

SECTION - 10 Site Development Plans, Requirements & Standards

10.1 General: The use of land, buildings and other structures, which are permitted under these Regulations after approval of a Site Plan/ Site Development Plan and the construction, reconstruction, enlargement, extension, moving or structural alteration of buildings or other structures in connection with such use, shall conform to the requirements and standards hereinafter specified. The requirements of this section are in addition to any other provisions of these Regulations applicable to the property or zone in which the use is to be located.

- A. Application for Site Development Plan: An application shall consist of at least all the following information:
1. General information form as prescribed by the Commission; and
 2. The appropriate fees; and
 3. The following detailed plans, at a minimum:
 - a. A general location (key) map showing the surrounding property within 500 feet, including all structures, roads, watercourses and names of property owners and other physical features which relate to the proposed development.
 - b. A Site Development Plan in accordance with Section 10.2; and
 - c. Erosion and sedimentation control plan; and
 - d. Drainage and runoff control plan; and
 - e. Landscaping plan; and
 - f. Lighting plan, showing details and areal extent of lighting; and
 - g. Preliminary architectural plans of all proposed, existing or to be altered buildings, structures and signs including exterior elevations;
 4. Either a certificate stating that an Inland Wetlands application has been filed or a letter indicating no permit is required.
- B. Waiver: The Commission may grant a waiver for the submission of any of the requirements of Section 10.1.A.3. above if all of the following requirements are met:

1. The request for a waiver is submitted in writing;
2. The use will not have a substantial impact on properties in the surrounding neighborhood with regard to such items as, but not limited to, noise, traffic, character of use and compatibility with surrounding uses;
3. The use will not substantially alter the positive nature of the existing building(s) or other structures;
4. The use will not be inconsistent with the public welfare or impair the integrity of the Regulations.

10.2 Standards: The following standards shall apply to those uses which are permitted under these Regulations after the approval of a Site Development Plan:

- A. Plan of Conservation and Development: The proposed development and use shall be in conformance with the purpose, intent, policies and programs of the Town of Bethany Plan of Conservation and Development, adopted by the Planning and Zoning Commission as it pertains to the area in which the development and use is to be located, particularly with respect to, but not limited to, the following items:
 1. The location and design of and access to and from roads;
 2. The setback, scale, bulk and appearance of buildings and other structures;
 3. The provision for and location of landscaping features.
- B. Neighborhood: The development and use of land, buildings and other structures, the location and bulk of buildings and other structures and the development of the lot shall be compatible with the neighborhood to protect property values and to preserve and enhance the appearance, and rural character of the community.
- C. Access: Provision shall be made for vehicular access to the lot in such a manner as to safeguard against hazards to traffic and non-vehicular traffic on the road right-of-way and on the lot and to avoid traffic congestion on any road. Access shall also conform to the following:

1. For commercial uses, where reasonable alternate access is available, the vehicular access to the lot shall avoid use of roads in Residence Zones.
2. The road providing access to the lot shall be suitably improved and have the capacity to accommodate the traffic generated by the proposed use and development.
3. Provisions shall be made for turning lanes and traffic controls within the road right-of-way if deemed necessary by the Commission.
4. Access driveways shall be of a design and have sufficient capacity to avoid back-up of entering vehicles on any road.
5. Driveways onto the lot shall be constructed in accordance with the most restrictive of all applicable requirements and specifications and shall meet the travelway of the road in such a manner as to conform to the standards as established for the street as may be specified by the Board of Selectmen.

D. Existing Roads: Where the lot has frontage on an existing road, provision shall be made for continuation of streets and other improvements, if determined necessary by the Commission.

E. Parking and Loading: On-site parking and loading shall be provided in accordance with Section 7 of these regulations.

F. Drainage and Runoff Control: Provision shall be made for the collection and discharge of stormwater on the lot to prevent flooding of on-site parking and loading spaces, to avoid hazards to pedestrian and vehicular traffic on the lot and on any road and to avoid stormwater flow from the lot onto property of others and to protect streams, wetlands and watershed lands from pollution.

1. The design of drainage shall be based on sound engineering practices and judgment based on the best available data, and shall fully consider the predicted volume and rate of stormwater runoff and the capacity of downstream watercourses, channels and other drainage structures to accept the drainage discharge. Calculations of runoff, hydrographs and flow routing shall be performed in accordance with the standards and procedures

established by the U.S.D.A. Soil Conservation Service. As a minimum, ten (10) year storm frequency shall be used as the design basis for the proposed on-site drainage systems, as approved by the Commission. However when indicated by surrounding site conditions, the Commission may require larger design storm up to a 50 year storm. The Standards of the Bethany Road Specifications shall be considered as a guideline for cross culverts under access roads and for natural watercourses.

