

# Town of Woodbury Zoning Commission

281 Main Street South  
Woodbury, CT 06798  
203.263.3467 ▪ [www.woodburyct.org](http://www.woodburyct.org)

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## REGULAR MEETING MINUTES

Tuesday, October 22, 2024 – 7:00 PM

Senior Community Center, 265 Main Street South, Woodbury, CT 06798

### MEMBERS PRESENT:

Bob Wilson, Chairman  
Robert Clarke  
Thomas Amatruda  
Ted Tietz  
Donald Trella

### ALTERNATES PRESENT:

Casey Rushin  
Jake Amorando  
Jack Well

### MEMBERS ABSENT:

None

### ALTERNATES ABSENT:

None

**ALSO PRESENT:** Town Planner Will Agresta, Substitute Clerk Jennifer Murphy, Applicants and Agents

### OPENING OF MEETING:

- Call to Order: Chairman Wilson convened the meeting at 7:04 pm
- Seating of Members / Alternates: Seated were Commissioners Clarke, Amatruda, Tietz, Wilson and Trella.
- Conflict of Interest Reminder (CGS §8-11 & Woodbury Town Charter Section 901)

### PENDING APPLICATIONS / DELIBERATIONS:

- **24-ZC-0015 – 297 & 299 Main Street South / Map 104, Lot 85-2 and Lot 85 / MSD and OS-60 Districts**  
Focus Spaces of Woodbury, LLC (owner/applicant), Gail McTaggart, Esq. and Civil 1 Engineering (agents)  
Special Permit/Site Plan: Special Permit per Zoning §7.4.12 to permit “alternate” off-street parking and loading involving location on an abutting lot via easement; and Special Permit per Zoning §7.4.11 to permit fewer loading spaces than otherwise required.

### **MOTION:**

To approve Special Permit / Site Plan 24-ZC-0015 – 297 & 299 Main Street South / Map 104, Lots 85-2 and 85 per draft Resolution, as amended.

Made by **WILSON**, seconded by **AMATRUDA**

Vote: 5-0-0 **Approved**, Motion **Passed**

Aye Wilson, Trella, Clarke, Tietz, Amatruda

Nay None

Abstain None

**ADMINISTRATIVE:**

- Meeting Minutes of October 8, 2024:

Chairman Wilson presented the meeting minutes of October 8, 2024. Corrections as follows:

- Under Enforcement: 24-ENF-ZC04-75 Hoop Pole Hill Road: Should read: Planner Agresta stated that the owners are working towards moving their business to 73 Main Street **South**.

**MOTION:**

To approve the meeting minutes of the October 8, 2024, Zoning Commission Regular Meeting, as amended.

Made by **WILSON**, seconded by **AMATRUDA**

Vote: 5-0-0 **Approved**, Motion Passed

Aye Wilson, Trella, Clarke, Tietz, Amatruda

Nay None

Abstain None

**PRIVILEGE OF THE FLOOR:**

- None

**ENFORCEMENT:**

- BOOCA Paving: The deadline to address the cited violation was October 22, 2024 (today). Planner Agresta noted they came into the office this afternoon and were told a formal order would be issued and they would need to appear at the next Zoning Commission meeting, and they would need to submit an application quickly. They will be scheduled on the next Agenda under Enforcement. Additionally, a second complaint letter was received today.

**CORRESPONDENCE:**

*Chairman Wilson unseated Commissioner Tietz (recused) and seated Alternate Amorando at 7:32pm.*

- O&G: Stiles Road 3<sup>rd</sup> Quarter Report:  
Mr. Warren from O&G was present. It was noted that within the report, there was an error made on page 2, line 2, where it read as being 2<sup>nd</sup> quarter instead of 3<sup>rd</sup> quarter. Millings were brought in but no earth materials. No specific truck count or tonnage count was noted, but millings were all within the area designated for such. It was noted for Commissioner Clarke that the annual Zoning Commission site walk had previously occurred.
- O&G: Park Road 3<sup>rd</sup> Quarter Report:  
Mr. Warren from O&G was present. No questions or comments from the Commission.
- Tietz Jr. Trucking Co. Parcels A & B 3<sup>rd</sup> Quarter Report:  
No questions or comments from the Commission.
- Tietz Jr. Truck Co. Pond Parcel C 3<sup>rd</sup> Quarter Report:  
Commissioner Clarke asked in 60 years has Mr. Tietz ever had any complaints. Mr. Tietz noted only one many years ago.

