

Town of Woodbury Zoning Commission

281 Main Street South
Woodbury, CT 06798
203.263.3467 ▪ www.woodburyct.org

**MINUTES – DECEMBER 13, 2022
REGULAR MEETING
7:00 P.M. – SENIOR CENTER, 265 MAIN ST. SOUTH**

MEMBERS PRESENT:

Robert Clarke, Chairman
Bob Wilson
Donald Trella (*arrived 7:04 p.m.*)
Thomas Amatruda
Ted Tietz

MEMBERS ABSENT:

ALTERNATES PRESENT:

Jack Well
Elmer Kiessling

ALTERNATES ABSENT:

Casey Rushin

ALSO PRESENT: Town Planner Will Agresta, applicants and agents

1. OPENING OF MEETING

- a) CALL TO ORDER – Chairman Clarke convened the meeting at 7:01 p.m.
- b) SEATING OF MEMBERS AND ALTERNATES
Seated were Commissioners Clarke, Amatruda, Tietz, Wilson and Alternate Well
CONFLICT OF INTEREST (*CGS Section 8-11 & Woodbury Town Charter Section 901*)

2. PUBLIC HEARINGS

There were no Public Hearings at this time

3. PENDING APPLICATIONS

There were no Pending Applications at this time.

4. NEW APPLICATIONS

Alternate Well was unseated and Commissioner Trella was seated at 7:04 p.m.

- a) **22-ZC-0021 – 265 Main Street South / Map 104, Lot 73A / OS-60 District – also: 281 Main Street South, Map 104, Lot 82, MSD District & 41 Park Road, Map 103, Lot 28, OS-60 District / Special Permit / Site Plan: Outdoor Recreation per Zoning §3.4.6 and §5.1.3 for addition of nine (9) disc golf stations. Town of Woodbury (P&R) (applicant/owner).**

Raymond Robillard, agent, addressed the Commission. Mr. Robillard explained the purpose of the application. The existing nine hole disc golf course has gotten a lot of use and there is a demand to increase to an 18 hole course. The nine new holes will be roughly in the same vicinity of the existing ones. Town Planner Agresta showed the area on the map. Commissioner Trella inquired if there will be a lot of land clearing necessary. There will not. The project will attempt to work with what is currently there. Commissioner Amatruda asked if there was a Special Permit for the first nine holes. There is not. Since work on any Town facility requires a Special Permit, this application will be amended to include the initial nine holes. The current kiosk will be updated accordingly. There will be a drone video of the area at the Public Hearing presentation.

MOTION:

To schedule a Public Hearing on application *(22-ZC-0021 – 265 Main Street South / Map 104, Lot 73A / OS-60 District – also: 281 Main Street South, Map 104, Lot 82, MSD District & 41 Park Road, Map 103, Lot 28, OS-60 District / Special Permit / Site Plan: Outdoor Recreation per Zoning §3.4.6 and §5.1.3 for addition of nine (9) disc golf stations. Town of Woodbury (P&R)* for the January 10, 2023, Zoning Commission meeting and to refer the application to the Planning Commission for consideration.

Made by Chairman Clarke, Seconded by Commission Wilson

Vote: 5-0-0 – Approved – Motion Passed

Ayes: Clarke, Amtruda, Wilson, Tietz, Trella

Nays: None

Abstain: None

- b) **22-ZC-0022 – 387 Main Street South / Map 104, Lot 103 / MSD District Special Permit / Site Plan: Change of Use per Zoning §5.1.3 for conversion of first floor dentist office to two one-bedroom apartments (retain second floor two-bedroom apartment) – no exterior changes. Hung Sup Chun and Hae-Young Chun (applicant/owner).**

Barbara Chun, agent, addressed the Commission. The application is for a change of use for the first floor from a dentist office space into (two) one bedroom apartments. The upstairs has a two bedroom apartment that will not be changed. The septic system was pointed out on the drawing. It has been updated and is to code. The property is in the Historic District, but there are no changes to the exterior. Commissioner Tietz noted that the property previously was all residential and had to go to the ZBA for the change of use to the dentist office. Commissioner Amatruda inquired about needing a sprinkler system if you have more than two apartments. Alternate Kiessling stated that it depends on the situation. The Commission advised Ms. Chun to go to the Fire Marshal and the Building Inspector prior to coming back in case plans need to be changed in any way to bring them to code. Chairman Clarke asked Mr. Agresta to possibly have the Fire Marshal and Building Inspector in for a meeting early next year to instruct the Commission as to the codes.

