

SALISBURY PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

MAY 17, 2021 6:30 PM

Remote Meeting by Live Internet Video Stream and Telephone

Members Present:

1 Dr. Michael Klemens (Chairman)
2 Debra Allee (Alternate)
3 Dr. Danella Schiffer (Alternate)
4 Martin Whalen (Secretary)
5 Cathy Shyer (Regular Member)
6 Bob Riva (Regular Member)
7 Jon Higgins (Alternate)
8 Allen Cockerline (Regular Member)
9

Staff Present:

Abby Conroy, Land Use Administrator (LUA)
Attorney Charles Andres, Town Counsel (arrived 7:00)

Brief Items and Announcements

1. Call to Order/Approval of Agenda

Chairman Klemens called the meeting to order at 6:30 p.m.

2. Seating of Members & Alternates

The Regular Members present were seated.

Vote: 5-0-0 in favor

Motion: To approve the agenda.

Made by Whalen, seconded by Cockerline

3. Minutes of April 14, 2021

Page 1, line 32 strike "on abutting town owned sites" and insert "and if there are any changes that could be made to the design to mitigate historic impacts"

Page 1, lines 32 strike "as claimed by the intervenor"

Page 1, line 33 replace "there are not" with "feasible and prudent alternatives would not be applicable"

Page 2, Line 46 replace "Mr. Klemens" with "Chairman Klemens"

Page 3, line 93 insert "area" after green

Page 3, lines 96 & 114 replace "Carly" with "Carley"

Page 3, line 111 after "with Jocelyn Ayer" insert "of the SHC"

Page 3, line 124 insert "a" between "how" and "parcel"

Page 4, line 139 replace "Commissioner Shyer" with "Alternate Schiffer"

Page 4, line 145 replace "isle" with "aisle"

Page 5, line 209 replace "poled" with "polled"

Page 6, line 218 insert "be" – "but it should not 'be' at the expense"

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40 Commissioner Cockerline stated for the record that he had reviewed the recording of the meeting
41 several times.

42
43 *Motion:* To approve minutes of April 14, 2021 as amended.

44 Made by Cockerline, seconded by Riva.

45 Vote: 5-0-0.

46
47 Chairman Klemens noted the time, electing to table items 4,5, & 6 due to the public hearing
48 scheduled at 6:45.

49

50 **Public Hearing**

51 7. #2021-0129 / Arnold / 36 Hillcrest Lane / Special Permit for Detached Apartment on Single
52 Family Residential Lot (Section 208) / Map 7 / Lot 13-4 / DOR: 04/19/2021 / *Possible Consideration*

53

54 Mr. Arnold was present to represent the application. Chairman Klemens noted that the prior use of
55 the barn as a home office would be extinguished by the change of use to apartment; Mr. Arnold
56 agreed. Proof of mailing notice to abutters was confirmed.

57

58 Secretary Whalen read the legal notice of this hearing aloud.

59

60 There were no additional questions by the Commission, and no members of the public present for the
61 application.

62

63 *Motion:* To close the hearing on application #2021-0129.

64 Made by Cockerline, seconded by Whalen.

65 Vote: 5-0-0.

66

67 *Motion:* To approve application #2021-0129 / Arnold / 36 Hillcrest Lane / Special Permit for Detached
68 Apartment on Single Family Residential Lot (Section 208) / Map 7 / Lot 13-4 / as meeting the Zoning
69 Regulations of the Town of Salisbury.

70 Made by Cockerline, seconded by Whalen.

71 Vote: 5-0-0.

72

73 5. Minutes of April 28, 2021

74

75 Page 4, line 136 replace "owner" with "management of the building"

76

77 *Motion:* To approve minutes of April 28, 2021 as amended.

78 Made by Cockerline, seconded by Riva.

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79 Vote: 5-0-0

80

81 **Old Business**

82 8. #2021-0123 / Salisbury Housing Committee / 11 Holley Street / Special Permit to Construct 12-
83 Unit Multifamily Dwelling in the PKSQ District and Aquifer Protection Area (Section 403 & 405) /
84 Map 45 / Lot 2 / DOR: 02/08/2021 / Hearing Closed 04/14/2021 / *Deliberation, Possible*
85 *Consideration*

86

87 Chairman Klemens asked that the alternates be moved to attendee status to ensure participation by
88 only eligible, regular members. The Commission reviewed the draft motion prepared by the Chairman
89 and staff. Commissioner Cockerline identified that there were 5 petitioners not 4. Miscellaneous
90 spelling and formatting errors were identified including misspelled names. Attorney Andres provided
91 clarification of 'whereas' clauses related to technical claims made by the Intervenor.