2. Provision shall be made for the protection or improvement of existing watercourses, channels and other drainage systems on the lot or downstream from the lot as needed to accept the proposed drainage discharge and taking into account the total watershed runoff and the effect of future development. When deemed necessary to protect downstream areas, the Commission may require the construction of detention structures or other runoff control measures.

- G. Wetlands: Provision shall be made for the protection of swamps, floodplains and other wetlands on the lot.
- H. Sanitation: Proper provision shall be made for the water supply and sewage disposal requirements for the proposed development and use. Any proposed system shall be designed and constructed in accordance with the applicable State laws, regulations and ordinances, prior to the approval of the Site Development Plan. In addition, provision shall be made for the collection, storage and disposal of solid wastes accumulated which will result from the proposed development and use and for the control of litter by means of receptacles, fences or other means as approved by the Commission.
- I. Outside Storage: Outside storage (including without limitation, storage of merchandise, goods, supplies, wastes, machinery, motor vehicles and equipment and processing or assembling of goods) shall be limited as follows unless stated otherwise for the zone:

1. No outside storage area shall extend into the area required for setback from a street line or a Residence District boundary line.
2. No outside storage shall extend into the area required for setback from a property line nor into the area required for a landscaped buffer as may be required by these regulations.
3. The maximum permissible outside storage area shall not be more than 10% of the building area.
4. All outside storage areas shall be enclosed, except for access drives, by buildings and/or fences, walls, embankments or evergreen shrubs or trees in order to screen the storage area from view from any other lot or from any street. The Commission, in its sole discretion, may allow an increase in outside storage of up to 10% of the lot area provided that any hazardous or toxic materials stored on the property are adequately contained to meet D.E.P. standards for storage of hazardous or toxic material.

J. Total Ground Coverage: Total Ground Coverage is defined as the aggregate area of all buildings, structures, paved areas and outside storage areas on the lot, divided by buildable lot area.

<u>Zone</u>	<u>Max. Coverage as a % of Buildable Lot Area</u>	
	<u>(on a minimum sized lot)</u>	<u>(WSO)</u>
R-65	15%	12%
R-130	15%	15%
B&I	75%	60%
EH-6	40%	40%

K. Lighting: The location, height, design and arrangement of outside lighting shall be done so as to avoid trespass lighting and direct glare on any other lot and to avoid hazards to traffic on any road. The source of the illumination (bulb) shall not be visible from off the property. The Commission may require full cut off fixtures.

L. Business and Industrial Landscaping Requirements

1. Purpose

- a. The requirements of this Section 10.2-L are intended to:
 1. Maintain the rural appearance of the town in the Business & Industrial (B-I) zones;
 2. Visually integrate each business with neighboring businesses, residences, recreation areas or open spaces;
 3. Make the Business and Industrial Zones attractive to potential businesses to the benefit of the town;
 4. Protect property values by providing and preserving screening and landscape vegetation and material;
 5. Minimize heat, glare, accumulation of dust, and prevent soil erosion and pollution of water resources, while promoting the natural recharge of storm water.
- b. The included standards are the minimum required for newly developed properties and are also intended to serve as a guide for the improvement of existing businesses.

2. Landscape Design Plan and Narrative

- a. A detailed landscape design plan and narrative shall be submitted with every site plan application and every special exception permit application filed pursuant to Section 5.2.A and Section 5.2.B of these Regulations. If an expansion of an existing Business or Industrial use that results in an increase of more than 25% in floor space, the entire property shall be brought into full compliance with the landscape standards of this Section 10.2-L. If an existing parking area is relocated or expanded and the total number of parking spaces provided is more than ten (10), the expanded parking area shall be brought into full compliance with the landscape regulations of Section 10.2-L(4)(c).
- b. Applicants are encouraged to consider recommended plantings of Appendix 7 and to discuss their landscape design plan and narrative with, and to obtain a report from the Town of Bethany Conservation Commission and the Bethany Tree Warden prior to officially submitting the plan and narrative. Applicants are strongly encouraged to have their landscape design plan and narrative prepared by a qualified landscape professional or designer.

