

Town of Woodbury Zoning Commission

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

**MINUTES – AUGUST 27, 2024
REGULAR MEETING
7:00 P.M. – SENIOR CENTER, 265 MAIN ST. SOUTH**

MEMBERS PRESENT:

Bob Wilson, Chairman
Thomas Amatruda
Ted Tietz
Donald Trella

ALTERNATES PRESENT:

Jack Well
Jake Amorando (*arrived 7:01 p.m.*)
Casey Rushin

MEMBERS ABSENT:

Robert Clarke

ALTERNATES ABSENT:

ALSO PRESENT: Town Planner Will Agresta, Applicants and agents, members of the public

1. OPENING OF MEETING

- a) CALL TO ORDER – Chairman Wilson convened the meeting at 7:00 p.m.
- b) SEATING OF MEMBERS AND ALTERNATES
Seated were Commissioners Wilson, Amatruda, Tietz, Trella and Alternate Rushin
CONFLICT OF INTEREST (*CGS Section 8-11 & Woodbury Town Charter Section 901*)

2. PENDING APPLICATIONS / DELIBERATIONS

- a) 24-ZC-0011 – 127 Bethlehem Road / Map 14, Lot 11 / OS-100 District
Special Permit / Site Plan application per Zoning §3.4.1 to permit the construction and use of an accessory public water utility storage building measuring 4,800 sf (60' x 80').
Watertown Fire District (owner/applicant), Ron Wolff, PE (agent)

Chairman Wilson presented the draft approval on application 24-ZC-0011 – 127 Bethlehem Road / Map 14, Lot 11 / OS-100 District for consideration. He called for discussion. There was none.

Alternate Rushin was unseated at 7:02 p.m.

MOTION:

To approve the Special Permit per the Draft Approval Resolution dated August 27, 2024, on application 24-ZC-0011 – 127 Bethlehem Road / Map 14, Lot 11 / OS-100 District as presented

Made by Chairman Wilson, Seconded by Commissioner Trella

Vote: 4-0-0 – Approved – Motion Passed

Ayes: Wilson, Trella, Amatruda, Tietz

Nays: None

Abstain: None

Alternate Rushin was reseated at 7:04 p.m.

3. NEW APPLICATIONS

- a) **24-ZC-0012 – 517 Main Street North / Map 25, Lot 22A-A / OS-100 District
Mattatuck Unitarian Universalist Society (owner/applicant), Civil 1 Engineering (agent)
Special Permit/Site Plan: per Zoning §3.4.8 to permit development of 1,200 sf building and
1,200 sf open- air pavilion to be used as a place of worship with associated site
improvements.**

1. Megan Miller, Civil 1 Engineering, addressed the Commission. Ms. Miller explained the application for a 1200 square foot building to house 60 seats with an attached 1200 square foot open air pavilion. The purpose for the building is a meeting space for worship. There are two existing gravel driveways. The property is currently vacant and is located in an OS100 district. Services would take place on Sundays from 10:00 a.m. to 12:00 p.m. A small group gathering would occur on a weeknight for approximately one to two hours. The proposed plan includes 25 parking spaces, emergency access, utilities, a septic system, and stormwater drainage plan. A safety plan was sent to the DOT with proposed grading along the road for sight lines. The existing well will remain. The plans have been sent to the Health Department and are pending approval.
2. Chairman Wilson opened the discussion to the members. Commissioner Amatruda clarified a 50 foot right of way with the neighbor. Commissioner Trella clarified the driveways. The second driveway will be abandoned. Any signage will be located to the left of the driveway. The open air pavilion will be permanent. Alternate Rushin clarified that the sight lines are appropriate for both left and right turns out of the driveway.

MOTION:

To schedule a Public Hearing on application **24-ZC-0012 – 517 Main Street North / Map 25, Lot 22A-A / OS-100 District** to be held on September 24, 2024.