*Chairman Wilson unseated Alternate Amorando and reseated Commissioner Tietz at 7:41pm.*

**DRAFT ZONING REGULATIONS WORK SESSION:**

- NEW (continued) Section 12 – Off-Street Parking and Loading Standards
- 12.3.2 - Determination of parking requirements as determined by the Zoning Commission.
  - A. – No changes
  - B. – No changes
  - C. – Remove everything after the word “develop.”
  - D. – No changes
  - E. – No changes
- 12.3.3 - No changes
- 12.3.4 - Loading Spaces
  - A. – No changes
  - B. – No changes
  - C. – Add “sidewalks”
  - D. – No changes
- 12.3.5 - Multiple Uses: no changes
- 12.3.6 - Design Standards:
  - A. – Revise to be clearer and add diagrams and clarify overhang footnote
  - B. – Two types of ADA compliant parking: (3<sup>rd</sup> line “adjacent-like” s/b hyphenated)
  - C. – Correct “Planning board” to Zoning Commission; add a 3<sup>rd</sup> row for larger trucks.
  - D. – Location of Parking:
    - 1. – No changes
    - 2. – No changes
    - 3. – No changes
    - 4. – Clean up text
    - 5. – No changes
    - 6. – No changes
    - 7. – No changes
    - 8. – No changes

**ADJOURNMENT:**

**MOTION:**

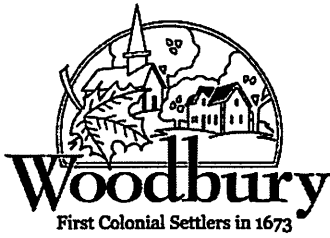
To adjourn meeting at 8:52 pm, made by Chairman Wilson.

Respectfully submitted,

*Jennifer Murphy*

Substitute Clerk for the Zoning Commission

RECEIVED & FILED  
IN WOODBURY, CT  
This 25<sup>th</sup> day of Oct 2024  
at 3:24 o'clock PM  
Maria M. Mancini  
Town Clerk



# Town of Woodbury Zoning Commission

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## SPECIAL PERMIT / SITE PLAN APPROVAL

**24-ZC-0015**

### **Office Suites per Zoning §5.1**

297 Main Street South – Assessor Map 104, Lot 85-2

299 Main Street South – Assessor Map 104, Lot 85

**FOCUS SPACES OF WOODBURY, LLC (applicant/owner)**

Date of Approval	October 22, 2024
Permit Expiration	*December 26, 2024 **October 22, 2029

*\* If final plans are not endorsed and approval is not recorded as required herein.*

*\*\* If approved improvements are not completed as conditioned per this approval.*

Applicant/Owner	Focus Spaces of Woodbury, LLC
Application	24-ZC-0015
Project	Special Permit/Site Plan: per Zoning §5.1 to permit a change of use to allow twenty (20) office suites dependent on separate Zoning Petitions 24-ZC-0013 and 24-ZC-0014; Special Permit per Zoning §7.4.11.2 to permit “alternate” off-street parking and loading involving location on an abutting lot via easement; and Special Permit per Zoning §7.4.11.1 to permit fewer loading spaces than required.
Address	297 Main Street South, Assessor Map 104, Lot 85-2 – Lot Area: 45,850 sf (1.053 acres) 299 Main Street South, Assessor Map 104, Lot 85 – Lot Area 75,608 sf (1.736 acres)
Lot Frontage	Both lots are landlocked (existing non-conforming) with access via an easement ROW
Zone	MSD District (subject to effectuation of 24-ZC-0013)