- c. The landscape design shall be submitted on plans, accurately drawn to scale, and shall contain the following:
 1. The location, grade, and dimensions of all proposed planting areas.
 2. The location, species, size, and number of all proposed plantings.
 3. Any significant, existing, useable vegetation (such as trees, shrubs, plants, and ground cover) and a notation as to whether they will be removed or retained as part of the project. That vegetation which will be retained shall be designated on the plan with a unique symbol.
 4. Existing mature trees measuring over twelve (12) inches caliper and a notation as to whether they will be removed or retained. Trees of this size to be retained shall be designated on the site plan with a unique symbol. If any such tree is to be removed, the applicant shall demonstrate to the commission that its preservation is incompatible with reasonable use of the property for business or industrial development, e.g. the tree is in the way of the only safe location for a driveway, it is in the area of the only feasible location for building or it is diseased or an “undesirable” species.
 5. The location and description of methods to protect trees and other existing vegetation, proposed plantings, and soils from damage during and after construction.
- d. The narrative shall provide the following information:
 1. The existing and proposed uses of the site.
 2. The existing uses of properties that adjoin or are adjacent to the site.
 3. The existing and proposed means of access to the site.
 4. A description of all proposed plantings (including trees), a planting schedule, and a maintenance schedule.

3. Permission to Provide Alternate Landscaping
 - a. If conditions unique to the property prevent compliance with the requirements of this Section, the applicant may seek permission from the Commission to provide an alternative landscaping plan, consistent with the purposes and objectives of this Section.
 - b. Such unique conditions include, but are not limited to, the following: Topography; lot dimensions; the existence of wetlands, watercourses, rock ledge, stone walls, the location of mature/significant specimen trees, etc. and road, utility, drainage, or other easement or right-of-way restrictions encumbering the property.
 - c. Alternate landscaping may include, but is not limited to, the following: requiring the landscaping to be provided on a different area of the property; requiring different species, sizes, and number of plantings and/or trees; or requiring fencing, berms, or retaining walls.
4. Perimeter and Parking Lot Landscaping Requirements
 - a. General Requirements for Perimeter and Parking Lot Plantings
 1. The preservation and protection of the existing natural vegetation and unique features of the site is encouraged whenever practical. Existing natural vegetation to be retained as a part of the project shall be protected during construction through the use of construction fencing at, or beyond, their drip line and other suitable measures. No soils or other material shall be stored during or after construction within areas of natural vegetation to be preserved.
 2. All plant materials shall be installed in accordance with good landscaping practices, free of disease and insects, in conformance with the standards and practices of the American Standard for Nursery Stock of the American Association of Nurserymen (ANSI Z60.1-1996), as amended.
 3. All landscaped areas shall be covered with grass, mulch or other suitable ground cover. Undisturbed areas of the site are encouraged to remain in their

natural state and need not be covered with additional grass, mulch or ground cover.

4. Landscaped areas shall incorporate a variety of plant materials and not more than fifty percent (50%) of the total number of plants shall be comprised of any one species.
 5. Trees and plant material that are planted shall be arranged to simulate a natural setting (such as by massing or staggered rows) unless the applicant establishes, to the satisfaction of the Commission, that a more formal arrangement is more consistent with the existing character of the area, the proposed use, or proposed and/or existing structures.
 6. Annual color is encouraged in the landscaping plan. Color may be provided by annuals, flowering trees and shrubs, evergreens, deciduous plant materials, bark color, seeds, fruit, and berries.
 7. Landscaped areas shall be kept free from refuse and debris. Trees and plant material shall be maintained in a healthy growing condition, trimmed, in a neat and orderly appearance, and not overgrown. Any tree or plant material that dies or is damaged shall be repaired or replaced within the current growing season. If this is not possible due to the time of year, such plantings must be replaced during the next growing season.
- b. Perimeter Landscaped Area Requirements.
1. Front Yard - Any lot developed for commercial or industrial use shall provide a continuous landscaped area adjacent to the street with a width of not less than twenty-five (25) feet. The front yard landscaped area shall be planted and continuously maintained with a combination of trees, shrubs, ground cover, lawn and other suitable landscaping materials meeting or exceeding the requirements of an "A" Bufferyard as defined in subsection 10.2-L-4-d and as depicted in Illustration 10-1. Please note that a "Corner Lot" is a parcel of property, which has two front yards.