Made by Chairman Wilson, Seconded by Commissioner Tietz

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

Ayes: Wilson, Trella, Amatruda, Tietz, Rushin

Nays: None

Abstain: None

- b) **24-ZC-0013 – 297 & 299 Main Street South / Map 104, Lot 85-2 and Lot 85 / MSD and OS-60 Districts
Petition: Zoning Map Change per Zoning §9.4.1B to rezone portion of lots
zoned OS-60 to MSD.
Focus Spaces of Woodbury, LLC (owner/applicant), Gail McTaggart, Esq., and Civil 1
Engineering (agents)**

1. Gail McTaggart, Secor, Cassidy & McPartland, addressed the Commission. Ms. McPartland explained the application. There are multiple applications submitted for this property. The building is the old phone company building. The building had been previously approved for 10 apartments. That plan was never implemented. Another application will request to change the use back to commercial. The property has the complication of the front of the parcel is located in the MSD district and the rear of the parcel is in an OS60. This creates a problem with the septic system being approved for commercial use in a residential zone. Hence this application is to rezone the entire property to the MSD district for consistency.
2. Town Planner Agresta showed the nuances of the parcel on the map. The phone company has a permanent easement on the property and owns the building. Members questioned if other parcels that have split zones should also be corrected. Mr. Agresta said that can be done, but not on this application.

MOTION:

To refer application **24-ZC-0013 – 297 & 299 Main Street South / Map 104, Lot 85-2 and Lot 85 / MSD and OS-60 Districts** to the Planning Commission and to schedule a Public Hearing to be held on September 24, 2024.

Made by Chairman Wilson, Seconded by Alternate Rushin

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

Ayes: Wilson, Trella, Amatruda, Tietz, Rushin

Nays: None

Abstain: None

- c) **24-ZC-0014 – Zoning Regulations Text Amendment Petition - §7.4.7 Off-Street Parking Standards Petition: Zoning Regulations Text Amendment per Zoning §9.4.1C to amend §7.4.7 to change the minimum required off-street parking standard for retail, banks, business offices, medical, dental, and veterinary clinics, and other similar commercial uses. Focus Spaces of Woodbury, LLC (owner/applicant)**

1. Gail McTaggart, Secor, Cassidy & McPartland, addressed the Commission. Ms. McPartland explained the purpose of the application is for a text amendment to change the minimum required for off-street parking. Upon looking into the regulations, it is noted that Woodbury requires a lot more parking than is needed. This creates more impervious surface and is not good for drainage and the environment. Based upon the regulations, the uses intended for application **24-ZC-0015** would require 69 parking spaces which is excessive. A study done by the Litchfield Conservation District that analyzed parking concluded that one space for every 500 square feet of building was sufficient. Woodbury’s current regulations have one space for every 150 square feet of retail and business space. This application proposes changing the regulations to one space for every 250 square feet of retail space and one space for every 350 square feet of business space (i.e., banks, offices, medical offices etc.)
2. Town Planner Agresta concurs that the current off street parking standards are excessive. This led to a big discussion about what that means to parking for the rest of the MSD district. Ms. McTaggart noted a memo she submitted that references the information from the previously mentioned study. There was discussion of another possible text amendment that was not listed on the application. The MSD district limits two commercial uses to a building in order to retain the character of the town. There are some instances where there are more. Application **24-ZC-0015** may have up to 20 businesses at the one location. The building in question has always been

commercial and therefore should not be limited. The Commission was not aware of this second possible text amendment and it caused confusion. Some members felt that this discussion needed to be tabled to understand the next application and the possible second text amendment.

MOTION:

To table application **24-ZC-0014 – Zoning Regulations Text Amendment Petition** temporarily to discuss application **24-ZC-0015**.

Made by Chairman Wilson, Seconded by Commissioner Trella

Alternate Rushin stated that he disagreed with tabling discussion. The application is for a text change to the entire MSD district and is irrelevant what application **24-ZC-0015** is about.

