

**PLANNING and ZONING COMMISSION
Monroe, Connecticut**

**MEETING MINUTES
September 1, 2016**

Meeting: Planning and Zoning Commission
Regular Meeting
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
Commissioner Cathleen Lindstrom (alternate)
Commissioner Paul Lisi (alternate)
Commissioner Michael O'Reilly (alternate)

Absent: None

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

OPENING of MEETING

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

Chairman O'Hara called the meeting to order at 7:05 p.m., and invited those in attendance to join in the Pledge of Allegiance.

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

Commissioners were seated on a roll call.

3. GENERAL PUBLIC PARTICIPATION PERIOD

None

4. GENERAL APPOINTMENTS

None

PUBLIC HEARINGS

5. ZONE BOUNDARY CHANGE

ZCA-2016-03, File #1008D

146 Cutlers Farm Road (Assessor Map 21, Lot 19B)

269 Purdy Hill Road (Assessor Map 21, Lot 18)

287 Purdy Hill Road (Assessor Map 21, Lot 19A)

Petition Application of Beaver Brook, LLC (applicant) for a Zone Boundary Change of three lots with an area of approximately 10.204 acres from Residential and Farming District 1 (RF-1) to Age Restricted Residence (ARR) District. Kenneth Twombly (Owner).

At the request of the applicant via a letter received September 1, 2016, the open public hearing was adjourned to the September 15, 2016 meeting.

6. SPECIAL EXCEPTION PERMIT

SEP-2016-07-A1, File #1577A

754 Main Street (Assessor Map 93, Lot 51)

Special Exception Permit application from Stone Farm LLC, Steve Singlak (applicant) for change of use of an existing 20,648 square foot former church building into an industrial manufacturer, office and warehouse facility on property consisting of approximately 22.59 acres presently classified Residential and Farming District 1 (RF-1) with separate application to reclassify as Industrial District 1 (I-1). Seven Fifty Four Main Street LLC (Owner).

At the request of the applicant via a letter dated September 1, 2016, the public hearing was opened and immediately adjourned to the September 15, 2016 meeting.

SITE PLAN REVIEW

7. SITE DEVELOPMENT PLAN

SDP-2016-03, File #119

342 Monroe Turnpike (Assessor Map 22, Lot 13)

Site Development Plan application from Jose Madera to convert former residence to a dentist's office. *(Carried over to 9/15/16)*

This application was tabled and adjourned to the September 15, 2016 meeting.

DELIBERATIONS and DETERMINATIONS

8. SUBDIVISION / RESUBDIVISION

SUB-2016-02, File #1259C – 36 Timothy Hill Road (Assessor Map 114, Lot 6)

Vice Chairman Porter summarized for the Commission that this was a subdivision that had already been approved twice, where the approval lapsed and the applicant is now returning for re-approval with no items changing in the application. This site was part of the original design of the original industrial park. Commissioner Townson questioned if the road could loop back out onto Pepper Street and stated that there was no Industrial property on Fan Hill Road as you headed toward the center of Monroe and was concerned about the increase in truck traffic on Fan Hill Road.

Vice Chairman Porter responded that this site could not and would not meet the requirements of the subdivision regulations through looping back out onto the same street, and that there was considerable industrial property but not until you reached Garder Road, and that trucks would not be able to access this property via Pepper Street from Main Street through the Industrial Park and would more than likely decrease the traffic on Fan Hill Road rather than increase it.

Commissioner Ambrosey inquired about the disturbance that currently existed on the site. Town Engineer Schatzlein responded that there was minimal tree clearing that had occurred after previous approvals had been granted, but that the disturbance that had occurred was about 2 to 3 acres in area and near the proposed road embankments, outside of regulated wetlands. Town Engineer Schatzlein also noted that the recommended bond amount was adjusted from the previous application.

The consensus of the Commission was to direct staff to prepare a draft approval for consideration at the September 15, 2016 meeting.