MOTION:

To schedule a Public Hearing on application *(22-ZC-0022 – 387 Main Street South / Map 104, Lot 103 / MSD District / Special Permit / Site Plan: Change of Use per Zoning §5.1.3 for conversion of first floor dentist office to two one-bedroom apartments (retain second floor two-bedroom apartment) – no exterior*

changes.) for the January 24, 2023, Zoning Commission meeting and to refer the application to the Planning Commission for consideration.

Made by Chairman Clarke, Seconded by Commission Tietz

Vote: 5-0-0 – Approved – Motion Passed

Ayes: Clarke, Amtruda, Wilson, Tietz, Trella

Nays: None

Abstain: None

5. ENFORCEMENT

a) 22-ENF-0013 – 641 Main Street South / Map 102, Lot 28 / MQ District

Unauthorized Sign: Wall Banner Sign – Ayrca Gelinas (tenant) / 641 Main Street South, LLC (owner) NPV sent 10/18/22

Town Planner Agresta updated the Commission on the status. While Ms. Gelinas has been in contact with the office, she has not shown up to a meeting or sent a representative. Commissioner Trella also had some communication with her in town. He felt that she is trying to stay in contact and did not feel any action needed to be taken yet. Mr. Agresta stated all that is needed is for her to fill out a permit application and obtain a conforming sign. The Commission acknowledges that signage is expensive. However, an application has not been filed yet.

MOTION:

To instruct the ZEO to send out a Notice of Violation.

Made by Chairman Clarke, Seconded by Commission Wilson

Vote: 3-2-0 – Approved – Motion Passed

Ayes: Clarke, Wilson, Tietz

Nays: Amatruda, Trella

Abstain: None

b) 22-ENF-0016 – 1331 Main Street North / Map 12, Lot 22-18 / OS-60 District

Unauthorized Use and Structure: Box Trailer Storage/Parking – Twin Oaks Horticultural Association, LLC. NPV sent 11/17/22

Town Planner Agresta informed the Commission that the trailer had been removed as of today. This can be removed from the Enforcement Report.

MOTION:

To remove Enforcement item (22-ENF-0016 – 1331 Main Street North / Map 12, Lot 22-18 / OS-60 District.) from the Enforcement Report.

Made by Chairman Clarke, Seconded by Commission Wilson

Vote: 5-0-0 – Approved – Motion Passed

Ayes: Clarke, Wilson, Tietz, Amatruda, Trella

Nays: None

Abstain: None

c) 22-ENF-0018 – 361 Rail Tree Hill Road / Map 54, Lot 3C-5 / OS-100 District

**Unauthorized Use: Short-Term Transient Visitor Lodging – Daniel & Francesca Lisk
NPV sent 11/22/22**

Chairman Clarke noted that a letter dated 12/7/2022, had been received from the owners stating that they have hired an attorney. The attorney was unable to attend this evening and requested a continuance. The violation is in regards to an Airbnb listing. Discussion arose concerning the handling of Airbnb type rentals in the regulations. Town Planner Agresta noted that the Tax Assessor’s office is starting to crack down on these rental types in order to collect personal property taxes. Once they identify a property, then the ZEO has to follow through. Mr. Agresta will forward the Commission some information regarding short-term rentals.

MOTION:

To table Enforcement item (22-ENF-0018 – 361 Rail Tree Hill Road / Map 54, Lot 3C-5 / OS-100 District) until the 1/10/2023, Zoning Commission meeting.

Made by Chairman Clarke, Seconded by Commission Wilson
Vote: 5-0-0 – Approved – Motion Passed
Ayes: Clarke, Wilson, Tietz, Amatruda, Trella
Nays: None
Abstain: None

- d) 22-ENF-0020 – 922 Main Street North / Map 25, Lot 28 / OS-60 District
Unauthorized Floodplain Alteration: Activity in floodplain without permit – Amanda Soucy
NPV sent 11/22/22

Town Planner Agresta showed the property on the map and explained the issue. The owners started repair work on a retaining wall without obtaining the appropriate permits. Ms. Soucy appeared before the IWA regarding the issue since it is near the river and on a floodplain. She was unaware that a permit was needed and is now trying to rectify that. Mr. Agresta showed the floodplain lines and the retaining wall that is under construction. There is erosion occurring on the very steep slope of the property. The IWA will recommend an appropriate process for fixing the retaining wall to develop a terrace effect and then rebuild the slope.