**WHEREAS** the Town of Woodbury Zoning Commission (“Commission”) has received application 24-ZC-0015 as submitted by the applicant/owner listed above pursuant to Zoning §5.1, §7.3 and §8.2.8 of the Zoning Regulations of the Town of Woodbury (“Zoning Regulations”), to implement the “project” as described herein; and

**WHEREAS** implementation of the project is dependent upon the duly recording/filing of a separately approved Zone Boundary Change Map (24-ZC-0013) and a Zoning Regulations Text Amendment (24-ZC-0014), both approved separately by the Commission on October 8, 2024; and

**WHEREAS** the existing subject lots are pre-existing nonconforming as each lacks public street frontage, while the existing buildings on each lot are dimensionally pre-existing nonconforming as they do not comply with certain minimum yard setback standards; and

**WHEREAS** the property does not include any regulated inland wetlands, watercourses, or 100-foot upland review areas, thus there is no corresponding report or approval required from the Woodbury Inland Wetlands and Watercourses Agency; and

**WHEREAS** the subject lots are not located within a 100-year floodplain, Aquifer Protection District or within 500 feet of a municipal boundary; and

**WHEREAS** a small portion of 299 Main Street South is located within Historic District #1 (a small portion located closest to Main Street South, consisting of portions of paved parking, access driveway and building) for which no changes in use are proposed, thus there is no corresponding report or approval required from the Woodbury Historic District Commission; and

**WHEREAS** application materials received include the following:

- Application for Special Permit / Site Plan
- Narrative, McTaggart, 08/20/24
- Project Summary, Focus Spaces of Woodbury, LLC, HVHD Plan Approval 03/11/24
- Engineering Report, Civil 1, 11/02/21, revised 07/18/24
- Subsurface Sewage Disposal System Plan Approval – 297 Main Street South, HVHD, 09/23/24
- Subsurface Sewage Disposal System Plan Approval – 299 Main Street South, HVHD, 09/23/24
- Traffic Assessment, Civil 1, 10/02/24
- Response to Email Comments, Civil 1, 10/07/24
- Cover Sheet, Civil 1, 03/11/24, revised 10/02/24
- S 1.1 - Zoning Location Survey, All Seasons, 05/28/24, revised 08/12/24
- C 1.1 – Site Plan, Grading Plan, Erosion Control Plan, Civil 1, 03/11/24, revised 10/01/24
- C 2.1 – Septic System Design, Civil 1, 03/11/24, revised 10/01/24
- C 2.2 – Septic System & Drainage Details, Civil 1, 03/11/24, revised 10/01/24
- L 1.1 – Photometric Plan, Civil 1, 03/11/24, revised 10/01/24
- L 5.1 – Landscape Plan, Solli Engineering, 11/04/21, revised 07/18/24
- C 3.1 – Driveway Profile & Details, Civil 1, 03/11/24, revised 07/17/24
- C 3.2 – Vehicle Movement Plan and Details, Civil 1, 03/11/24, revised 10/01/24
- C 4.1 - Erosion Control Narrative & Project Notes, Civil 1, 03/11/24, revised 07/17/24
- A1 – First Floor Plan, Kuncas Associates, LLC, 04/2024, revised 06/08/24
- A2 – Second Floor Plan, Kuncas Associates, LLC, 04/2024, revised 06/08/24; and

**WHEREAS** main features of the project include:

- Abandonment of the existing septic tank and associated drywell;
- Establishment of code compliant modified and/or new subsurface septic disposal systems on each lot serving the respective buildings and uses on each lot separately;
- Improvement and expansion of off-street parking and loading facilities, including expanded parking, repaving of existing parking, pavement striping and appropriate signage;
- Installation of stormwater runoff collection and treatment facilities for the upper parking lot;
- Installation of a refuse dumpster/recycling enclosure serving both lots in common;
- Removal and replacement of the existing second floor exterior access stairs with an accessible ramp;
- Removal and replacement of the existing exterior stairs connecting the upper and lower parking areas;
- Installation of dark-sky compliant exterior lighting.
- Addition of landscaping improvements;
- Installation of directional and parking related signage (no exterior commercial freestanding or building signs are proposed); and

