

MINUTES
REGULAR MEETING
PLANNING AND ZONING COMMISSION
LISBON TOWN HALL
TUESDAY, NOVEMBER 9, 2021
7:00 P.M.

1. Call to Order

The regular meeting of the Planning and Zoning Commission was called to order by Chairman Robert Adams at 7:50 P.M.

MEMBERS PRESENT: Robert Adams, Cheryl Blanchard (remote), Randy Brown, Trevor Danburg, Ronald Giroux, Benjamin Hull, III, Timothy Minor, Gary Ritacco (ALT - remote), Kim Sperry

MEMBERS ABSENT: Jason Lebel

STAFF PRESENT: Michael J. Murphy, AICP, Consultant Planner-SCCOG, Lisbon Town Planner
Carl Brown, Building Official / Zoning Enforcement Officer

Alternate Gary Ritacco was seated for Jason Lebel by Chairman Adams.

2. Previous Minutes – Motion by K. Sperry second by T. Danburg to accept the previous public hearing and regular meeting minutes of October 5, 2021 as presented. VOTE: UNANIMOUS, MOTION CARRIED

3. Correspondence

- a. Copy: Letter, from Zoning Board of Appeals to Keith Mackin, Today's Realty, LLC, dated 11/3/2021 re: Approval, application #21-03, 240 Paper Mill Road
- b. Copy: Letter, from Conservation Commission to Keith Mackin, Today's Realty, LLC, dated 10/25/2021 re: Approval, application #21-007, 240 Paper Mill Road
- c. Letter, to Office of the First Selectman from Heller, Heller & McCoy dated 10/29/2021 re: \$3000.00 fee in lieu of open space, 18 Barber Farm Road (Lot 6)
- d. Letter, to Office of the First Selectman from Heller, Heller & McCoy dated 10/12/2021 re: \$3000.00 fee in lieu of open space, 257 River Road (Barber Farm Subdivision - Lot 20)
- e. Copy, Letter, from Whitestone to WS Development, dated 10/29/2021 re: Lisbon Landing project description for retention pond wall, 160 River Road
- f. Copy, Letter, from Michael J. Murphy, AICP, Lisbon Town Planner to Nadeem Khalid, dated 10/19/2021 re: correction of drainage problems at 102 River Road
- g. Copy, Memo, from Michael J. Murphy, AICP, Lisbon Town Planner to Treasurer dated 11/1/2021 re: Sunfox Supplemental fee (\$1500.00)
- h. Copy, Letter, from Planning and Zoning Commission to Zoning Board of Appeals dated 10/5/2021 re: Response to referral of application #21-03, Today's Realty, LLC, 240 Paper Mill Road
- i. Copy, Letter, to the Board of Selectmen and Planning and Zoning Commission dated 10/28/2021 re: request by Cheryl Blanchard, Member, to be seated as an alternate on the Commission after her term as a regular member is up on 11/16/2021. Motion by K. Sperry second by T. Danburg to add "Alternate Position" under agenda item 8.a. VOTE: UNANIMOUS, MOTION CARRIED