92

93 Commissioner Cockerline suggested that Condition # 3 be modified to include "stone".

94

95 Condition #4 was changed to read "shall be".

96

97 The term "Dark Sky Compliant" in condition #5 was substituted for "in compliance with section 702 of
98 the Zoning Regulations.

99

100 There was significant discussion regarding the requirement for true divided light windows and what
101 the applicant would have to do to modify the permit conditions if any of the conditions are
102 unattainable. Attorney Andres noted that Condition #24 identified the expectation that any
103 modifications would require a full public process.

104

105 Condition #9 was modified to emphasize that loading and unloading is only permitted on Holley Street
106 and in the parking lot, not on Millerton Road but that the condition is not applicable to school busses.

107

108 The Commission chose between 3 alternatives for Condition #23 and opted to require "low clearance"
109 signs.

110

111 A motion was made to approve application #2021-0123 / Salisbury Housing Committee / 11 Holley
112 Street / Special Permit to Construct 12-Unit Multifamily Dwelling in the PKSQ District and Aquifer
113 Protection Area (Section 403 & 405) / Map 45 / Lot 2 /.

114 *Motion:* to accept the resolution (attached) of the Town of Salisbury Planning and Zoning Commission
115 regarding the application for a special permit to construct a 12-unit multifamily dwelling in the PKSQ
116 District and Aquifer Protection Area, Application #2021-0123, 11 Holley Street as amended.

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117

118 Made by Shyer, seconded by Riva.

119 Vote: 5-0-0 in favor.

120

121 Attorney Andres left at 7:51 and unseated Commission Members (Alternates) were restored to

122 'Attendee' status.

123

- 124 9. #2021-0127 / Cohan (Capecelatro) / 331 Housatonic River Road / Site Plan Approval for the
125 Reconstruction of a Nonconforming Garage (Section 504) / Map 08 / Lot 52 / DOR: 03/15/2021
126 / *Continuation, Possible Consideration*

127

128 Attorney Mark Capecelatro came forward and reported that mapping was submitted to the Land Use
129 Office late in the afternoon, and that the map clearly shows a portion of the stone wall in the Town
130 Right of Way. It was identified that the wall was not under the regulatory authority of the Zoning
131 Commission rather that of the Board of Selectman and Highway Department. The Director of the
132 Highway Department and First Selectman Rand have visited the site and inspected for visibility and to
133 verify that the modifications made to the Right of Way would not obstruct or impede the ability of the
134 Town to safely maintain Housatonic Rive Road. However, in recognition of potential liability the
135 property owner and First Selectman are working on a resolution in the form of a hold harmless and
136 indemnity agreement.

137

138 Chairman Klemens expressed concerns over encroachment issues on Town-owned property. A draft
139 letter from the Planning and Zoning Commission was reviewed for submission to the Board of
140 Selectman. The Commission agreed that the letter should be sent.

141

142 Due to the delayed submission of the updated survey, the matter was tabled until the next meeting.
143 Attorney Capecelatro agreed to provide the Commission with a written request for extension.

144

- 145 10. #2021-0130 / O'Hara (Haab) / 254 Twin Lakes Road / Site Plan Modification for Addition and
146 Stormwater Improvements in the LPOD (Section 404) / Map 63 / Lot 01 / *Consideration of*
147 *Completeness, Possible Consideration*

148

149 An updated site development plan was received but no one was present for the application. The
150 matter was tabled until the next meeting.

151

- 152 11. #2021-0131 / Brothers Boathouse LTD (Stefanopoulous) / 349 Main Street / Site Plan
153 Modification for existing low turnover restaurant including pergola over existing outdoor
154 seating area / Map 45 / Lot 24 / *Consideration of Completeness, Possible Consideration*

155

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156 LUA Conroy reported that the property owner is working with Attorney Emily Vail and Surveyor Mat
157 Kiefer to find a resolution to the setback concerns.

158
159 Chairman Klemens expressed concern that a building permit was issued for the pergola despite not
160 having a zoning permit. LUA explained that the pergola was erected prior to receiving approval from
161 the Building Official or the Land Use Administrator. The Chairman emphasized the importance of the
162 Building Department working with the Zoning Commission/Office to ensure all prior approvals are
163 obtained before a Building Permit is issued. He identified that the Commission is working very hard to
164 resolve issues and professionalize the Land Use Process; Everyone is equal under the law. It was
165 requested that process concerns be put on the next agenda for discussion.