Discussion continued between the owner Amanda Soucy, her boyfriend Mr. Clyde Fernandes and the Commission. The previous owner had cut down a very large Sycamore tree that has most likely created the erosion issues. Commissioner Amatruda felt strongly that the owner should not be penalized for trying to save her house. Mr. Agresta stated that the Land Use office had to take action once it came before the IWA as a violation. The consensus is to wait until the IWA has resolved their portion.

MOTION:

To table Enforcement item (22-ENF-0020 – 922 Main Street North / Map 25, Lot 28 / OS-60 District)

Made by Chairman Clarke, Seconded by Commission Wilson
Vote: 5-0-0 – Approved – Motion Passed
Ayes: Clarke, Wilson, Tietz, Amatruda, Trella
Nays: None
Abstain: None

Commissioner Trella was unseated and Alternate Well was seated at 8:05 p.m.

6. DELIBERATIONS / DETERMINATIONS

- **22-ZC-0016 – 146 South Pomperaug Avenue / Map 102, Lot 1 / MQ District /Special Permit/Site Plan per Zoning §5.2.2 for proposed rear building addition and conversion of partial existing motel into new restaurant use, including new septic, enlarged parking lot and associated site improvements. Rocky River, LLC (applicant/owner).**

Chairman Clarke presented for consideration the draft motion of approval. He called for discussion. Chairman Clarke made several corrections.

MOTION:

To approve application (22-ZC-0016 – 146 South Pomperaug Avenue / Map 102, Lot 1 / MQ District /Special Permit/Site Plan per Zoning §5.2.2) per Draft Approval Resolution as amended dated December 13, 2022.

Made by Chairman Clarke, Seconded by Commission Wilson
 Vote: 5-0-0 – Approved – Motion Passed
 Ayes: Clarke, Wilson, Tietz, Amatruda, Well
 Nays: None
 Abstain: None

Full motion attached to the end of the document.

7. ADMINISTRATIVE

Chairman Clarke presented for consideration the minutes of the November 22, 2022, Zoning Commission meeting. He called for discussion. There was none.

MOTION:

To approve the minutes of the November 22, 2022, Zoning Commission meeting as presented.

Made by Chairman Clarke, Seconded by Commission Tietz
 Vote: 5-0-0 – Approved – Motion Passed
 Ayes: Clarke, Wilson, Tietz, Amatruda, Trella
 Nays: None
 Abstain: None

8. OTHER BUSINESS

- **Draft Zoning Regulation Discussion**
 Town Planner Agresta opened the discussion with there being a push for commercial electric vehicle charging stations. He recommended that the Commission decide if they would like to build that into the regulations. Discussion commenced regarding the long term plan of charging stations. There are different levels of charging stations at different price ranges. Some can charge in approximately 20 minutes which could be advantageous to businesses. Commissioner Wilson suggested that the regulations should be as liberal as possible in this regard. The consensus was also that any existing parking space could be converted into a charging station space. Additional spaces would not be necessary for vehicles.

Commissioner Trella stated that he hopes the new regulations could be in place before October 2023, since some members will be coming up for re-election. It was suggested that there could be one big hearing on the 90% of the regulations that the Commission agrees upon. The other 10% can be handled with another hearing later. Town Planner Agresta stated that it would only take a few meetings to get to the point of covering the 90%. Chairman Clarke asked for staff to come up with a plan for the second meeting in January to identify areas that can get done for a possible Public Hearing in March. Commissioner Amatruda suggested a Saturday meeting to get it done without applications needing to be handled at the same meeting.

Town Planner Agresta informed the Commission that there is a State regulation requiring timber harvesting to be removed from the zoning regulations. That type of regulation needs to be handled by the IWA. Mr. Agresta will forward the letter from the State regarding this.

9. PRIVILEGE OF THE FLOOR

There were no comments from the floor at this time.

10. CORRESPONDENCE

- O & G Industries, monthly complaint log was reviewed.

Town Planner Agresta informed the Commission that all Aquifer Protection Agency meetings will be handled on an as needed basis. There will not be an annual schedule.