2. Side/Rear Yards - Any lot developed for commercial or industrial use shall provide a continuous landscaped area along all side and rear lot lines with a width of not less than ten (10) feet. The side and rear landscaped areas shall be planted and continuously maintained with a combination of trees, shrubs, ground cover, lawn and other suitable landscaping materials meeting or exceeding the requirements of a “B” Bufferyard as defined in subsection 10.2-L-4-d and as depicted in Illustration 10-1.
3. Abutting Residentially Zoned Property - When a required landscaped buffer along any street line adjoins residentially zoned property, the “A” Bufferyard width shall be increased in width to not less than thirty-five (35) feet. When a required “B” Bufferyard along any side or rear property line adjoins residentially zoned property, the landscaped buffer width shall be increased in width to not less than fifteen (15) feet and shall satisfy the requirements of a “C” Bufferyard as defined in subsection 10.2-L-4-d and as depicted in Illustration 10-1.
4. Perimeter landscaped areas shall not be used for parking of vehicles, outdoor storage or outdoor display as defined in Section 5.3-G of these Regulations. Street-side storm water detention basins are discouraged from being located within the boundary of the required landscaped area. However, mail boxes, approved signs, sidewalks, driveways, fire hydrants, and utility equipment and facilities may be located within boundary landscaped areas. Driveways necessary for access to the site may run generally perpendicular to a perimeter landscaped area. The Commission may approve the location of a connecting driveway between separate parcels in order to promote traffic safety.
5. Perimeter landscaping shall not interfere with safe sightline visibility for motorists, sight lines for the driveways or access ways of abutting properties, access for pedestrians and vehicles nor with access to mail boxes, signs, sidewalks, etc.

6. To facilitate snow removal, no plant material, other than grass or ground covers, shall be planted closer than four (4) feet from the edge of pavement or the curb line of any abutting road.
- c. Parking Lot Landscaping Requirements
1. Any lot containing parking facilities for ten (10) or more vehicles shall provide landscaped islands and dividers within the parking lot at a rate of 15 square feet of landscaped area per parking space, landscaped to include a minimum of one canopy tree, as defined in subsection 10.2-L-4-d, for every ten parking spaces or fraction thereof. This landscaping requirement shall be satisfied by landscaped end islands, center islands and/or dividers with a width of not less than ten (10) feet.
 2. No parking areas or driveways shall be less than ten (10) feet from any portion of a building other than its garage entrance or loading area apron. Landscaping provided within this 10-foot area shall not be counted toward satisfying the parking lot landscaping requirement of this section.
 3. All plant materials located adjacent to parking areas, loading areas, or driveways shall be protected by barriers, “bio-retention areas”, or other means from damage by vehicles and snow plowing.
- d. Landscaped Bufferyards
1. Landscaped buffers, where required by this section, shall conform to the standards as depicted in Illustration 10-1.
 2. Within bufferyards, canopy trees shall be deciduous shade trees not less than 3 inches caliper at the time of planting with a height at maturity of not less than 35 feet.
 3. Understory trees shall be deciduous shade, ornamental or fruit trees not less than 2 inches caliper at the time of planting with a height at maturity of not less than 12 feet.
 4. Evergreen trees shall be coniferous species not less than 6 feet in height at the time of planting.
 5. Shrubs shall be either deciduous species not less than 2 1/2 feet in height at the time of planting with a mature height of not less than 6 feet, or evergreen species not less than 2 1/2 feet in spread at the time of planting.

6. Existing plant materials may be used to meet all or part of these landscape requirements. Within bufferyards, existing trees in good condition in excess of twelve (12) inches in caliper shall be preserved unless approved for removal by the Commission.

Illustration 10-1: LANDSCAPED BUFFERYARDS

5. Certificate of Zoning Compliance

- a. No Certificate of Zoning Compliance shall be issued unless an as-built landscape plan is filed with the Commission that conforms to the Commission's approval.
- b. If growing conditions and/or timing prevent the implementation of the landscape plan, the Commission may authorize the issuance of a Certificate of Zoning Compliance provided the applicant posts a bond in an amount and with surety and conditions satisfactory to it securing to the Town the actual implementation of the plan within the period specified in the bond as ordered by the Commission.

6. Bonding

- a. As a condition of approval of the landscape design plan, the Commission may require a performance bond as set forth in Section 10.2-P(1) and/or a maintenance bond as set forth in Section 10.2-P(2) of these Regulations.
- b. The maintenance bond shall cover a period of up to two (2) years to enable the planted materials to take root, stabilize, and become established.