**WHEREAS** on September 4, 2024, the Planning Commission, following referral thereto by the Commission in accordance with Zoning §5.1.9A, responded favorably (24-PC-0007) indicating the project was consistent with the Woodbury Plan of Conservation and Development (POCD), particularly in that *“The project will provide increased opportunities for small business offices as recommended in the POCD;”* and

**WHEREAS** a duly noticed public hearing as published in Voices on September 11 and 18, 2024, was opened and adjourned on September 24, 2024, reconvened and closed on October 8, 2024, at which times interested persons were afforded an opportunity to be heard; and

**WHEREAS** the Commission has carefully considered all the information submitted and received, including all verbal, and written public commentary; and

**WHEREAS** this approval does not eliminate or obviate the necessity for the applicant to obtain other required local (Zoning, Sign, Health District, Fire/Building, Public Works, Board of Selectmen), state or federal permits/approvals;

**NOW THEREFORE BE IT RESOLVED** upon careful consideration of the information received, the Commission, in accordance with Zoning §8.3D and E hereby finds the following:

- The project will adaptively reutilize an existing building. No new buildings or additions are proposed. The project seeks to establish twenty (20) individual tenant office suites with shared interior access and common facilities (lobby, restrooms, break room, utilities):
  - Fifteen (15) one room, two (2) two room and three (3) three room office suites.
  - Two (2) common lobby/waiting rooms and one (1) common break room.
  - Four (4) common restrooms (each ADA compliant).
- Accessible pedestrian access and improved off-street parking facilities are proposed, as well as new lighting, landscaping and drainage controls.
- Off-street parking will be expanded to provide the following:
  - Ten (10) reconfigured parking spaces adjacent to the existing (Frontier) phone building, including one (1) accessible space.
  - Thirty-four (34) parking spaces, including two (2) accessible spaces in lower and upper parking lots serving the new office suites.
  - A loading space in front of the office suites building will provide short term delivery use only.
  - A plan for an alternative loading space in the upper parking lot has been demonstrated (*such is not to be constructed unless deemed necessary by the Land Use Office or Zoning Commission*).
- The existing street network has sufficient capacity to handle the low traffic volume anticipated with the existing and new site uses.
- The project does not present any anticipated adverse impacts related to its use or access for police, fire and other emergency services.
- No changes to the appearance or configuration of the existing buildings are involved. The existing building proposed for office suites had been previously used for office use but is presently vacant.
- Separate code compliant subsurface septic disposal systems will be established on each lot serving their respective building and use. Water supply, electric service and communication utilities are existing.
- The existing (Frontier) phone company building use will remain unchanged. The office suites building will be used by tenants generating typically a low volume of employee and patron presence and turnover.
- The existing site access via a shared access easement right-of-way will remain with reconfiguration of the driveway travel lane widths to provide safe flow to and through the site and off-street parking areas.
- Pedestrian access improvements will be provided, improving the connection of the upper and lower parking levels, as well as to provide separate exterior accessible pedestrian access to both the first and second floors of the office suites building.

- Much of the existing woods to the rear of the subject lots will remain undisturbed. Similarly, the existing vegetation along the southern property boundary will be retained as a buffer adjacent to the access drive connecting the upper and lower parking areas. New landscaping will be provided at the buildings and within the parking areas, as well as to screen the dumpster enclosure.
- Exterior lighting will include dark-sky compliant fixed, full cutoff fixtures with a Kelvin temperature not to exceed 3,000 K; and

**BE IT FURTHER RESOLVED** the Zoning Commission hereby **APPROVES** application **24-ZC-0015**, subject to the conditions and modifications set forth below; and

**BE IT FURTHER RESOLVED** this approval shall supersede (replace) all prior zoning approvals associated with 297 Main Street South and shall be in addition to, supplementing prior standing zoning approvals associated with 299 Main Street South. This approval shall be controlling regarding any conflict or disparity that might arise between this and any existing standing zoning approval; and

