted on **May 5, 2016**, voted **FIVE (5)** 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:

	PATRICK O’HARA	AYE	<i>For the Commission:</i>
Vote:	WILLIAM PORTER	AYE	
	JEREMY HAYDEN	AYE	
	DAVID TOWNSON	AYE	
	LEON AMBROSEY	AYE	<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 November 1, 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:

- Title Sheet
 - EX – Existing Conditions
 - SR – Site Plan – Removals
 - LA – Site Plan – Layout
 - GR – Site Plan – Grading and Erosion Controls
 - UT – Site Plan - Utilities
 - SD-1 – Sediment and Erosion Control Details and Specifications
 - SD-2– Site Details
 - SD-3 – Site Details
 - SD-4 – Site Details
 - SD-5 – Site Details
 - Existing Photometric Plan (1/2)
 - Proposed Photometric Plan (2/2)
 - Area Plan
- 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 May 6, 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.

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- 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:

**Steve Vavrek, First Selectman
Town of Monroe
7 Fan Hill Road, Monroe, CT 06468**

Applicant:

**James C. Agostine
Superintendent of Schools
375 Monroe Turnpike, Monroe, CT 06468**

- d. The following notes shall be added to the Title Sheet and Sheet LA:
- ***Reference is hereby made to the corresponding Inland Wetlands Permit Approval as issued by the Monroe Inland Wetlands Commission (IWC-2016-05, File #989, approved on April 27, 2016) and these corresponding Wetland Permit Site Plans on file with the Monroe Inland Wetlands Department.***
 - ***Reference is hereby made to the corresponding Special Exception Permit Approval as issued by the Monroe Planning and Zoning Commission (SEP-2016-04, File #1573A, approved on May 5, 2016) and these corresponding Special Exception Permit Site Plans on file with the Monroe Planning and Zoning Department.***
- e. The notes referencing the Use and Hours of Operation on the Site Plans shall be revised to note the following (include on the Title Sheet and Sheet LA):

The conditions of the permit as approved by the Planning and Zoning Commission are:

- 1. All events occurring on Friday and Saturday nights shall end and use of the lights shall end no later than 11:00 p.m.***
- 2. All weekday events shall end and use of the lights shall end no later than 10:00 p.m.***
- 3. All events occurring on Sunday shall end use of the lights by 6:00 p.m.***
- 4. The sound and speaker system shall be moved to the northeast side of the stadium onto a new scoreboard system and sound will be transmitted towards the existing stadium bleachers to minimize the transmission of sound beyond the boundaries of the football field and seating area.***
- 5. No parking shall be permitted off the Masuk High School site.***
- 6. Adequate field and parking lot security and traffic control shall be maintained for all events.***

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2. 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**, 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.

3. Required Recording of Approval

- a. Upon satisfactory completion of **Section A2** 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.

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. No **Zoning Permit or Building Permit** relating to this Approval shall be authorized or issued until the recording as set forth in **Section A3** above has been completed and a copies thereof as recorded have been provided to the Planning and Zoning Department. All required **recordings and filings** as set forth above shall be confirmed as completed.
3. Prior to the authorized issuance of a Zoning Permit, the following shall be provided to the Zoning Enforcement Officer (**no Building Permit shall be issued prior to a Zoning Permit – Zoning and Building Permits are not issued until the required pre-construction meeting is held**):
 - Application for a Certificate of Zoning Compliance based on the signed final Special Exception Permit Site Plans.
 - Verification of completion of **Conditions B1 and B2** above.

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

C. DURING SITE CONSTRUCTION

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 F** 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:
 - Verification of the completion of all approved wetlands activities and related site restoration activities shall be provided.
 - Certified verification of the installed height of the new stadium lights, as measured from the ground surface to the highest point on the light pole and fixture, not to exceed 80 feet.
 - Certified verification of the installed field light output not to exceed the permitted "maintained average illumination" standards set forth in the Zoning Regulations.
 - Certified verification by a Professional Engineer of the satisfactory installation and functional operation of the drainage facilities.
 - A 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.
 - All improvements shall be completed consistent with the signed final Special Exception Permit Site Plans, as well as all related requirements as set forth and agreed to during the pre-construction meeting and subsequent construction meetings or inspections.
 - 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.

E. 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. All prior conditions and requirements for the subject premises, except as modified herein, shall remain in full force and effect.

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3. 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.
4. 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.

F. 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 May 5, 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.