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- j. Letter, from Nathaniel Beardsworth to the Commission, dated 10/26/2021 re: request to be considered as an alternate on the Commission. Motion by R. Giroux second by K. Sperry to add this request to "Alternate Position" under agenda item 8.a. VOTE: UNANIMOUS, MOTION CARRIED
 - k. Letter, from State of CT to all Land Use agencies dated 10/14/2021 re: Statutory requirement to provide electronic notification to the CT Department of Public Health (DPH) for project applications with drinking water watersheds and aquifer protection areas
 - l. Memo, Lisbon Quarterly Newsletter - request for submissions, due November 19
 - m. Newsletter, CT Federation of Planning and Zoning Agencies
 - n. Budget Report – July 1, 2021 – November 9, 2021 – LI#51730 Purchased Services - \$59,000.00 / LI#51750 Supplies & Expenses - \$2,880.11
4. Bills and action thereon
- a. SECCoG, \$14,929.52, dated 10/6/2021 re: July 1 – September 30, 2021 Planner Services. Motion by K. Sperry second by T. Minor to pay. VOTE: UNANIMOUS, MOTION CARRIED
 - b. CLA Engineers, Inc., \$742.50, inv#38A, dated 11/1/2021 re: Route 12 Sidewalks. Motion by T. Danburg second by R. Giroux to pay. VOTE: UNANIMOUS, MOTION CARRIED
 - c. CLA Engineers, Inc., \$270.00, inv#1, dated 11/1/2021 re: Sunfox. Motion by R. Giroux second by R. Brown to pay. VOTE: UNANIMOUS, MOTION CARRIED
 - d. CLA Engineers, Inc., \$337.50, inv#1, dated 11/1/2021 re: Autozone. Motion by R. Giroux second by T. Danburg to pay. VOTE: UNANIMOUS, MOTION CARRIED
5. Reports
- a. ZEO – Carl Brown, Zoning Enforcement Officer, reported that the Cease and Desist order against 423-425 North Burnham Highway has been filed in Superior Court. He responded to questions from Commission members regarding signage at 16 River Road, and will further investigate. Mr. Brown also reported that 180 Newent Road does not have their certificate of compliance yet, and is waiting for a schedule for completion of their conditions of approval.
 - b. Regulations – NONE
 - 1. Amendments Regarding PA 21-20, 21-28, 21-29 and 21-1 Legislation Regarding Development and Land Use – Mr. Murphy handed the members draft amendments for them to review before the next meeting. He noted that with the newly adopted ADU regulations, the Town cannot require an ADU to be "Affordable" under Act 1607 in the CT General Assembly. Mr. Hull questioned the Planner about "opting out" of adopting ADU regulations. Mr. Murphy noted that the deadline for opting out is January 1, 2023 and that the Commission would be required to hold public hearings, after which the Commission would need to agree to opt out. He also noted that the Commission has already adopted the required ADU regulations as a matter of public policy and it is now considering an application for an ADU.

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- c. Zoning Map Subcommittee–NONE
 - 1. Update Regarding Route 12 Corridor Study and Zoning Amendments per POCD 2016– NONE
 - d. Town Planner Update Regarding Pending Projects/Issues of Interest
 - 1. Affordable Housing Plan – Mr. Murphy reported that Council of Governments and the Town have yet to sign a Memorandum of Understanding. He noted that he is working with the Council to schedule the first workshop towards the adoption of an Affordable Housing Plan under 8-30j. It was the consensus of the Commission that they would prefer to begin those workshops in January, 2022.
 - 2. LOTCIP Grant – Mr. Murphy reported the Town Engineer is in the process of adjusting the plans for the Route 12 Sidewalk project to address recent comments from the SECCoG project consultants.
 - 3. Supplemental Fees – Mr. Murphy noted that supplemental fees have been received by the following applicants: Sunfox, AutoZone and Today's Realty, LLC, in order to offset the cost of reviews by the Town Engineer.
 - 4. Better Valu – Mr. Murphy reported that the project is complete and in compliance.
6. Old Business
- a. Regional Planning Commission – NONE
 - b. Special Permit Application to allow for modifications at a non-conforming use/vacant building to operate a used car dealership and auto body repair facility – Ceccarelli Properties, LLC, 363 River Road –Attorney William McCoy noted for the record that that the applicant has withdrawn their request for a Site Plan Waiver. Motion by K. Sperry second by T. Danburg to approve the special permit application to use the existing building for the proposed auto service and repair use in accordance with the provisions of section 2.8, section 9 and section 11, inclusive, 363 River Road, Lisbon, CT with the following conditions:
 - 1. The proposed use of outdoor display and used car sales shall be eliminated from the plan as it constitutes an expansion and extension of the non-conforming use. Used car sales, inside or out of building, is prohibited.
 - 2. The latest proposal for access changes to allow parking in front of the building recommended by the staff and CONNDOT shall be accepted with the exceptions that the northern most parking stall near the garage door shall be eliminated, concrete curb stops shall be installed 4' off the building at the front stalls, curbing shall be incorporated into the design along Route 12, and all curb radii shall be included on the final plan.
 - 3. Lighting associated with the operation shall not create glare or illumination which creates a hazard or nuisance to neighboring property or on adjacent roadways. Fixtures and lighting levels shall be appropriate to the use and the area, and shall be maintained, directed or shielded to provide illumination necessary for the safety and security.
 - 4. The plan shall note that the applicant shall obtain approval from CONNDOT prior to the commencement of work in the Route 12 right of way. Any changes required by CONNDOT that substantively affects the site plan approval by this commission shall require submission of a new

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application to the Planning and Zoning Commission and approval of a modified plan in the same manner.