M. Erosion and Sediment Control: Design and construction in any zone, including any related roads, drainage and other improvements shall be executed so that such activity will not cause erosion, flooding or deposits on the property being developed or on any surrounding properties or to wetlands or watercourses; and

1. Cut and fill slopes shall not be steeper than 1:3 unless stabilized by a retaining wall or cribbing, except as approved by the Commission when unique site conditions exist.
2. Provisions acceptable to the Commission or its representative shall be made to prevent surface water from damaging the cut face of excavations or sloping surfaces of fills.
3. Cuts and fills shall not endanger adjoining property, including right-of-way property of the Town of Bethany or property of the State.
4. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.

5. Grading may not be done so as to divert or concentrate the flow of water onto the property of another landowner without the express written consent of that landowner.

N. Form of Site Development Plan: The Site Development Plan shall be drawn to a scale of not less than 1" = 40'. The Site Plan shall be within a property having a perimeter survey meeting or exceeding the accuracy of a Class A-2 survey. The survey shall include at least the location of all existing structures and features known to exist, except that the Commission may grant a waiver of the A-2 accuracy requirement when one of the following criteria is met and the Commission determines that such a waiver is in harmony with the general purpose and intent of the Zoning Regulations and will not endanger the public health, safety, convenience, welfare and property values. To qualify for a waiver, an application must meet at least one of the following criteria:

1. The subject property shall consist of a minimum of 20 contiguous acres;
2. The proposed use shall not involve the use of a building or buildings;
3. The proposed use shall not involve the erection of a structure or structures, or alteration of the topography within 100 feet of the property line, and shall have no potential off-site drainage impacts;
4. Proposed uses shall not be conducted within 50 feet of a property line.

O. Content of the Site Development Plan: The Site Development Plan shall include the following information at a minimum:

1. Name and address of the holder of the record title to the land to be developed and the name and address of the applicant if different from the owner
2. Date, scale, north arrow, Town, State, assessor's map and lot number and address of land to be developed, if available.
3. General location map (key map) showing the location of the site in relation to existing Town roads at a minimum scale of 1 in. = 1000 ft.

4. Name, address, professional seal or stamp and signature of the individual(s) responsible for preparing the plan.
5. Existing and proposed property and road lines; adjoining property and road lines; existing structures within 100 ft. of the property line of the property proposed for development; and the names of all property owners within 100 ft. of the property line of the property proposed for development as shown on the current records of the Tax Assessor.
6. Existing and any proposed relocation, of water courses and streams whether intermittent or continuous flowing, (if such relocation requires the approval of the Department of Environmental Protection, said approval must accompany the application), existing and proposed ponds, easements, rights-of-way, and supporting documents; the location and limits of all swamps, floodplains and other land subject to potential flooding; conservation areas and inland wetlands as shown on the “Inland Wetland and Watercourses Map” of the Town of Bethany.
7. Existing and proposed contours, with reference to datum and source, at an interval not exceeding two feet based on field or aerial survey or based on U.S.G.S. data. Should any part of the property fall within 1,000 ft. of a State grid coordinate reference point or U.S.G.S. elevation marker, the site plan should make reference to that point.
8. Existing and proposed permanent buildings and structures.
9. Principal wooded areas and the approximate location of any large isolated trees; ledge outcrops, stone walls; fences; and any other significant physical features of the property.
10. Dimensions of all proposed property and road right-of-way lines to the nearest hundredth of a foot and the total acreage of land, to the nearest hundredth of an acre, to be included in the proposed development.
11. The proposed width of all roads, rights-of-way and easements; the existing and proposed width of all pavement or travelways.
12. Existing and proposed monuments; municipal boundary lines; the zoning district; and zoning district boundary lines.

13. Existing and proposed storm drains, catch basins, manholes, ditches, watercourses, headwalls, gutters, curbs and other structures and existing and proposed utilities.
14. Spot elevations on both existing and proposed roads, drives and parking areas to indicate grading. Grades shall be stated and contours shown. Drainage shall be shown in conformance with all Town standards.
15. The location of any test pits, borings, percolation test hole location, location(s) for proposed water supply well sites; and the location and dimensions of the on-site sewage disposal and reserve system field areas.
16. Existing wells and septic system(s) within 100 feet of a property line on adjoining properties.
17. An outline of all existing and proposed deed restrictions or covenants applying to the property.
18. Identification of soils as indicated in the field by a qualified soil scientist.