Chairman Clarke asked as to the Talarico quarterly reports that were supposed to be considered. This should appear on the next meeting's agenda.

11. ADJOURNMENT

MOTION:

To adjourn the meeting at 8:44 p.m.
Made by Chairman Clarke

Respectfully Submitted,

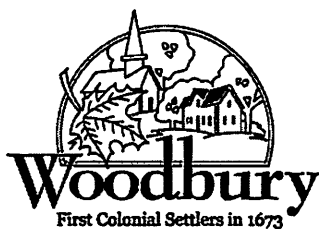
Robyn Wright

Robyn Wright
Clerk for the Zoning Commission

RECEIVED & FILED
IN WOODBURY, CT

This 15th day of Dec 2022
at 10:35 o'clock A M
Maria M. Marcini
Town Clerk

Copies of documents and meeting audio are available at the Land Use Office



Town of Woodbury Zoning Commission

281 Main Street South
Woodbury, CT 06798
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SPECIAL PERMIT / SITE PLAN APPROVAL **22-ZC-0016 – 146 South Pomperaug Avenue** **Building Additions and Add New Restaurant Use** **Rocky River, LLC**

Date of Approval **December 13, 2022**

Expiration Date **December 13, 2027**

**If conditions of approval and improvements are not completed.*

Applicant: **Rocky River, LLC**
Owner **Rocky River, LLC**
Application: **22-ZC-0016 – Special Permit / Site Plan**
Project: **Two building additions and conversion of partial existing motel into full-service restaurant use, including septic, enlarged parking and associated site improvements**
Address: **146 South Pomperaug Avenue – Map 102, Lot 1 – 1.857 acres**
Zone **MQ District**

WHEREAS, the Woodbury Zoning Commission (“Commission”) has received application 22-ZC-0016 as submitted by the applicant/owner listed above seeking approval of a Special Permit / Site Plan in accordance with §5.2.2 of the Zoning Regulations of the Town of Woodbury (“Zoning”) for property consisting of approximately 1.857 acres of land located at 146 South Pomperaug Avenue as shown on Assessor Map 102, Lot 1, zoned Middle Quarter (MQ) District; and

WHEREAS, the application more specifically proposes:

- Two separate building additions – rear center addition (accessory bar portion of new restaurant) and north end addition (utility room, basement access and deliveries).
- Conversion of center portion (manager’s suite) of existing motel space into a new restaurant use;
- Restaurant will include a maximum table seating of 42 and maximum accessory bar seating of 21;
- Restaurant patron area will include a maximum gross floor area of 963 square feet;
- Retention of 10 motel guest rooms – 7 in south wing and 3 in north wing (restaurant center);
- Installation of new septic system serving the entire facility;
- Revision/expansion of surface parking, including a dedicated separate loading space with dumpster enclosure;
- Parking will include a total of 29 spaces (20 regular spaces, 7 compact spaces and 2 van accessible spaces);
- Associated stormwater (catch basins, oil/water separator, rain gardens, drainage swale renovation), landscaping, lighting and driveway improvements;
- Associated utilities, including proposed underground electric/telecommunications and installation of a fire hydrant (in coordination with the Aquarion Water Company and the Woodbury Fire Department); and

WHEREAS, application materials received include the following:

- Application for Special Permit / Site Plan;
- Descriptive Use Narrative, Allied Engineering,
- Wetlands/Watercourses and Soil Report, Soil Science and Environmental Services, Inc., 02/04/10;
- Wetlands Impact Narrative, Allied Engineering;
- Aquifer Protection Area Regulatory Status Form;
- Stormwater Management Report, Allied Engineering, 05/03/22;
- Cover Sheet, Allied Engineering, 09/25/22, revised 11/02/22;
- C-1 – Existing Site Plan / Demolition Plan, Allied Engineering, 09/25/22, revised 10/24/22;
- C-2 – Proposed Site Development Plan, Allied Engineering, 09/25/22, revised 11/02/22;
- C-3 – Proposed Landscaping & Lighting Plan, Allied Engineering, 09/25/22, revised 11/02/22;
- C-4 – Proposed Grading & Utilities Plan, Allied Engineering, 09/25/22, revised 11/02/22;
- C-5 – Proposed Sanitary Sewage Disposal System Repair Plan, Allied Engineering, 09/25/22, revised 10/24/22;
- C-6 – Proposed Detail Sheet, Allied Engineering, 09/25/22, revised 11/02/22;
- C-7 – Proposed Pedestrian and Traffic Circulation Plan, Allied Engineering, 09/25/22, revised 11/02/22;
- A-1 – Proposed Basement Plan, Allied Engineering, 09/13/22;
- A-2 – Proposed First Floor, Allied Engineering, 09/13/22, revised 11/02/22;
- A-3 – Proposed Building Elevations, Allied Engineering, 09/13/22, revised 11/02/22;
- ES-1 – Proposed Erosion and Sedimentation Control Plan, Allied Engineering, 08/18/22;
- ES-2 – Proposed Erosion and Sedimentation Control Plan, Allied Engineering, 08/18/22; and

