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May 2, 2021

Mr. Michael J. Murphy, AICP
Lisbon Town Planner
Lisbon Town Hall
1 Newent Road
Lisbon, CT 06351

Re: Timothy Bresnan – 47 School House Road, Lisbon

Dear Mr. Murphy:

Enclosed please find a copy of a map prepared for my client showing a proposed boundary line adjustment. My client is seeking to convey the property identified as "To Be Conveyed to Leo J. & Theresa A. Boulanger" to his neighbors, which property is to be conveyed with the Boulangers' existing house lot.

Please feel free to contact me with any questions regarding this matter. Thank you for your consideration.

Sincerely,

Gerald M. Smith, Jr.

Encl.

RECEIVED
MAY - 7 2021

BT:

STAFF REPORT DATE: May 25, 2021

TOWN PLANNING STAFF REPORT FROM: Michael J. Murphy, AICP, 860-885-8697/mmmurphy@seccog.org

APPLICATION / PROJECT NAME

Bresnan Conveyance and Caveat
Release Request

APPLICANT / PROPERTY OWNER

Attorney Jerry Smith

PUBLIC HEARING / DECISION TIMEFRAMES

N/A

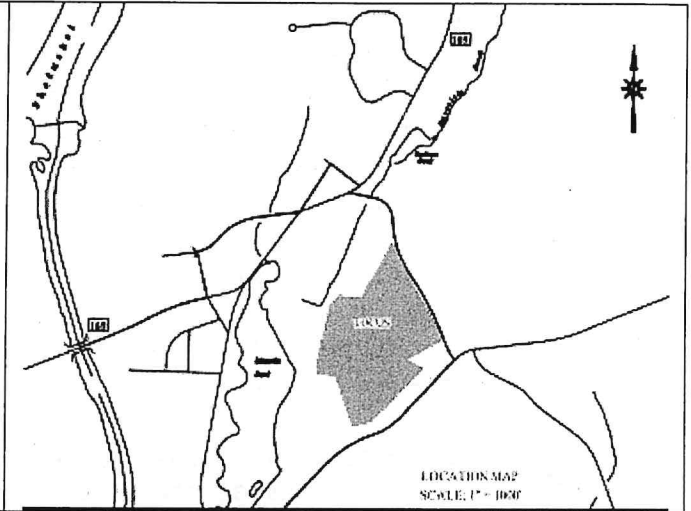
PROPERTY ADDRESS / LOCATION INFORMATION

41-47 School House Road

BRIEF SUMMARY OF REQUEST

Attorney Smith, representing Mr. Bresnan of School House Road is seeking to convey a portion of lot 2 of his two lot subdivision, approved in 2014, to at least one and possibly two (2) adjacent property owners. In effect, Mr. Bresnan wished to keep the original lot created by the subdivision but make it smaller by conveying a portion of the lot to increase the size of Boulangers' property who live next to him on School House Road. The plan also calls for possible conveyance to the N/F Korenkiewicz property. The request for approval from the commission is simply to confirm that these conveyances would pose no subdivision issue and that the caveat about the drainage and road work are not adversely affected.

WAIVER REQUESTS: N/A



EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
R-40	Vacant	North: R-40/sf residential South: R-40/sf residential East: R-40/sf residential West: R-40/sf residential	None proposed; request is for property boundary adjustments.	Original subdivision area of 29+ acres for lots 1 and 2 to be reduced to be reduced to 24.99 acres; no change in number of lots

PLANNING STAFF ANALYSIS AND RECOMMENDATIONS

COMPATIBILITY / COMPLIANCE with the POCD-2016 and other appropriate plans, policies or studies:

This boundary adjustment with conveyances to adjacent lot owner(s) does not increase the number of lots and all properties continue to conform to the zoning/density requirements of the R-40 zone and Future Land Use Plan of the POCD.

PROJECT HISTORY AND BACKGROUND:

This subdivision was approved and then reapproved in summer of 2014. Key requirements were: 1) a bond had to be posted for drainage and road improvements (\$15,000.00) or the work completed before a building permit was issued for lot 2, and 2) payment of the fee in lieu of open space (\$4,000.00) to be made when ownership/title for lot 2 is transferred.

Land for potential road widening and drainage improvements was dedicated and subsequently conveyed to the Town by Mr. Bresnan in 2015. Some drainage work has apparently been done in the vicinity of the easement but it is not clear whether this meets the plan requirements; however, this is not material to the question of the partial release request, in my opinion.

The attorney is, in effect, requesting a partial release of the caveat relative to the bond provision for drainage and road work (number 1 above) to eliminate any cloud of title with the potential conveyance of a portion of lot 2 to the adjacent property owner(s) (3.04 to Boulangers and possibly 1.02 acres to Korenkiewicz). The land would be excess acreage for these adjacent properties and would increase their respective lot sizes significantly.

LAND USE/ DEVELOPMENT COMPATIBILITY with APPLICABLE REGULATIONS AND/OR DESIGN STANDARDS:

Administrative Issues: Attorney Smith has indicated that the partial release is related to the Boulanger conveyance; however, the recent survey provided by Mark Sullivan also suggests conveyance of land to N/F Korenkiewicz. This should be clarified by the attorney at the meeting.

In addition, provisions for recording the final boundary adjustment plan and revised compilation deeds for the Boulanger conveyance and the Korenkiewicz, if it occurs, should be considered. Staff will address this issue in the draft motion.

Lot Conformity and Development: The information provided by Attorney Smith has been supplemented by the most recent map for this proposal that is up on the Town website for public review. A brief review of this map will show that the Bresnan lots 1 and 2 continue to well exceed the lot size requirements for the zone, and any future divisions of either the Bresnan lots, the Korenkiewicz or the Boulanger lots would require subdivision approval by this commission. Lot 2 continues to retain required buildable area and conforms to health code requirements, so there is no impact on the original subdivision design and approval.

Impacts on Drainage Easement, Improvements or Bond Requirement: The proposed conveyances will have no adverse effect on the drainage easement. In addition, it should not affect the bond requirement, nor does it constitute approval or acceptance of the work currently done in the apparent easement area. At the time the Mr. Bresnan requests a building permit or a future owner requests a permit, the drainage work must be completed, or bonded and then completed, and accepted by the Town of Lisbon Public Works Department and this commission.

Other Subdivision Improvements: There is still some tree removal work to improve sight visibility and driveway apron improvements required along School House Road if lot 2 is developed. This is secondary at this point since no development is planned for lot 2 at this time and this work is not required for public safety at this time.

Open Space Fee: This request for a qualified partial release of the caveat re drainage and road improvements does not affect the remaining caveat requirement for payment of the \$4000.00 fee to the Town of Lisbon when and if ownership/title for lot 2 is transferred.

In summary, staff has no major concerns about this particular request but would note that the subdivision is already virtually seven (7) years old. The normal life of a subdivision is five (5) years, and there is no indication of when the work in the subdivision will be completed or when the Town can anticipate receiving the open space fee or completion of other improvements.

RECOMMENDED ACTIONS, INCLUDING ANY MODIFICATIONS, CONDITIONS, REASONS FOR APPROVAL OR DENIAL, ETC.:

Staff will provide a recommended draft motion for affirmative action on the partial caveat release, including suggested qualifications, relating to this request.

ATTACHMENTS (CIRCLE):

SUBMITTED PLANS

APPLICATION FORM(S)

LEGAL NOTICE

LEGAL DESCRIPTION

PUBLIC COMMENT(S)

AGENCY COMMENTS

APPLICANT RESPONSE
4/26/21 letter/Attorney
Smith

STUDY EXCERPTS

OTHER (DESCRIBE):