**BE IT FURTHER RESOLVED** the Commission hereby authorizes the publishing and filing of a Notice of Decision as required; and

**BE IT FURTHER RESOLVED** this approval is specific to that detailed herein, **subject to the following modifications and conditions:**

**A. Prior to Endorsement of Final Site Plans**

1. **Revision of Site Plans as “Final”** – The applicant shall submit a single (1) complete set of revised **Final Plans**, revised as follows to the satisfaction of the Town Planner:
  - a. Each Sheet (*inclusive of all application plans and details as listed above*) shall include a common revision date (post the date of this approval) and an original seal and signature of the professional responsible for preparing each individual plan or sheet.
  - b. The Building Floor Plans shall be integrated into the Site Plan as a single set.
  - c. Add the following notes conspicuously to the Cover Sheet and Sheet C 1.1:
    - **24-ZC-0015 – Approval Date: October 22, 2024 – Expiration Date: December 26, 2024 (if final plans are not endorsed and the Special Permit / Site Plan Approval is not recorded upon the Woodbury Land Records); Expiration Date Post Approval Recording: October 22, 2029 (if the project is not completed per the approval conditions).**
    - **These plans represent the approval of the following Special Permits:**
      - **Per Zoning §5.1 to permit a change of use to allow twenty (20) office suites.**
      - **Per Zoning §7.4.11.2 to permit “alternate” off-street parking and loading involving location on an abutting lot via easement.**
      - **Per Zoning §7.4.11.1 to permit fewer loading spaces than otherwise required.**
    - **The premises and improvements shall be maintained in good working order and shall be regularly maintained to function as designed free of debris, sediment, and litter.**
    - **Site landscaping shall be maintained in healthy growing condition. Dead, damaged, or diseased landscaping shall be replaced in kind promptly.**
    - **Substantive changes in site and/or building use, and changes to the site and/or building improvements shall require separate prior zoning review and approval.**

- **No site or building use shall be established, relocated, changed, or expanded prior to obtaining a Zoning Permit.**
  - **All tenants/businesses, including changes in tenants/businesses over time, shall require separate zoning permit review and approval.**
  - **No outside storage or display is authorized.**
  - **Permitted parking and loading shall be limited to designated locations only. No unauthorized on-site parking, no RV parking, nor any exterior storage containers or extended parked tractor trailers/box trucks shall be permitted.**
  - **Pavement paint markings shall be maintained and periodically repainted to always ensure adequate visibility and delineation.**
  - **Appropriate and timely snow removal shall occur so there is no plowed snow stored within travel lanes, parking spaces or over landscaping to its detriment. No snow shall be plowed into or upon any abutting street right-of-way.**
  - **The use of the loading space in front of the office suites building shall be limited to temporary loading activities of generally ten (10) minutes or less and shall be appropriately controlled and signed accordingly.**
  - **The plan for the alternative loading space in the upper parking lot as demonstrated of the approved Site Plan is not to be constructed unless deemed necessary by the Land Use Office or Zoning Commission.**
  - **All new and replacement utility service connections and facilities (electric, gas, communications, water, septic) shall be installed underground.**
  - **Exterior site and building lighting shall be maintained in sound working order and any changes shall require separate prior zoning review and approval.**
  - **New and replacement exterior lighting shall be fixed and full cutoff with a Kelvin Temperature not to exceed 3,000 K, and subject to separate zoning review and approval.**
  - **Any exterior sign shall be subject to separate zoning review and approval.**
- d. Add a full copy of this approval.
- e. The sidewalk for the upper parking lot shall be revised to address the following:
- (1) Note on the Site Plan the start and end of the extent of integral concrete curbing.
  - (2) Refer to the concrete curbing detail in the sidewalk detail, both on Sheet C 3.1.
  - (3) Widen the concrete sidewalk to provide a minimum width of seven (7) feet (including integral curb).
- f. The Landscape Plan shall be revised to add landscaping to cover the island to be installed in the reconfigured parking on the north side of the (Frontier) phone building.
- g. Provide a manufacturer cut sheet for the retaining wall appearance and finish, which shall be decorative in appearance consistent with the area.
- h. Provide construction details pertaining to the new access pedestrian accessible ramps leading from the upper parking lot to the second floor.
- i. Confirm with the Woodbury Building Official the adequacy of the safety handrails as shown in the detail on Sheet L 5.1 for the replacement exterior staircase connecting the lower and upper parking levels and revise the plans as may be required.