9. **ZONE BOUNDARY CHANGE**

ZCA-2016-01, File #1006D – 754 Main Street (Assessor Map 93, Lot 51)

Commissioner Townson had reservations regarding the appropriateness of the requested Zone Change. Vice Chairman Porter and Chairman O’Hara responded by summarizing the project as follows:

- The rezoning would permit reutilization of the former church building for industrial commercial purposes, generating an increase to the economic base of the Town;
- There is considerable natural buffer to the east and south of this site that will minimize negative impact to abutters;
- The side and rear yard setbacks would be increased with the Industrial zoning providing additional separation to abutters;
- The POCD was noted as being a guide rather than a fixed set of rules, but that the rezoning was consistent nonetheless given the recommendations for increasing commercial zoning in the Route 25 corridor and the reutilization of existing buildings rather than new site development, as well as increased economic activity;
- The narrow frontage and deep lot was viewed by some as an impediment to retail development of the site, and that the existing RF-1 zoning was inappropriate for the Route 25 location;
- The site would not likely generate the extent of traffic as allowed under the site’s existing DOT certificate;
- This is not a case of “spot-zoning” given the size of the site and its proximity to similar zoned parcels on Route 25;
- The need for a Special Exception Permit for most future development activities provides another layer of permit oversight;
- The proposed site use is consistent with what is found on Route 25;

The majority consensus of the Commission was to direct staff to prepare a draft approval for consideration at the September 15, 2016 meeting.

10. SPECIAL EXCEPTION PERMITS

SEP-2016-06, File #1576A – 232, 234 & 236 Main Street (Assessor Map 18, Lot 42)

OWNER: Two Thirty Four Main Street LLC
APPLICANT: Two Thirty Four Main Street LLC
MOTION: Porter – To approve Special Exception Permit Application SEP-2016-06 as set forth in the Draft Approval Resolution dated September 1, 2016.
SECOND: Townson
VOTE: 5-0-0 – Approved
Ayes O’Hara, Porter, Townson, Ambrosey, Lindstrom
Nays None
Absent None

11. PERMIT AMENDMENTS / MODIFICATIONS

None

12. EXTENSIONS

None

13. BOND RELEASES / REDUCTIONS

None

14. MEETING MINUTES

August 4, 2016 Minutes

MOTION: Porter – To approve the meeting minutes for August 4, 2016 as amended.
SECOND: Hayden
VOTE: 5-0-0 – Approved
Ayes O’Hara, Porter, Hayden, Townson, Lindstrom
Nays None
Abstain None

August 18, 2016 Minutes

MOTION: Porter – To approve the meeting minutes for August 18, 2016 as amended.
SECOND: Townson
VOTE: 5-0-0 – Approved
Ayes O’Hara, Porter, Townson, Ambrosey, Lindstrom
Nays None
Abstain None

15. APPLICATION DELIBERATIONS/DETERMINATIONS

None

OTHER BUSINESS

16. REGULATIONS REVIEW / AMENDMENT WORKSESSION

Façade / Wall Signs

Chairman O’Hara summarized that the Commission decided on a 4” minimum letter size to present at public hearing. Town Planner Agresta provided the Commissioner’s with a spreadsheet detaining several maximum size sign ratio options.

The Commission noted that directional signs could be considered in addition to tenant identification wall sign but directional signage would not be permitted to include advertising messages. The majority of the Commission favored tenant wall sign to be coordinated among multiple tenants and that the wall signs should be uniform in size such as a maximum of 18 square feet, with exceptions for larger anchor type uses which could have a larger wall sign. The Commission discussed the merits of regulating based on square footage of a sign vs. linear proportionality measured across the store front. Chairman O'Hara suggested that a maximum signage credit be calculated based on 1 sf / 1 lf of store front and the elimination of the current 60 sf cumulative standard. Commissioner Lisi suggested that a maximum height of 1 foot should be required; others felt maybe 1 ½ feet height would be ok, some did not feel the need at all. The Commission discussed the methods to calculate minimum and maximum sign areas, restricting height and so forth but did not reach a consensus, tabling discussion for another time.