WHEREAS, a portion of the property is located within a protected Aquifer Protection Area but no regulated activities are proposed; and

WHEREAS, a portion of the property is located within a regulated 100-Year Floodplain, for which no changes or land alteration activities are proposed; and

WHEREAS, a majority portion of the property includes regulated wetland/watercourse resources and corresponding regulated 100-foot upland review, for which a separate review was conducted by the Inland Wetlands and Watercourses Agency (IWWA), which resulted in the issuance of a conditional Wetlands/Watercourses Permit (22-IW-0022) on November 14, 2022; and

WHEREAS, a duly noticed public hearing as published in Voices on September 28, 2022 and October 5, 2022, was opened and adjourned on October 11, 2022, reconvened and adjourned on October 25, 2022 and November 8, 2022, and reconvened and closed on November 22, 2022, with applicable extension by the applicant, 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 action does not eliminate the necessity for the applicant/owner to obtain any other required local, state or federal permits and approvals;

NOW THEREFORE BE IT RESOLVED, consistent with CGS §8-3 and Zoning §5.2, §7.3 and §8, the Commission hereby **APPROVES** the application for Special Permit / Site Plan; 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 and the final Site Plans as endorsed as “approved” by the Commission/Town Planner, subject to the following modifications and conditions:

A. Prior to Endorsement of the Final Plans

The applicant shall complete the following prior to the authorized endorsement of the final Site Plans as “approved” and prior to issuance of a Zoning Permit or commencement of site disturbance or construction:

1. **Revision of Site Plans as “Final”** – The applicant shall submit to the satisfaction of the Town Planner a single complete set of final Site Plans, revised as follows:
 - a. All of the Site Plan sheets shall be contained in a coordinated single, bound set, with a common sheet size and revision date of December 14, 2022, or later.
 - b. The following notes shall be prominently included on the Cover Sheet and Sheet C-2:
 - ***22-ZC-0016 – Approval Date: December 13, 2022 – Expiration Date: December 13, 2027* (*if conditions and improvements are not completed according to the approval).***
 - ***Exterior lighting shall not exceed a Kelvin Temperature of 2,700.***
 - ***No outside storage or display.***
 - ***No outdoor seating or dining, or exterior use of loud speakers.***
 - ***All facility deliveries shall be from the dedicated loading space and through the northern end of the building.***
 - ***Parking and loading shall be limited to designated locations only. No unauthorized on-site parking or vehicle storage shall be permitted.***
 - ***Pavement paint markings shall be maintained and periodically repainted to ensure adequate visibility and delineation at all times.***
 - c. Add a full copy of this approval to the final plans.
 - d. Details for the following shall be added:
 - (1) Standard, compact and accessible parking space striping / marking. Compact spaces shall be marked on the pavement only (no post signs).
 - (2) Post and foundation detail for the accessible space sign mounting.
 - (3) Soffit light, including clear demonstration the light mounting is flush with the underside of the sidewalk overhang canopy structure.
2. **Final Site Plans for Endorsement** – Following 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.
3. **Final Stormwater Management Report** – The applicant shall provide two (2) copies of the final Stormwater Management Report, certified by a Connecticut licensed Professional Engineer.