166
167 **New Business**

168 12. #2021-0133 / Duca & Blombach (Stair) / 99 Rocky Lane / Site Plan Application to Replace
169 Nonconforming Dock (Section 504) / Map 66 / Lot 30 / *Reception, Consideration of*
170 *Completeness, Possible Consideration*

171 Bob Stair was present to explain the application. Chairman Klemens emphasized that the
172 nonconforming nature of the structure should be memorialized in the Land Use records in the form of
173 a mylar. It was noted that perhaps the Regulations should be reviewed because there are some
174 sections of the lakes which are very shallow and 50' is not a sufficient length to gain access.

175 The Commission deliberated what would constitute a reasonable threshold for accuracy and
176 establishing the nonconformity. Alternate Higgins was concerned that an A-2 survey would be an
177 excessive requirement. Member Cockerline and Chairman Klemens felt that a professional with a
178 stamp should be endorsing the plan. There was a consensus that the nonconforming docks should be
179 measured and depicted on a plan signed, sealed by a professional and a mylar filed. The owner agreed
180 that their architect could assist in memorializing the dimensions of the dock.

181
182 *Motion:* To approve application #2021-0133 / Duca & Blombach (Stair) / 99 Rocky Lane / Site Plan
183 Application to Replace Nonconforming Dock (Section 504) / Map 66 / Lot 30 / provided an as-built
184 mylar, which may be stamped by an architect is filed on the Land Records.

185
186 Made by Cockerline, seconded by Riva.

187 Vote: 4-0-1, Commissioner Shyer abstained.

188
189 13. #2021-0134 / Fredericks & Fasteau (Stair) / 19 Morgan Lane / Site Plan Application to Replace
190 Nonconforming Dock (Section 504) / Map 64 / Lot 05 / *Reception, Consideration of*
191 *Completeness, Possible Consideration*

192

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193 Bob Stair was present to explain the application. The owner agreed that their nonconformity could be
194 memorialized with a mylar.

195
196 *Motion:* To approve application #2021-0134 / Fredericks & Fasteau (Stair) / 19 Morgan Lane / Site Plan
197 Application to Replace Nonconforming Dock (Section 504) / Map 64 / Lot 05 / provided an as-built
198 mylar, which may be stamped by an architect is filed on the Land Records.

199
200 Made by Cockerline, seconded by Riva.
201 Vote: 4-0-1, Commissioner Shyer abstained.

202 14. POCD – Preliminary Discussion Regarding Required Updates

203
204 6. Correspondence

205
206 Two letters were reviewed. One from the CT Siting Council related to the proposed cell tower at the
207 Wake Robin. The Commission briefly discussed the proposal and identified that no action was required.
208 The second communication was received from Attorney Emily Vail at Ackerly Brown identifying that a
209 remediation project related to leaking underground storage tanks would not meet the threshold for
210 activity that triggers a permit from the Commission in the Lake Protection Overlay District.

211
212 15. Public Comment: Public Comment is restricted to items that are neither on the agenda nor the
213 subject of any pending Planning & Zoning application or action and are limited to three minutes
214 per person

215
216 Bruce Palmer expressed support for hybrid or virtual meetings in the future. He felt the process is
217 streamlined and the record is significantly easier to review. He believes the virtual format better
218 facilitates public involvement.

219
220 Land Use Administrator Conroy stated that, at a minimum, the intent is continue posting materials to
221 the website but that the Town is investigating technological options for when the Executive Orders
222 expire.

223
224 Janet Graff offered thanks to the Commission for their efforts sorting out and professionalizing the
225 Land Use process.

226
227 4. Minutes of April 19, 2021

228
229 Page 2, item 6 motion – insert “as meeting the Town of Salisbury Zoning Regulations”
230 Page 3, item 8 - replace “mapping” with “survey”

231

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232 *Motion:* To approve minutes of April 19, 2021 as amended.

233 Made by Cockerline, seconded by Riva.

234 Vote: 5-0-0

235

236 **Adjournment**

237

238 *Motion:* To adjourn the meeting at 9:36 p.m.