17. CORRESPONDENCE / OTHER RECEIVED

None

18. COMMISSION REPORTS

Chairman's Report

None

Commissioner's Report

Vice Chairman Porter reminded members to sign up for the tree canopy program on September 13, 2016 which requires pre-registration.

Land Use Staff Report

Planner Agresta noted that Wal-Mart received a Notice of Intent to issue the Discharge Permit from the State, as well as additional comments regarding the need for additional information relative to traffic.

19. MEETING ADJOURNMENT

Polling the Commission and hearing no objections, Chairman O'Hara adjourned the meeting at 9:25 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

SPECIAL EXCEPTION PERMIT
SITE DEVELOPMENT PLAN APPROVAL
(SEP-2016-06 – File #1576A)

SIPPIN

232, 234 & 236 Main Street – Assessor Map 18, Lot 42
Business District 2 / Residential and Farming District 2

APPLICANT / OWNER

Two Thirty Four Main St LLC, Bernard Sippin Manager

Date of Approval	September 1, 2016
Date Final Plans to be Signed by	February 28, 2017
5-Year Expiration	September 1, 2021

WHEREAS, the Monroe Planning and Zoning Commission (Commission) has considered an application for Special Exception Permit (SEP-2016-06) / Site Development Plan Approval from Two Thirty Four Main St LLC, Bernard Sippin Manager (owner/applicant) to permit changes for additional site use and site improvements as listed below, for a single 5.2204 acre lot with multiple addresses (232, 234 and 236 Main Street), as shown and detailed in the associated application materials, including:

Application:

- Application SEP-2016-06 – Special Exception Permit;
- Project Narrative;
- Responses to ART Comments, 07/13/16 and 08/10/16;
- Structural Review Letter, DiBlasi Associates, 07/15/15;
- Solar Panel Photos;
- (Draft) Conservation Easement;
- (Existing) Lease Agreement with State of Connecticut Department of Transportation;
- Bond Estimate;

Plans:

- Cover Sheet (1/10), Spath-Bjorklund Associates, 05/13/16, revised 08/10/16;
- L-1 – Layout Plan (2/10), Spath-Bjorklund Associates, 11/05/15, revised 08/10/16;
- Property Survey (3/10), Lewis Associates, 12/14/15, revised 08/09/16;
- Lot Line Revision Plan (4/10), Lewis Associates, 07/01/16, revised 08/09/16;
- S-1 – Site Plan, (5/10), Spath-Bjorklund Associates, 11/05/15, revised 08/10/16;
- S-2 – Site Plan (6/10), Spath-Bjorklund Associates, 11/05/15, revised 08/10/16;
- D-1 – Details (7/10), Spath-Bjorklund Associates, 11/05/15, revised 08/10/16;

SPECIAL EXCEPTION PERMIT APPROVAL – SEP-2016-06– File #1576A
232, 234 & 236 Main Street (Route 25) – Sippin

- D-2 – Details (8/10), Spath-Bjorklund Associates, 11/05/15, revised 08/10/16;
- E101 – Electrical Site Plan (9/10), S&R Engineers, 06/30/15, revised 07/02/15;
- E102 – Electrical Oneline Diagram, S&R Engineers, 06/30/15, revised 07/02/15; and

WHEREAS, the proposed action includes the following:

• **Proposed Solar Panels:**

- The project proposes the installation of 260 PV (photovoltaic) black solar panels to be mounted on the pitched south-facing roof of the existing metal warehouse building (232 Main) located along the southerly property line towards the mid-area of the property;
- The proposed panels will cover approximately half of the existing roof surface (nearly the entire south section except area for service access) and will be connected to the public utility electrical grid by connection to the existing site electrical service panel (via a proposed underground line connection) located in the separate front site building;
- The proposed PV Solar Array will produce up to 58 kW AC of electricity or approximately 45% of the main building total electricity usage and will be mounted on metal rails flush to the roof surface, which have been designed not to permit accumulation of snow with minimal added height and no extensions past the existing building roof structure;
- An electrical conduit to be painted white to match the existing metal building is proposed running across the top of the rear exterior wall and then downward to connect the panels to an electrical panel near the south west corner of the rear wall and then down into the ground;
- A structural analysis has been provided indicating that the existing roof has “ample load-carrying capacity” and which recommended the installation of additional lateral-restraint bracing, which work has already been completed;