4. **Site Stabilization and Erosion and Sedimentation Control Financial Guarantee (Bond)** – A Bond in an amount as approved by the Town Planner based on acceptance of an applicant’s Professional Engineer submitted “Cost Estimate” provided in accordance with §7.6.7 of the Zoning Regulations 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. **Recording of Land Records Information Form** – Following completion of all of the above Conditions, the applicant shall obtain from the Land Use Office an endorsed original Land Records Information Form containing this approval and shall record same on the Woodbury Land Records with confirmation by the applicant to the Town Planner. Such shall be completed to effectuate this approval.
6. **Required Health, Zoning, Fire and/or Building Permits** shall be separately obtained by the applicant.

B. Conditions During Construction

1. Final placement and details for a fire hydrant on the same side of South Pomperaug Avenue as the subject property shall be coordinated with the Fire Department and Aquarion Water Company, including arrangements for annual maintenance cost.
2. Prior to commencement of any associated work, site or building disturbance or construction, the limits of disturbance shall be clearly marked in the field and the Land Use Office shall be provided a minimum of 48-hours of notice.
3. No site disturbance or construction shall commence until erosion and sedimentation control devices have been properly installed and inspected by the Land Use Office.
4. The applicant shall maintain, and supplement erosion and sedimentation controls as needed, including dust suppression as may be necessary, and the Land Use Office may require additional controls as may be deemed necessary or warranted.
5. The Land Use Office shall be duly apprised of the status and progress of site work throughout construction, and promptly notified 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 by the Land Use Office or the need for new or modified permit approval can be identified.

C. Post Construction Compliance and Zoning Permit Compliance Closure

1. **As-Built Plan** – Upon completion of the approved improvements, a certified A-2 As-Built Plan / Survey detailing and certifying the completed improvements shall be provided by the applicant 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.
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:
 - All improvements have been completed consistent with the endorsed final Site Plans.
 - Applicant provision of a Professional Engineer certification that the drainage improvements have been installed in accordance with the final Site Plans and are functioning as designed.

- Applicant provision of Health District Discharge Approval for the new septic system.
 - Applicant provision of “sign-off” from the Fire Department and Aquarion Water Company in regard to satisfactorily complete installation and functioning of the fire hydrant.
 - All conditions and improvements of the corresponding 22-IW-0022 Wetlands/Watercourses Permit have been satisfactorily completed.
 - The site has been cleared of construction related equipment, materials and debris.
 - All disturbed areas have been stabilized and exhibit healthy vegetative cover, and landscaping shall be stable and exhibit healthy growth and growing conditions.
 - 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 approved work consistent with the approved final Site Plans and verification the site is stabilized to the satisfaction of the Land Use Office, the bond may be released by the Land Use Office or as may be referred to the Commission for release consideration. Partial release of bond shall be subject to approval of the Commission. A request for full or partial release of bond shall include submission of a corresponding certified A-2 As-Built Plan / Survey detailing the completed improvements.
4. **Continuing Conditions of Operation Following Authorized Occupancy and Use**
- 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.
 - 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.
 - Permitted parking and loading shall be limited to designated locations only. No unauthorized on-site parking or storage shall be permitted.
 - Consistent with the final Site Plans landscaping (existing and added) shall be maintained in a healthy growing condition; dead, damaged or diseased landscaping shall be replaced promptly.
 - Pavement paint markings shall be maintained and periodically repainted to ensure adequate visibility and delineation at all times.
 - Facility deliveries shall be via the dedicated loading space and into the northern end of the building.
 - Exterior lighting shall not exceed a Kelvin Temperature of 2,700.
 - No outside storage or display is authorized.
 - No outdoor seating or dining, or exterior use of loud speakers is authorized.
5. **Changes in Use** – Consistent with Zoning §1.3, §5.2 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.
6. **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 conditions set forth herein.
7. **Approval Compliance / Changes** – Failure to maintain compliance with this Special Permit and the approved final Site Plans shall constitute a violation of the terms of this approval and the Zoning Regulations. Any variation from or alteration of the approved Special Permit or final Site Plans shall require prior review and separate approval and permit.

8. **Expiration** – This Special Permit / Site Plan approval shall expire and be null and void without further written notice per the date set forth above unless all improvements as approved, including site stabilization and landscaping, are completed consistent with the approved final Site Plans. The Commission may grant one (1) or more extensions of time to complete same, not to exceed an additional five (5) years total. 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

Moved by **CLARKE**, Seconded by **WILSON**

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

Ayes: Clarke, Amatruda, Tietz, Wilson, Well

Nays: None

Abstain: None