Vote: 3-1-1 – Approved – Motion Passed

Ayes: Wilson, Amatruda, Tietz

Nays: Rushin

Abstain: Trella

- d) **24-ZC-0015 – 297 & 299 Main Street South / Map 104, Lot 85-2 and Lot 85 / MSD and OS-60 Districts Special Permit/Site Plan: per Zoning §5.1 to permit a change of use from ten (10) residential apartments to twenty (20) office suites. Special Permit/Site Plan: per Zoning §7.4.12 to permit “alternate” off-street parking and loading involving location on an abutting lot via easement. Special Permit/Site Plan: per Zoning §7.4.11 to permit fewer loading spaces. Focus Spaces of Woodbury, LLC (owner/applicant)**

1. Gail McTaggart, Secor, Cassidy & McPartland, addressed the Commission. Ms. McPartland explained the purpose of the application is to change the use of the building on the property from (10) residential apartments to office suites. The owner of Focus Spaces, J.R. Laliberte passed out a packet showing samples of other office complexes that he owns. The business concept is that separate businesses will rent out a suite that is either one or two rooms. There is a shared communal waiting area, common areas and a conference room for all the tenants. The business model works well for businesses such as mental health practices, massage therapists or people who do not have to go into an office but do not want to work from home. Mr. Laliberte owns similar complexes in Manchester, Cheshire, Meriden, Bristol, Waterbury, and Middlebury. The building in Meriden was 96% vacant prior to his model. Now the complex is 75% full. All of his other projects are rented within two months of completion.
2. Mr. Laliberte showed his proposed floor plan for the building. Currently only the first floor is ADA compliant. He is proposing to make the second floor ADA compliant as well. The plan is to create 20 suites; (2) three room suites, a few two room suites, but mostly one room suites.

Alternate Rushin was unseated and Alternate Amorando was seated at 8:28 p.m.

3. Megan Miller, Civil 1 Engineering, addressed the Commission. Ms. Miller explained the changes from the residential plan. There is a complete set of design plans. There would be a total of 34 parking spaces not including the 10 allotted spaces for the phone company. She reviewed the drainage plan. Some small changes were made to the landscaping, grading, and lighting plans on file. They will be reducing the loading space from two to one space. Chairman Wilson inquired about signage. Currently there is no proposed signage.

MOTION:

To refer application **24-ZC-0015 – 297 & 299 Main Street South / Map 104, Lot 85-2 and Lot 85 / MSD and OS-60 Districts** to the Planning Commission and to schedule a Public Hearing to be held on September 24, 2024.

Made by Chairman Wilson, Seconded by Commissioner Tietz

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

Ayes: Wilson, Trella, Amatruda, Tietz, Rushin

Nays: None

Abstain: None

Chairman Wilson directed the meeting back to application **24-ZC-0014** regarding the text amendment. Commissioner Trella inquired as to what provision allows for a reduction of required parking that has been used in the past. He wondered why that would not just be used in this instance. Town Planner Agresta stated that could create potential problems with each tenant change. The text amendment would be aligning the text with reality. Commissioner Trella did not want to rush the decision to change the regulations and make sure the public had the opportunity to know. Mr. Agresta pointed out that there will be a Public Hearing and there is time to deliberate. Commissioner Amatruda noted that they will have to decide for this application since it was presented.

MOTION:

To refer application **24-ZC-0014 – Zoning Regulations Text Amendment Petition** to the Planning Commission and to schedule a Public Hearing to be held on September 24, 2024.

Made by Chairman Wilson, Seconded by Commissioner Amatruda

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

Ayes: Wilson, Trella, Amatruda, Tietz, Rushin

Nays: None

Abstain: None

Chairman Wilson provided guidance to staff to look into the MSD district to see what properties would be affected by the text change involving more than two commercial uses per building for the Commission to consider.

4. ENFORCEMENT

- a) **21-ENF-0009 – 437 Sherman Hill Road / Map 4, Lot 8A / OS-100 District Tumer Eren (owner) – Classic Turf / Site Stabilization and Amendment of Approved Remediation Plan (22-ZC-0007)**

Town Planner Agresta recapped the history of the violation. Brian Baker, Civil I Engineering, addressed the Commission. Mr. Baker showed photographs of the property after the storm of August 18, 2024, to see the impact on the property. There was no indication of erosion. Riprap has been installed on the entire bank. The topsoil area has a 2 to 1 slope which is adequate for vegetation. The area will be seeded soon. While the plan was implemented slightly different than what was scoped, the intent is met and the site is stabilized. The as built will be updated once the area is seeded. Mr. Agresta stated that he likes what he sees.