• **Proposed Change of Use:**

- A former April 17, 1997 SEP Approval limited the use of the rear building (236 Main) to a cold warehouse with no permitted connection to septic. However, since that time, absent zoning permits, a septic was installed and connected, and the building leased to non-warehouse tenants. The current action seeks to legitimize the septic improvement and change in use to permit four tenant spaces for contractor/trades/landscaper business offices and associated interior storage (warehouse) space (similar use changes are proposed for the 232 Main building);

• **Connection to Public Water Supply:**

- A connection to the existing public water supply in the bed of Main Street is proposed, along with abandonment of the existing on-site well;
- The proposed connection is an immediate health and safety condition in accordance with the Monroe Health Department;

• **Lot Line Revision:**

- A lot line revision conveying an approximately 0.2537 acre portion of the abutting 200 Main Street property for merger with the subject property is proposed resulting in a new lot area of approximately 5.471 acres (equally reducing the lot area of 200 Main Street);
- The conveyance will place the existing septic system serving 232 and 234 Main Street buildings on the same lot as is required by Health and Zoning Codes; and

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

- The subject property is located on the easterly side of Main Street (Route 25) primarily within a Business District 2 (B-2); a small portion of the site to the rear is located within a Residential and Farming District 2 (RF-2). The portion to be conveyed and merged is zoned Industrial District 1;
- The last SEP Approval (6-97-S, File #1306A) for the property was approved on April 17, 1997 and was for the addition of the rear most existing building (236 Main). Existing are a total of three separate 1-story buildings for a total of 33,268 sf, as well as two large above ground fuel storage tanks and related fueling station canopy;
- The site is not within a public water supply watershed or within 500 feet of a town boundary;
- A small portion of the front of the site is within a 100-year floodplain. The Connecticut Department of Transportation is in the planning stage of a project (scheduled for construction to start 2016/17) that will replace two bridges in this area of Main Street, which will result in geometric changes in and along the Main Street right-of-way. As a result, it is anticipated that the regulatory FEMA area will also be changed (LOMAR – Letter of Map Revision process) to reflect the changes once completed;
- The site includes regulated wetlands/100-foot upland review area in the rear of the property, to which disturbances are proposed and for which a Wetland Permit and Wetland Violation Remediation Plan have been approved by the Inland Wetlands Commission on June 8, 2016 (IWC-2015-17, File #965);
- The proposed rooftop solar panels received a favorable review and recommendation from the Monroe Architectural Review Board; and

WHEREAS, the Commission has considered the proposed application at a duly noticed public hearing, which hearing was opened and adjourned on July 21, 2016, and reconvened and closed on August 18, 2016. Notice of the public hearing was filed with the Town Clerk on July 1, 2016 and was published in the Monroe Courier on July 7 and 14, 2016; and

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

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

- A. The proposed action includes the addition of permitted business uses of the underlying B-2 District subject to this Special Exception Permit to occupy (subject to the prior obtaining of Zoning and Building Permits) existing previously approved building spaces. Hours of operation will remain generally unchanged. Existing Main Street (Route 25) street access will remain unchanged. No new roadway improvements or driveway cuts are needed or proposed. No new buildings or interior building alterations are proposed. An unauthorized gravel access connection between the subject property and the abutting lot at 200 Main Street will be restored to landscaping;

SPECIAL EXCEPTION PERMIT APPROVAL – SEP-2016-06– File #1576A
232, 234 & 236 Main Street (Route 25) – Sippin