239 Made by Cockerline, seconded by Whalen.

240 Vote: 5-0-0 in favor.

241

242

243 Respectfully submitted,

244

245 Abby Conroy,

246 Land Use Administrator

**RESOLUTION OF THE TOWN OF SALISBURY PLANNING AND ZONING
COMMISSION REGARDING APPLICATION FOR A SPECIAL PERMIT TO
CONSTRUCT A 12-UNIT MULTIFAMILY DWELLING IN THE PKSQ DISTRICT
AND AQUIFER PROTECTION AREA**

APPLICATION #2021-0123

11 HOLLEY STREET

WHEREAS, on February 4, 2021, the Salisbury Housing Committee Inc. filed their second application for a Special Permit under Section 403 (Aquifer Protection Overlay District) and Section 405 (Multi-Family Housing and Pocketknife Square Overlay Districts) of the Town of Salisbury Planning and Zoning Regulations to construct a 12-unit multi-family dwelling on town-owned land consisting of 0.31 acres located at 11 Holley Street, Lakeville CT;

WHEREAS, on November 9, 2020 the Salisbury Housing Committee voluntarily withdrew their first application submitted on July 22, 2020 in order to address the concerns voiced in the public hearings and correspondence concerning a variety of issues, including but not limited to architectural style and building mass;

WHEREAS, the site consists of a single parcel, Assessor's Map 45 Lot 2;

WHEREAS, the Application proposes the construction of an affordable housing facility and associated uses in the CG-20 - Village Center Commercial District, PKSQ - Pocketknife Square Overlay District, and AP-Aquifer Protection Overlay District;

WHEREAS, the Application included a statement of proposed use; a plan set dated February 4, 2021 consisting of 17 plan sheets which included survey, site development plans, architectural plans, related drawings and documentations; requisite filing fee; Revised site plans dated March 17, 2021 and April 8, 2021; Stormwater Management Report dated April 2021 by Alfred Benesch and Company; Traffic Evaluation dated September 2020 by Joseph Balskus, P.E., PTOE and Molly Pause, EIT of VHB, Inc. and supporting documentation including but not limited to referral letters, additional renderings and PowerPoint Presentations dated March 8, 2021 and April 14, 2021;

WHEREAS, the Applicant has an option to lease the subject property for the proposed multi-family residential development;

WHEREAS, the Commission held a public hearing on the matter on March 8, 2021, March 22, 2021, and April 14, 2021;

WHEREAS, on March 4, 2021, Daniel E. Casagrande, Esq. of Cramer & Anderson, LLP, on behalf of five petitioners, filed a Verified Petition for Intervenor status, alleging that the proposed multi-family housing project involved conduct that is reasonably likely to have the effect of unreasonably impairing or destroying the public trust in the natural resources of the state, specifically the historic character and integrity of the Lakeville Historic District and Lakeville Local Historic District;

WHEREAS, the Commission examined the deed of gift to the Town of the Holley Block and determined that the deed contemplated future re-development of the site, with a requirement that the site be grassed within a year of demolition of the Holley Block building, and that the deed preceded the establishment of the Lakeville Historic District and the Lakeville Local Historic District;

WHEREAS, the Commission determined that it had sufficient information in the record and voted unanimously to close the public hearing on April 14, 2021;

WHEREAS, during the course of the public hearing, issues raised by the public, Intervenor and/or the Commission included: fundamental fairness of Zoom Webinar format, possible bias or predisposition of Commission Members, traffic, parking, pedestrian safety, massing, lighting and aesthetics;

WHEREAS, during the course of the public hearing, the Commission received not only oral testimony but a large number of written comments from residents regarding: traffic, lighting, parking, property values, public health and safety, the deficit of affordable housing in Town, as well as aesthetics;

WHEREAS, as discussed by the Commission in detail during its deliberations on April 28, 2021, the Commission finds that the Intervenors have not met their burden under Conn. Gen. Stat. § 22a-19 to demonstrate that the proposed multi-family housing project involves conduct that is reasonably likely to have the effect of unreasonably impairing or destroying the public trust in the resources of the State, specifically the historical character of the Lakeville Historic District and Lakeville Local Historic District;

WHEREAS, the Commission finds that the Applicant is eligible for a density bonus on the basis that the proposal includes a minimum of 50% affordable units; that the historical characteristics of the site do not override the benefits provided by the proposed affordable housing development on the site; and that construction materials, windows and lighting are essential features to the style and appearance of the building but that the Commission is amenable to low maintenance modern materials as long as they maintain the architectural integrity of the structure as a contributing feature in the District;