Commissioner Tietz was unseated and Alternate Well was seated at 9:03 p.m.

MOTION:

To remove item **21-ENF-0009 – 437 Sherman Hill Road / Map 4, Lot 8A / OS-100** from the Enforcement Report.

Made by Chairman Wilson, Seconded by Commissioner Amatruda

Vote: 4-1-0 – Approved – Motion Passed

Ayes: Wilson, Trella, Amatruda, Amorando

Nays: Well

Abstain: None

Alternate Well was unseated and Commissioner Tietz was reseated at 9:04 p.m.

- b) 24-ENF-ZC03 – 92 Judson Avenue / Map 38, Lot 55-7 / R-40 & HD#1 District Arthur Jr. and Susan A. Pappas**
Unauthorized installation of an accessory 160 square foot (10 feet x 16 feet) shed absent required Historic District Commission Certificate of Appropriateness and Zoning Permit; Structures housing fowl require a setback of 100-feet from all property lines on lots of less than 5 acres in area (the subject lot area is approximately 1.35 acres).

Town Planner Agresta recapped the status of the violation. There is a shed constructed without proper permits five feet from the property line that is also housing chickens. With the chickens a 100 foot setback is required. Mr. Pappas addressed the Commission. He will be reapplying to the HDC to purchase a new chicken coup to be placed within the proper setback. The existing shed will remain to be used as an accessory structure. The next HDC meeting will be on September 9, 2024, and a decision will not be made until the October 7, 2024, meeting. Commissioner Tietz inquired about the driveway issue that was raised and the garage under construction. The driveway is not a zoning violation issue. The Building Department gave an extension last week on the garage for 180 days.

MOTION:

To table Enforcement Item **24-ENF-ZC03 – 92 Judson Avenue / Map 38, Lot 55-7 / R-40 & HD#1 District** until October 31, 2024.

Made by Chairman Wilson, Seconded by Commissioner Tietz

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

Ayes: Wilson, Trella, Amatruda, Amorando, Tietz

Nays: None

Abstain: None

- c) 24-ENF-ZC04 – 75 Hoop Pole Hill Road / Map 54, Lot 30-2 / OS-100 District Michael Landry / Unauthorized spa business “MY Spa CT” use within a single-family dwelling absent required Health and Zoning permits and unreconciled business operations indicated in Statement of Use and website.**

Town Planner Agresta noted how there was originally an unpermitted coffee business in the house. That is permitted now. However, there is an unauthorized spa business in the house that needs approval from the Health Department. Michael Landry, owner, explained that his wife operates a spa business from the house. They are still trying to obtain approval but the regulations are requiring a two basin sink which his attorney did not feel was necessary. They are trying to work with the Health Department to see if they can use a hand basin instead to satisfy that

requirement. The business will also be moving to 73 Main Street which is a commercial location. They are requesting some more time to get approval.

MOTION:

To table Enforcement Item 24-ENF-ZC04 – 75 Hoop Pole Hill Road / Map 54, Lot 30-2 / OS-100 District until October 8, 2024.

Made by Chairman Wilson, Seconded by Commissioner Trella

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

Ayes: Wilson, Trella, Amatruda, Amorando, Tietz

Nays: None

Abstain: None

5. ADMINISTRATIVE

Chairman Wilson presented the minutes of the August 13, 2024, Zoning Commission meeting. He called for discussion. There was none.

MOTION:

To approve the minutes of the August 13, 2024, Zoning Commission meeting as presented.

Made by Chairman Wilson, Seconded by Commissioner Amorando

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

Ayes: Wilson, Trella, Amatruda, Amorando, Tietz

Nays: None

Abstain: None

6. PRIVILEGE OF THE FLOOR

There were no comments from the floor.

7. CORRESPONDENCE

There was no correspondence to consider.

8. DRAFT ZONING REGULATIONS WORK SESSION

MOTION:

To table the Draft Zoning Regulations Work Session to the next meeting.