- B. A separate Wetland Permit has been obtained from the Monroe Inland Wetlands Commission for proposed regulated remediation activities affecting wetland resources of the site and their immediate uplands, including the substantial planting of evergreen trees, fill removal and area restoration within the rear portions of the site zoned Residential. Access to the rear portion of the site by vehicles will also be restricted, including installation of an earthen berm. The added roof mounted solar panels will be flush with the roof's existing pitch and was favorably reviewed by the Architectural Review Board. The proposed action will utilize existing buildings and is consistent with the Plan of Conservation and Development.
- C. The location, nature and height of the proposed solar panels and existing buildings are consistent with applicable B-2 District Zoning design and bulk standards, and the former approval plans for the site. A Lot Line Adjustment with the abutting lot at 200 Main Street will be completed to allow for the placement of a site septic system for the 232 and 234 Main Street buildings to occur on the same lot as is required by Health Department requirements. As such, the proposed improvements are not anticipated to hinder or discourage the appropriate development and use of adjacent lands and buildings;
- D. No new exterior lights are proposed. The proposed new uses do not include components which are known or anticipated to generate impacts by reason of fumes, smoke, dust, vibration, glare, intensity or flashing of lights;
- E. Adequate subsurface sanitary septic system is proposed as well as connection to the existing public water supply main located in the bed of Main Street. An area for septic reserve has been demonstrated on the proposed Site Plans;
- F. Existing off-street parking is partially nonconforming in regard to its access and location, and some spaces are located within the abutting State of Connecticut Route 25 right-of-way pursuant to a lease agreement. Added off-street parking is proposed mainly through delineation (line striping) within existing paved areas of site. For purposes of the current action, sufficient off-street parking and loading facilities have been demonstrated on the proposed Site Plans;
- G. The design of the proposed action has incorporated several of the comments and recommendations of Town staff and applicable reviewing agencies. The Town Engineer ART review memorandum to the Commission last dated 08/12/16 noted several aspects of outside storage which has no permit or authorization, which aspects are to be cleaned up and outdoor storage delegated to a defined area as set forth on the Site Plans;
- 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 development 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, that the Commission at its regular meeting held on **September 1, 2016**, upon motion by **WILLIAM PORTER** and seconded by **DAVID TOWNSON**, following deliberations conducted on **August 18 and September 1, 2016**, voted **FIVE (5)** in favor and **NONE (0)** in opposition to **approve** the above referenced Special Exception Permit (and associated Site Development Plans), subject to the modifications and requirements as set forth below, as follows:

Vote:	<u>PATRICK O'HARA</u>	<u>AYE</u>	<i>For the Commission:</i>  _____ <i>Patrick O'Hara, Chair</i>
	<u>WILLIAM PORTER</u>	<u>AYE</u>	
	<u>DAVID TOWNSON</u>	<u>AYE</u>	
	<u>LEON AMBROSEY</u>	<u>AYE</u>	
	<u>CATHLEEN LINDSTROM (seated)</u>	<u>AYE</u>	

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

BE IT FURTHER RESOLVED, that the Commission hereby authorizes the publishing of a Notice of Decision consistent with the requirements set forth in Connecticut General 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 February 28, 2017)

Prior to the authorized endorsement on the final 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 Site Plans

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

- Cover Sheet (1/10)
- L-1 – Layout Plan (2/10)
- Property Survey (3/10)
- Lot Line Revision Plan (4/10)
- S-1 – Site Plan, (5/10)
- S-2 – Site Plan (6/10)
- D-1 – Details (7/10)

**SPECIAL EXCEPTION PERMIT APPROVAL – SEP-2016-06– File #1576A
232, 234 & 236 Main Street (Route 25) – Sippin**

- D-2 – Details (8/10)
 - E101 – Electrical Site Plan (9/10)
 - E102 – Electrical Oneline Diagram (10/10)
- a. The final Site Plans shall each be signed and sealed providing live certification thereof by the professional(s) responsible for the preparation of each sheet.
- b. Each plan set sheet shall include a common revision date of September 2, 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 all 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 included prominently on the Cover Sheet, Layout Plan (Sheet L-1) and Site Plan (Sheet SP-1):
- ***Reference is hereby made to the corresponding Inland Wetlands Permit Approval as issued by the Monroe Inland Wetlands Commission (IWC-2016-09, File #994), approved on June 8, 2016) and these corresponding Wetland Permit Plans on file with the Monroe Inland Wetlands Department.***
 - ***Reference is hereby made to the corresponding Special Exception Permit (and associated Site Development Plans) as issued by the Monroe Planning and Zoning Commission (SEP-2016-06, File #1567A) as approved on September 1, 2016 and these corresponding Site Plans on file with the Monroe Planning and Zoning Department. Reference is also made to Special Exception Permit 6-97-S, File #1306A.***
 - ***The off-street parking spaces shown hereon shall be maintained and used for temporary daily vehicle parking only; said spaces shall not be utilized for outdoor storage of materials, equipment or vehicles.***