WHEREAS, the Commission finds the proposed use conforms with the requirements set forth in Section 403.6 of the Regulations for uses requiring a special permit in the Aquifer Protection Overlay District;

WHEREAS, the Commission has considered claims that the proposed use will unreasonably deprive surrounding properties of public parking or render zoning approvals for surrounding uses nonconforming for parking, but disagrees with these claims. Based on the Applicant's parking study, the historical aerial photographs placed in the record, and Commission members' personal experience of visiting the site over the years, the Commission finds that existing parking lot on

the site is generally underutilized; while there may be short- term parking challenges during construction, the proposed development will not unreasonably impair parking for neighboring uses. We further observe that the Applicant has stated that eight outdoor parking spaces will be available for public use (a representation that we incorporate herein as a condition of approval) and that these eight public spaces exceed the normal past usage for the site. We also find that the Intervenor has failed to establish that the proposal violates any existing zoning approvals called to our attention, and that, to the extent that the approvals referred to in the record relied on this site as satellite parking, the eight spaces reserved for public use satisfies or exceeds any specific number of spaces approved as part of those approvals;

WHEREAS, the Commission finds that building conforms with the front yard setback requirements established by Section 405.6.a.2 of the Regulations for both Holley Street and Millerton Road (Rte. 44) in that building is within the setback established by one or more buildings on abutting properties and thereby is consistent with the existing street wall;

WHEREAS, the Commission finds that the proposed building, with the conditions set forth below, will be in conformance with the dimensional and design requirements of Section 405.6 of the Regulations;

WHEREAS, the Commission has considered the standards set forth in Section 803 of the Salisbury Zoning Regulations and finds that the size and intensity, as well as the design, of the proposed project has been related harmoniously to the terrain and to the use, scale, and siting of existing buildings in the vicinity of the site; the use does not create a nuisance to neighboring properties, whether by noise, air, or water pollution, lighting, or other effects; the proposed use also is not in conflict and does not constitute an unreasonable decrease in property values or a detriment to the present and potential use of the area in which it is located. The Commission finds that, with the conditions enumerated in this resolution, a reasonable effort has been expended to balance the concerns of the neighbors with the Applicant's property rights and the need for affordable housing;

WHEREAS, the Commission finds that no Special Permit for Excavation, Filling and Grading (Section 601) is required for this project because the grading and excavation for this project is made in connection with construction plans approved by the Commission, and thus is exempt under Section 601.2 d of the Regulations; and even if that exemption were not applicable, the Applicant has estimated the total excavation to be less than 250 cubic yards, which is a separate exemption under Section 601.2.a of the Regulations;

WHEREAS, Section 800.3 of the Regulations (Site Plan and Application Requirements) provides “The design, layout, computations and plans showing existing and proposed drainage patterns, and construction of storm drainage improvements, driveways, access ways, parking areas, loading areas and other site construction improvements shall be prepared by a Connecticut Registered Engineer”;

WHEREAS, our Special Permit application form provides that “The design, layout and computations relating to the construction of facilities for storm drainage or improvements such as a new accessway, parking areas, etc. shall be prepared by a Connecticut registered engineer *or where qualified to do so by a Connecticut registered landscape architect.*” (emphasis added).

WHEREAS, a landscape architect licensed by the state of Connecticut is specifically authorized to render the service of site planning, which is defined to include “the design or management of land, the arrangement of natural and artificial elements, including, but not limited to, grading and incidental drainage, soil and erosion control, and planting plans...” under Conn. Gen. Stat. § 20-367 and chapter 396 of the Connecticut General Statutes;

WHEREAS, the Applicant’s materials submitted to the Commission included materials from *both* a Landscape Architect (Jon Tunsky, todesign) and a registered engineer (William Walter, Alfred Benesch and Company) as well as other qualified professionals (Traffic Engineer, Joseph Balskus, PE, PTOE, VHB), Architects, Thomas Arcari, AIA & Rocco Petitto, AIA, QA+M Architecture; Kent McCoy, AIA, Historic Specialists & Project Architect, QA+M Architecture;

WHEREAS, the Applicant’s engineer has prepared a Stormwater Management Report, which addresses the “design, layout, computations and plans showing existing and proposed drainage patterns, and construction of storm drainage improvements” as required by Section 800.3 of the regulations as well as an analysis and review of “driveways, access ways, parking areas, loading areas and other site construction improvements” in preparation of that report; accordingly, we find that the application to have substantially complied with Section 800.3 of the Regulations;