Made by Chairman Wilson, Seconded by Commissioner Tietz

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

Ayes: Wilson, Trella, Amatruda, Amorando, Tietz

Nays: None

Abstain: None

9. ADJOURNMENT

MOTION:

To adjourn the meeting at 9:26 p.m.
Made by Chairman Wilson

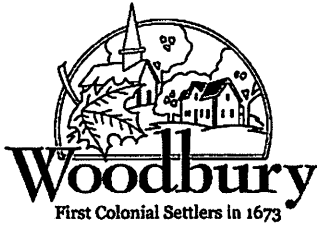
Respectfully Submitted,

Robyn Wright

Robyn Wright
Clerk for the Zoning Commission

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

RECEIVED
IN WOODBURY, CT
This 29th day of Aug 2024
at 1:27 o'clock P.M
Maria M. Mancini
Town Clerk



Town of Woodbury Zoning Commission

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

SPECIAL PERMIT / SITE PLAN APPROVAL

24-ZC-0011 – 127 Bethlehem Road – Watertown Fire District

**Municipal Water Company (Public Utility) Storage Building
WATERTOWN FIRE DISTRICT (applicant/owner)**

Date of Approval	August 27, 2024
Permit Expiration	*October 31, 2024 **August 27, 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	Watertown Fire District – Municipal Water Company (Public Utility)
Application	24-ZC-0011
Project	Special Permit / Site Plan application per Zoning §3.4.1 (municipal public utility) to permit the construction and use of a public water utility storage building measuring 4,800 sf (60 ft x 80 ft x 18 ft high) and associated driveway improvement accessing Church Hill Road.
Address	127 Bethlehem Road, Assessor Map 14, Lot 11
Site Acreage	6.115 acres
Zone	OS-100 District

WHEREAS the Town of Woodbury Zoning Commission (“Commission”) has received application **24-ZC-0011** as submitted by the applicant/owner listed above pursuant to Zoning §3.4.1, §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 application materials received include the following:

- Application for Special Permit / Site Plan
- Aquifer Protection District Regulatory Status Form
- HVHD Plan Approval 03/11/24
- Site Plan (1/2), Wolff Engineering, 06/18/24
- Driveway Profile and Details (2/2), Wolff Engineering, 06/18/24
- Building Elevations, Layout and Details (10 Sheets), Whitetail Construction, LLC; and

WHEREAS the subject premises includes an existing single-family dwelling with attached garage and a separate water company storage garage building both accessed by a driveway via Bethlehem Road. The existing residence is served by a direct water lateral connecting across the street on property where the Water Company well fields exist, which service connection will remain unchanged. The existing residence is also served by a private onsite subsurface sewage disposal system, which system will remain unaltered; and

WHEREAS no signs, exterior lighting (except overhead of the two pedestrian doors as may be required by fire/building code), exterior dumpsters or other waste/recycling containers, water supply or septic utilities are proposed in conjunction with the project; and

WHEREAS the project also includes:

- Underground electric service extended to the proposed storage building from the existing service located within the existing detached storage garage building on the property.
- Stone infiltration trenches will be provided centered under the roof overhangs to address roof runoff, as well as along a portion of the access driveway and vehicular turnaround area in front of the new building.
- Erosion controls during construction in the form of silt fence and an anti-tracking apron at the access point will be maintained.
- Several evergreen trees will be planted to buffer and screen the vehicular turnaround area in front the new building.
- Improvement to an existing gravel driveway access via Church Hill Road will be made, including installation of a paved driveway apron in compliance with the standards in Chapter 210, §210-7C(1)(a) of the Town Code; and

WHEREAS the site is located within an Aquifer Protection Area, but the project does not include any activities requiring registration and according to the applicant no chemicals are/or will be stored at the premises; and

WHEREAS lands to the east include regulated wetland and watercourse resources but none are on the site directly. The proposed site work will occur outside of regulated 100-foot upland review area. As such no impacts or disturbances to regulated inland wetlands, watercourses, or 100-foot upland review areas are proposed, thus there is no corresponding report or approval required from the Woodbury Inland Wetlands and Watercourses Agency; and

WHEREAS 100-year floodplain occurs to the east of the proposed building site, primarily on other lands owned by the applicant, which will not be impacted by the project; and

WHEREAS the property is not located within 500 feet of a municipal boundary; and

WHEREAS the existing and proposed storage buildings are deemed “principal” buildings of the principal water company public utility use and thus are not limited in size as otherwise might be applicable under Zoning §7.2.3; 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 existing use of the property (a single-family residence and public utility water company use) will not change. The project will provide additional building storage for the existing public utility operations.
- The size and intensity of use is compatible with the subject property as well as the surrounding residential neighborhood, noting substantial acreage surrounding the site is also owned by the applicant.