- *Outdoor storage shall be restricted to the accessory sheds and outside area immediately behind the fuel oil storage tanks containment structure as shown and delineated hereon. New or relocated sheds or expansion of the delineated outdoor storage area shall require the prior review and approval of the Planning and Zoning Commission consistent with the standards of the Zoning Regulations for accessory outdoor storage.*
- e. The double asterisk footnote under the Parking Table shall be expanded to also state: ***These uses shall not permit or include exterior yard storage of materials, machinery, vehicles or equipment.***
- f. Reference to and delineation of the Conservation Easement not deemed required may be removed if not to be implemented, subject to concurrence by the Inland Wetlands Commission approval for the affected area.
- g. Add details of the water main connection.
- h. The proposed trees closest to the proposed earthen berm shall be shifted to provide a more substantial buffer closing said rear area of the site to vehicles and additional site disturbance.
- i. In regard to Sedimentation and Erosion Control:
 - Siltation and erosion control shall be indicated for the rear property remediation area.
 - An anti-tracking pad for the egress from the rear property remediation area shall be indicated.

2. Associated Legal Instruments

A final **Lot Line Adjustment** map and corresponding deed(s) shall be provided for the review and approval by the Planning and Zoning Department. Upon acceptance of the above, originals signed and sealed, along with the corresponding legal instrument(s) shall be recorded on the Monroe Land Records by the applicant at its sole expense and cost, and the applicant shall provide copies of such recordings to the Planning and Zoning Department.

3. Filing of Final Site Plans

Upon satisfactory revision of the final Site Plans as required above under **Section A1** and completion of the recordings 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 Site Plans.

B. PRIOR TO AUTHORIZED ISSUANCE OF ZONING AND BUILDING PERMITS

Prior to the authorized commencement of any approved site work or construction, the authorized issuance of a Zoning and Building Permit, and the holding of a preconstruction meeting, 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 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 amount of **eighteen thousand (\$18,000.00)** dollars shall be provided to the Town of Monroe.
- b. The bond shall be in the form of cash (bank check), Letter of Credit, or surety bond, and all other applicable standards and requirements of the Zoning Regulations and CGS §8-3. The applicant shall complete a properly executed Bond Agreement.
- c. The required Bond Agreement shall remain in full force and effect until such time as the Commission authorizes its release and/or cancellation.
- d. Any changes in ownership of the subject property and premises relating to bonded conditions shall comply with the requirements set forth in §111-202(C)(4) of the Subdivision Regulations, as may be amended from time to time.

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 Resolution (***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 (and associated Site Development Plans) shall be effective (for the purpose of obtaining Zoning and Building Permits) upon endorsement of the Site Plans as final and the recording of this approval document in the Monroe Land Records as set forth herein.

- c. The acceptance of this Approval by the applicant/owner shall be evidenced by the completion of the required recordings set forth herein, indicating the applicant's/owner's agreement that said Approval is contingent upon strict compliance with Town Regulations and all modifications and requirements set forth herein and on the signed final Site Plans.
4. No **Zoning Permit or Building Permit** relating to this Approval shall be authorized or issued until the recordings as set forth in **Section B3** above have been completed and copies thereof as recorded have been provided to the Planning and Zoning Department, and until the final 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 Site Plans.
 - Wetland Permit Agent approval (sign-off).
 - A duly issued approval to connect to the existing public water supply main.
 - A duly issued approval pertaining to the subsurface septic disposal system, including written verification of the Monroe Health Department's acceptance of the septic system crossing for the building at the northeast corner of the site.
 - Written confirmation from DiBlasi Associates verifying the acceptable installation of the lateral truss supports added in regard to support for the solar panels on the rooftop in accordance with their recommended engineering detail.
 - Verification of completion of **Sections B1 through B4** 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