- j. Revise the elevation portion of the “Dumpster Enclosure” detail on Sheet C 3.1 to delete the noted “16 feet” and make the note indicating “6 feet” more readable (larger print).
- k. Add details of the following traffic control and parking/loading signs to the Site Plans, subject to acceptance by the Town Planner as to location, number, form, size, content and mounting:
  - (1) (Frontier) phone building parking signs.
  - (2) Temporary loading space in front of the office suites building.
  - (3) Accessible parking.
- l. Expand notes regarding the abandonment of the existing septic tank and drywell to be filled with **sand, stone or gravel (not concrete)**.
- m. Add notation identifying the proposed removal and replacement of the existing exterior staircases and their replacements accordingly.
- n. Revise the Zoning Compliance Chart on the Survey (Sheet S 1.1) to address the following:
  - (1) Add a footnote in reference to “Minimum Lot Frontage” for both #297 and #299; “Front Yard Setback” for both #297 and #299; and “Side Yard Setback” for #297 with the following footnote: **Pre-existing nonconforming condition**.
  - (2) Revise the “Required” entries for “Maximum Building Coverage” and “Maximum Total Coverage” to list the base permitted standards of **10%** and **50%**, respectively. Also delete both asterisks.
  - (3) Add an asterisk in both #297 and #299 “Provided” columns for “Maximum Building Coverage.”
  - (4) Add an asterisk in only the “Provided” column for #299 “Maximum Total Coverage.”
  - (5) Delete the current footnote and replace with the following revised footnote: **\*Increased coverage as permitted pursuant to Zoning Section 5.1.8.B.**
- o. Revise the Zoning Compliance Chart on the Site Plan (Sheet C 1.1) to address the following:
  - (1) Add a footnote in reference to “Minimum Lot Frontage” for both #297 and #299; “Front Yard Setback” for both #297 and #299; and “Side Yard Setback” for #297 with the following footnote: **Pre-existing nonconforming condition**.
  - (2) Revise the entry for the #299 “Front Yard” setback indicated on the Site Plan to match that indicated on the Survey (**3.89 feet**).
  - (3) Revise the “Required” entries for “Maximum Building Coverage” and “Maximum Total Coverage” to list the base permitted standards of **10%** and **50%**, respectively. Also delete both asterisks.
  - (4) Add an asterisk in both #297 and #299 “Provided” columns for “Maximum Building Coverage” and replace the existing footnote with the following: **\*Increased coverage as permitted pursuant to Zoning Section 5.1.8.B.**