- The existing street network has sufficient capacity to handle the very low traffic volume associated with the existing and expanded site use.
- The project does not present any anticipated adverse impacts related to its use or access for police, fire and other emergency services.
- The new storage building has been designed to visually appear as a barn structure respecting the rural surroundings and cultural/historical architectural patterns of Woodbury.
- As presented at the public hearing existing vegetation along Bethlehem Road will remain and several new evergreen trees will be planted to provide buffering and screening.
- The new storage building does not require nor include water supply or septic systems, and the existing systems serving the existing single-family dwelling will remain unaltered. Electric service will be installed underground from the existing water company garage building, no related impacts are anticipated.
- The use of the premises is of a low volume and does not include any stationed employees; and

BE IT FURTHER RESOLVED the Zoning Commission hereby **APPROVES** application **24-ZC-0011**, subject to the conditions and modifications set forth below; and

BE IT FURTHER RESOLVED this approval shall be in addition, amending and supplementing prior zoning approvals associated with the subject premises, which prior approvals shall remain in full force and effect except as amended; 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. Add the following notes conspicuously to the Site Plan:
 - ***24-ZC-0011 – Approval Date: August 27, 2024 – Expiration Date: October 31, 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: August 27, 2029 (if the project is not completed per the approval conditions).***
 - ***No chemical storage is proposed, nor shall be authorized without prior Zoning Commission/Aquifer Protection Agency permit review and approval.***
 - ***No exterior dumpster or refuse/recycling containers are proposed nor shall be authorized without prior Zoning Commission permit review and approval.***
 - c. Add a full copy of this approval.

- d. The Site Plan revisions as presented during the public hearing in response to the August 8, 2024, Town Planner comments shall be incorporated to the satisfaction of the Town Planner.
 - e. Note the location and type and include installation details for exterior lights associated with the pedestrian doors of the new building, which light fixtures shall be fixed, full-cutoff and have a Kelvin temperature of 3,000K or less.
2. **Final Site Plans for Endorsement** – Following completion of the above conditions 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.
 3. **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.
 4. **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.
 5. **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. Conditions During Construction

1. 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 property installed erosion and sedimentation control devices. The Land Use Office shall be provided a minimum of 48-hours of notice for inspection.
2. 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.
3. The Land Use Office shall be duly apprised of the status and progress of site work throughout construction, and 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, an As-Built Plan (signed and sealed A-2 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.
- b. A separate Overlay Plan showing the approved final 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 Overlay Plan.
- All improvements have been completed consistent with the approved final Site Plans.
- Provision of a Professional Engineer certification that the improvements, drainage controls and sidewalks have been installed in accordance with the final 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 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.
- 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 exterior storage shall be permitted, including no exterior storage containers.
- Site lighting shall be maintained in sound working order and any changes shall require approval.
- Site landscaping shall be maintained in healthy growing condition. Dead, damaged, or diseased landscaping shall be replaced in kind promptly.

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 conditions, requirements, time periods and bonds of the original related approvals shall remain in full force and effect. The conditions, modifications and requirements as set forth herein shall be in addition to those of the original 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, §3.4 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 approval shall expire and be null and void without further written notice if this approval is not recorded as required herein in the Woodbury Land Records within one (1) year of the date of this approval, or if the project is not completed by the expiration date set above. The Commission may grant one (1) or more time extensions to complete the project. An extension request 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 **TRELLA**

Vote: **4-0-0 – Approved – Motion Passed**

Aye Wilson, Trella, Tietz, Amatruda

Nay None

Abstain None