NOW THEREFORE BE IT RESOLVED THAT, SP 2021-0123 be approved with the following conditions:

1. Eight outdoor parking spaces shall be designated as open and available for public use.
2. The chimney height [as depicted on the sheet A3.0 (Exterior Elevations) and slides 13-16 of the Applicant’s PowerPoint presentation of 03/08/2021] shall be reduced by at least 50% to better meet surrounding architecture, provided that such reduction does not conflict with any provision of the State Building Code.
3. Granite blocks and stone from the original Holley Place foundation shall be incorporated into the site development ensuring public visibility of the resource. Additional cladding shall be added as needed to cover the modern concrete walls proposed on ground floor elevations and the southern garage face.
4. To avoid a disharmonious appearance from the street, window treatments shall be limited to white.
5. Exterior lighting shall be in keeping with the Federal style of the District and in compliance with Section 702 of the Zoning Regulations, including internal and external garage lighting.

6. True divided light windows will be installed on all fenestration to improve the aesthetic of the building to be compatible with the neighborhood as recommended by Rachel Carley, the Intervenor's historic consultant.
7. The building color (grey with white trim) shall be as depicted on slide 16 of the Applicant's March 8, 2021 PowerPoint presentation.
8. The Planting Plan shall conform to the revised planting plan ("Planting Plan", sheet L-4.0, rev. 04.08.21). Shrubs within the Sight Triangle shall be maintained at less than three feet in height, in accordance with Section 304.3 of the Regulations.
9. No loading or unloading of vehicles shall be permitted on Millerton Road (Route 44). Loading and unloading of vehicles is only permitted on Holley Street and the on-site parking lot. This condition does not apply to school buses.
10. The right-of-way on the western portion of the property shall not be obstructed. The Applicant is required to install signage in this area to enforce this condition, e.g., "Private Way No Through Traffic."
11. The elevator(s) shall be designed to accommodate a stretcher and attendant EMT personnel.
12. Refuse shall be stored in a ventilated enclosure to prevent access by wildlife and disposed of in the manner as identified by the letter from Welsh Sanitation date March 1, 2021.
13. Any work within the Connecticut Department of Transportation (CT DOT) right of way will require review and issuance of an Encroachment Permit from CT DOT.
14. "Back-in Only" signs shall be installed for the two proposed parking spaces that are located under the southeast corner of the building to ensure adequate visibility for vehicles exiting this location, which is within close proximity to the site entrance.
15. Aisles will be graded to conform with slope requirements set forth in Section 700.3e of the Zoning Regulations.
16. Snow plowed on the site shall be stored on the planting island or removed from site, as necessary.
17. Prior to the issuance of Certificate of Occupancy, the Applicant shall provide to the Zoning Administrator the identity and contact information of the person who will be the principal point of contact as set forth at Section IV of the Applicant's Affordability Plan.

18. Provisions shall be made for the preservation of any time capsule or other features of historical interest that may be discovered during the construction process. These should be relocated into the wall along Holley Street so they are publicly visible.
19. The Applicant shall comply with the recommendations contained in the Stormwater Management Report dated April 2021 prepared by William B. Walter of Alfred Benesch and Company, including the specific Erosion Control Measures specified at page 3-4 of the report, and the measures addressing Long Term Stormwater Quality on page 4 of the report including parking lot sweeping, installation of catch basins sumps, and installation of a hydrodynamic separator. The Applicant shall provide a schedule for sweeping and maintenance to the Zoning Administrator prior to the issuance of a zoning permit.
20. All site plan documents shall be stamped and signed to conform to Class A-2 survey standards in accordance with Section 800.3 of the Regulations.
21. A geotechnical report shall be completed and supplied to the Zoning Administrator prior to issuance of a building permit demonstrating that suitable soil conditions for footing, foundation and building construction exist given that the site was previously developed with a structure.
22. No local zoning permit shall be issued until all required approvals are obtained, including, if required, any approval from the State Historic Preservation Office (SHPO).
23. In order to address potential safety issues to oversized vehicles travelling on the southern side of the building where the building extends over the accessway, the Applicant shall install “low clearance” signs on the southeast and southwest corners of the building where the building extends over the accessway.
24. If any of the requirements of the decision are unattainable the Applicant may seek a modification of this approval from the Commission. Applicant is advised that any modifications will require a full public process.