1. There shall be no clearing, grading, removal of vegetation or other site or building construction inconsistent with that shown on the signed final Site Plans, except reasonable field changes as approved by the land use and building inspection staff in consultation with the Town Planner and Town Engineer. Field changes may only be permitted where they do not substantively alter the intent or design of the signed final Site Plans or increase the size of the footprint of any structure or use of land. All other changes 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 AND CERTIFICATE OF OCCUPANCY/USE

The following shall be completed prior to the authorized issuance of a ZEO Certificate of Zoning Compliance and a Building Department Certificate of Occupancy/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 Site Plans as endorsed by the Commission Chair:
 - Verification of the satisfactory completion in compliance with associated permit approvals of the following shall be provided:
 - Installation and functioning operation of onsite septic disposal system as certified by the applicant's professional engineer, with acceptance by the Monroe Health Department.
 - Installation and functioning operation of the water supply service connection as certified by the applicant's professional engineer, with acceptance by The Aquarion Water Company of Connecticut, the Fire Marshal and the Monroe Health Department.
 - Written verification acceptable to the Monroe Health Department that the existing water supply well has been satisfactorily abandoned.
 - Completion of all authorized Wetland Permit related work.

- All improvements consistent with the signed final Site Plans shall be completed, as well as all related requirements as set forth and agreed to during the pre-construction meeting and subsequent construction meetings or inspections.
- All disturbed areas shall be stabilized; the site shall be clean of construction related equipment, materials and debris; and all erosion controls shall be removed.
- All parking spaces shall be free of outdoor storage; and shall be paint marked, including stripping in control island areas as shown on the approval signed Site Plans.
- 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 full release of bond, all requirements as set forth and agreed to as part of the preconstruction conference, and any subsequent construction meeting or inspection shall be completed; and all related construction shall be completed, disturbed areas stabilized, and siltation and erosion control measures removed.

F. CONTINUING CONDITIONS OF OPERATION FOLLOWING AUTHORIZED OCCUPANCY/USE

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

1. The premises shall be maintained in good working order and shall be regularly maintained to function as designed in a neat and orderly manner, free of debris, sediment and litter.
2. All related permits and approvals shall be maintained as current throughout duration of use.
3. Any changes in occupants, tenants or otherwise of approved B-2 uses as set forth and detailed in the Parking Schedule on the final signed Site Plans shall require a Zoning Permit from the Zoning Enforcement Officer.
4. Any changes in use shall require the prior review and approval by the Commission pursuant to the procedures and standards set forth in the Zoning Regulations.

5. 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.
6. 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, light posts or site grounds or vegetation without prior authorized approval and permit.
7. 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.
8. All parking and loading shall occur completely onsite, and shall be restricted to designated areas and to patrons and employees of the facility during the normal course of patronage or service lasting less than any continuous 24 hour period. There shall be no onsite overnight parking or storage of vehicles, except in-transit trucks in the designated loading area. No parking or loading area, or other exterior area, shall be utilized for outdoor storage, sale or display of merchandise, equipment, refuse, recycling, donations or other purposes. There shall be no construction equipment or vehicle parking or storage on the premises, nor any storage of building or construction materials.
9. All parking paint markings, including stripped control islands, shall be maintained and periodically repainted to ensure adequate visibility and delineation at all times.

G. ACCEPTANCE / CHANGES / COMPLIANCE / EXPIRATION

1. **Applicant/Owner Acceptance.**
 - a. All representations by the applicant 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 the 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 Site Plans.
2. **Changes.** Any additions or changes to the approved land uses activities, the 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 also includes Site Development Plan Approval implementing the site improvements associated with the approved site lands uses, which Approval shall expire and be null and void without further written notice **five (5) years** from the date of this Approval (**expiration date of September 1, 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.