- (5) Confirm and revise accordingly the entries listed for #297 and #299 “Maximum Total Coverage” based on the final plan improvements which will alter existing site coverages on each lot; and add an asterisk in the “Provided” column accordingly for any exceedances of “Maximum Total Coverage” above the base standard, with reference to the following footnote: ***\*Increased coverage as permitted pursuant to Zoning Section 5.1.8.B.***
2. **Parking Easement** – A DRAFT Parking Easement legal instrument and **Parking Easement Map** shall be provided in a form and content acceptable to the Town Planner in consultation with the Town Attorney as deemed necessary for review and approval. The applicant shall record same on the Town of Woodbury Land Records simultaneously with this approval as required herein.
3. **A Final Stormwater Management Report** – The applicant shall provide two (2) copies of a final Stormwater Management Report, certified by the project Connecticut licensed Professional Engineer.
4. **Financial Guarantee (Bonds)** – A **Site Stabilization and Erosion and Sedimentation Control Bond**, in an amount as approved by the Town Planner based on acceptance of an applicant’s Professional Engineer submitted “Cost Estimate” including 10% contingency and 10% inflation of the total costs, shall be submitted to the Land Use Office in a form and content as acceptable by the Town. The Bond shall remain in full force and effect until such time as the Bond is released by the Town.
5. **Final Site Plans for Endorsement** – Following completion of **Conditions 1 through 4** and acceptance of revised final Site Plans by the Town Planner, the applicant shall provide for endorsement by the Commission/Town Planner **two (2) printed sets** (additional copies should the applicant desire copies as endorsed). **EACH** plan sheet shall be signed and sealed providing live (original signature and seal) certification thereof by the professional(s) responsible for their preparation.
6. **Recording of Land Records Information Form** – Upon completion of the above conditions and prior to issuance of a Zoning Permit, the applicant shall record on the Woodbury Land Records a **Land Records Information Form** as provided by the Land Use Office and containing this approval. *The Land Records Information Form shall not be released for recording unless the corresponding separate Commission approved (October 8, 2024) Zone Boundary Change Map (24-ZC-0013) and Zoning Regulations Text Amendment (24-ZC-0014) have both been recorded/filed in the Office of the Town Clerk per those separate Commission approvals. Simultaneously with this approval, the Parking Easement and Parking Easement Map approved per Condition 2 above shall also be recorded.*
7. **Other Required Permits** – Required Health District, Zoning, Sign and/or Building/Fire Permits shall be separately obtained by the applicant prior to any site work or construction.

**B. Prior to Issuance of Zoning Permit and Conditions During Construction**

1. **Prior to issuance of a Zoning Permit**, the applicant shall provide verification, consistent with that shown on the final plans, approval from the Health District issuing a “Permit to Construct” the subsurface septic disposal systems and for any changes to existing water supply facilities.
2. No site work or construction shall commence **prior to obtaining a Zoning Permit**, clearly marking the limits of disturbance in the field, and installation, inspection, and approval by the Land Use Office of properly installed erosion and sedimentation control devices. The Land Use Office shall be provided a minimum of 48-hours of notice for inspection.

3. The applicant shall maintain and supplement the erosion and sedimentation controls as may be needed, including dust suppression as may be necessary, and the Land Use Office may require additional controls as may be deemed necessary or warranted.
4. **Prior to backfilling the drainage infiltration facilities**, the applicant shall contact the Land Use Office for inspection thereof.
5. The Land Use Office shall be duly apprised of the status and progress of site work throughout construction (a status report shall be submitted at minimum monthly).
6. The applicant shall promptly notify the Land Use Office as to any issues or potential deviations in completing the site work as designed and approved, so either appropriate minor field changes may be authorized or the need for new or modified permit approval can be identified.

**C. Post Construction Compliance and Permit Closure**

**1. As-Built Plan**

- a. Upon completion of the approved improvements, the applicant shall submit an **As-Built Plan** (live signature and seal A-2 Survey) detailing and certifying the completed improvements in a form, content and number as required by the Land Use Office to determine permit compliance and satisfactory completion consistent with this approval and the endorsed final Site Plans.
- b. A separate **As-Built Overlay Plan** showing the approved final Site Plan in black and the As-Built conditions in red shall also be provided to assist in compliance review.

**2. Final Inspection** – The applicant shall request the Land Use Office conduct a final inspection for determination of permit completion, subject to verification of the following:

- Provision of acceptable certified A-2 Survey As-Built and As-Built Overlay Plan.
- All improvements have been completed consistent with the approved final Site Plans.
- Provision of verification of Health District final sign-off acceptance of the completion of all septic and water supply improvements.
- Provision of a Professional Engineer certification (live signature and seal) that the site improvements and drainage controls have been installed in accordance with the final Site Plans and are functioning as designed.
- All disturbed areas have been stabilized, and landscaping is exhibiting healthy growth cover.
- The site has been cleaned of construction related equipment, materials, and debris.
- All erosion controls have been appropriately removed and disposed of following Land Use Office confirmation that the site is stabilized.