19. The Commission may by 2/3 vote grant a waiver of any of the above Site Development Plan requirements when it determines that all of the following criteria are satisfied:
 - a. The use will not substantially increase traffic or produce safety hazards;
 - b. The use will not increase parking requirements;
 - c. The use will not have a negative impact on properties in the surrounding neighborhood by elements including, but not limited to, noise, traffic, character of use and compatibility with surrounding uses;
 - d. The use will not substantially alter the nature of the existing building(s) or other structure(s);
 - e. The use will not be inconsistent with the public welfare or impair the integrity of these regulations.

20. The ZEO may grant a waiver of any of the above requirements when reviewing a site plan under his jurisdiction.

P. Bonds:

1. Performance Bonds:

- a. To assure that a proposed development, excluding buildings, conforms to the Site Development Plan and/or Special Exception approval requirements, a performance bond may be required by the Commission. The performance bond shall be posted prior to the filing of the site plan approval on the land records and the issuance of any Zoning Permit.

Approval of the plan shall become effective upon the date of filing of the approval of an endorsed final plan and other required documents in the Office of the Town Clerk. No construction work shall begin prior to the receipt of the final approval by the applicant.

- b. A performance bond shall be posted using one or more of the following methods and in a form acceptable to the Commission or its representative.
 - (1.) A cash bond;
 - (2.) A savings bank deposit book;
 - (3.) An irrevocable letter of credit; or
 - (4.) Any other form of surety that the Commission or its representative deems acceptable.
- c. The amount of the performance bond shall be established by the Commission or its agent. Applicants shall furnish the Commission with a listing of the type and estimated quantities of materials needed to complete the improvements as if let-to-bid by the Town without the advantages of onsite building materials or the sale of the removed earth material. In addition, the bond shall include an amount to cover the escalation of all improvement costs over a two year period, or the duration of the permit, whichever is longer.

- d. The amount of the performance bond shall be sufficient to cover the cost of any proposed or required site improvement such as grading, paving, and plantings; the installation of required curbs, gutters, storm drainage facilities, landscaping, monuments, bridges, and culverts; erosion and sedimentation control measures; and all other such improvements that the Commission deems necessary to promote the public health and safety and to safeguard the Town from undue expense in regard to the future maintenance of said improvements. All improvements shall be designed in accordance with the established standards, rules and regulations of the Town of Bethany applicable to the project. The Commission may require a separate cash performance bond be posted for all erosion and sedimentation control and site stabilization measures.
- e. Upon completion of the proposed and required improvements, the applicant may be required to submit to the Commission:
 - (1.) “As-built” plans of the improvements, supplied by a licensed land surveyor;
 - (2.) Certification of accurate monument location, supplied by a licensed land surveyor;
 - (3.) Easements in a form satisfactory to Town Counsel including a written description of all such easements; and
 - (4.) Proof of fulfillment of any other requirements or conditions.
- f. The bond shall be released upon a surveyor’s certification that all required improvements have been completed to the satisfaction of the Commission and other appropriate Town departments. In addition, a maintenance bond covering all site improvements completed for the development may be required by the Commission prior to the release of any performance bond.

If an inspection reveals that the improvements are not installed as required by the Commission or its agents, the Commission is under no obligation to accept the work. The Commission may declare the bond defaulted and take the necessary action to call the bond.

2. Maintenance Bonds:

When required by the Commission to assure proper maintenance of all site improvements and structures, a maintenance bond in the amount of 10% of the cost of the site improvements shall be submitted and filed with the Town. The bond shall be posted prior to the issuance of any Certificate of Zoning Compliance. The applicant shall maintain all site improvements within the time frame of the bond as established by the Commission.

During such period, the applicant shall, when notified by the Town, promptly and at his own expense, repair all failures and defects including but not limited to, the construction, drainage structures, appurtenances, bridges and other improvements as may occur during such maintenance period. The applicant shall similarly repair all defects, settlements and irregularities of the structures and appurtenances of drains, pipes, mains, conduits, curbs and gutters, paved surfaces, landscaping or other defective improvements detected during the maintenance period.

If the applicant fails to remedy any such defect within a reasonable time, the Town may, without prejudice to any other remedy, cause the required repairs to be made and paid for with the proceeds of the maintenance bond.

3. Completion of Work: Failure to complete all work associated with an application approved by the Commission within the prescribed amount of time, shall cause the approval to expire and become null and void. Should an application be declared null and void, the Commission may recommend that any posted bond be declared defaulted and take necessary action to call the bond so that the property is adequately stabilized with permanent erosion and sedimentation control measures in place.