**3. Bond Release** – Upon written request by the applicant, following completion of all work consistent with the approved final Site Plans and verification the site is stabilized to the satisfaction of the Land Use Office, the bonds may be released by the Land Use Office or as may be referred to the Commission for release. A request for full or partial release of the bond shall include submission of a corresponding certified A-2 Survey As-Built Plan detailing and certifying the completed improvements.

4. **Continuing Conditions of Use** – The premises and improvements shall be maintained as follows:

- The premises and improvements shall be maintained in good working order and shall be regularly maintained to function as designed free of debris, sediment, and litter.
- Site landscaping shall be maintained in healthy growing condition. Dead, damaged, or diseased landscaping shall be replaced in kind promptly.
- Substantive changes in site and/or building use, and changes to the site and/or building improvements shall require separate prior zoning review and approval.
- No site or building use shall be established, relocated, changed, or expanded prior to obtaining a Zoning Permit.
- All tenants/businesses, including changes in tenants/businesses over time, shall require separate zoning permit review and approval.
- No outside storage or display is authorized.
- Permitted parking and loading shall be limited to designated locations only. No unauthorized on-site parking, no RV parking, nor any exterior storage containers or extended parked tractor trailers/box trucks shall be permitted.
- Pavement paint markings shall be maintained and periodically repainted to always ensure adequate visibility and delineation.
- Appropriate and timely snow removal shall occur so there is no plowed snow stored within travel lanes, parking spaces or over landscaping to its detriment. No snow shall be plowed into or upon any abutting street right-of-way.
- The use of the loading space in front of the office suites building shall be limited to temporary loading activities of generally ten (10) minutes or less and shall be appropriately controlled and signed accordingly.
- The plan for the alternative loading space in the upper parking lot as demonstrated of the approved Site Plan is not to be constructed unless deemed necessary by the Land Use Office or Zoning Commission.
- All new and replacement utility service connections and facilities (electric, gas, communications, water, septic) shall be installed underground.
- Exterior site and building lighting shall be maintained in sound working order, and any changes shall require separate prior zoning review and approval.
- New and replacement exterior lighting shall be fixed and full cutoff with a Kelvin Temperature not to exceed 3,000 K, and subject to separate zoning review and approval.
- Any exterior sign shall be subject to separate zoning review and approval.

5. **Applicant/Owner Acceptance** – Acceptance of this approval shall be evidenced by the passage of the appeal period and the recording of the Land Records Information Form, indicating the applicant/owner's agreement that this approval is contingent upon the strict compliance with the Town Regulations and the modifications and requirements set forth herein.

6. **Prior Conditions of Approval** – All prior standing approvals, conditions, requirements, time periods and bonds of the original related approvals for 299 Main Street South shall remain in full force and effect, supplemented and modified as controlling by this approval. This approval shall supersede and replace all prior zoning approvals associated with 297 Main Street South. This approval shall be controlling regarding any conflict or disparity between any existing standing zoning approvals.

7. **Approval Compliance/Changes** – Failure to maintain compliance with the approved final Site Plans shall constitute a violation of the terms of this approval and the Zoning Regulations, subject to revocation. Any variation from or alteration of the approved final Site Plans shall require prior review and separate approval and permit.
8. **Changes in Use** – Consistent with Zoning §1.3, §5.1 and §9.2, as may be amended from time to time, no use shall be established, relocated, changed, or expanded prior to obtaining a Zoning Permit. Substantive changes in use shall require Zoning Commission approval prior to issuance of a Zoning Permit.
9. **Expiration** – This Special Permit / Site Plan approval shall expire and be null and void without further written notice per the dates set forth above unless all improvements as approved, including site stabilization and landscaping, are completed consistent with the approved final plans. The Commission may grant one (1) or more extensions of time to complete same, not to exceed an additional total of five (5) years. Any request for extension shall be in writing to the Commission in a timely manner 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 continued adequacy of any held bond.

**MOTION**

Made by **WILSON**, Seconded by **AMATRUDA**

Vote: 5-0-0 – **APPROVED** – Motion **PASSED**

Aye	Wilson, Trella, Clarke, Tietz, Amatruda
Nay	None
Abstain	None