5. The cost estimate for surety purposes should be increased to \$20,000.00 to address the cost of parking lot line striping, landscaping, curb stops and cutoff/capping of well heads. It shall be provided in a form that meets the requirements of Town Counsel prior to issuance of the zoning permit.
6. Any remaining pavement within the area receiving the millings treatment shall be removed prior to millings installation and comply with the millings installation detail.
7. There shall be no installation of a free-standing sign within the existing posts without commission review and approval of a permit, and authorization from CONNDOT.
8. The applicant shall obtain a certificate of approval of location from the designated local agency.
9. The evergreens proposed shall be noted to be planted at a minimum of 6' in height and no more than 10' on center.
10. Technical items of staff shall be addressed, including any construction or installation details required.
11. Hours of Operation shall be Monday through Saturday, 8:00 AM to 5:00 PM.

FINDINGS AND CONCLUSIONS

The commission finds that this proposed application, as conditioned, meets the special permit objectives of sections 11.1, 11.3 and 11.4, relating to intent, appropriateness of use, and impacts to residential areas, respectively, and complies with the provisions of section 2.8 and section 9 regarding commercial site modifications and continuation of non-conforming uses, respectively. This finding is made after careful review and consideration of all information presented regarding the valid historic non-conforming use of the site and all required conditions and modifications. VOTE: UNANIMOUS, MOTION CARRIED

- c. Zoning Permit Application for AutoZone, 98 River Road – Mr. Murphy noted for the record that the applicant has recently re-submitted updated plans. They have also submitted a response letter to Mr. Murphy's comments, a copy of which is in the file and provided to the commission. Mr. Bryan Panico, Associate AIA of Harry E. Cole & Son, 876 South Main Street, Plantsville, CT 06479, was present and gave a brief overview of the project, focusing on the planner's major concerns about the proposal for the parking nearest to Route 12 and his concerns about a potential connector driveway to the adjacent site. He presented a revised truck circulation plan. The applicant needs a modification of the 25' landscape strip and wishes to reduce it to 20' along route 12. Mr. Murphy had suggested the applicant plan for 30 parking spaces rather than 44 in order to reduce paving and address commission policies that recommend that only short term parking be located in front of the building. He also noted this is the first he has seen of the revised truck circulation plan that better explains the applicant's concerns. Mr. Murphy also noted that irrigation is to be provided by the applicant and that a response letter with comments regarding the sanitary sewer connection from the Water Pollution Control Authority's Consulting Engineer, Joseph Boucher, M.S., L.S of Towne Engineering, Inc., 1 Richmond Lane, Willimantic, CT 06266, is in the file. Mr. Murphy also noted the benefits of a connector to 102 River Road but that it is difficult to require it under Lisbon's regulations. TABLED

**TOWN OF LISBON
SPECIAL PERMIT APPLICATION**

CORRESPONDENCE WILL BE SENT TO APPLICANT OR DESIGNATED AGENT. ALSO SEE NOTES 1, 2 AND 3 BELOW:

- > APPLICANT: Ceccarelli Properties LLC TELEPHONE: 860-334-0059
ADDRESS: 60 Pierce Rd, Preston Ct 06365 EMAIL: chrisblasting@gmail.com
> APPLICANT'S AGENT (IF ANY): Nicholas Ceccarelli/Atty William McCoy TELEPHONE: 860-848-1242
ADDRESS: 736 Norwich New London Pike, Uncasville Ct 06382 EMAIL: bmcclay@heller-mccoy.com
> OWNER / TRUSTEE: Hillside Partners LLC TELEPHONE: 401-862-3361
ADDRESS: 60 Wauregan Rd, Brooklyn Ct 06234 EMAIL: eric@ecrestore.com
> ENGINEER / SURVEYOR / ARCHITECT: Dieter Gardner TELEPHONE: 860-464-7455
ADDRESS: 11041 Ct B, Gales Ferry Ct 06335 EMAIL: dieter.gardner@yahoo.com
PO Box 335

1. TO BE ACCEPTED BY THE PLANNING AND ZONING COMMISSION, THIS ENTIRE APPLICATION MUST BE COMPLETED, SIGNED BY THE PARTIES LISTED BELOW, AND SUBMITTED WITH THE REQUIRED FEE(S) AND SITE PLAN PREPARED IN ACCORDANCE WITH THE APPLICABLE REGULATIONS AND ORDINANCES.

2. THE SUBMITTAL OF THIS APPLICATION CONSTITUTES THE PROPERTY OWNER'S PERMISSION FOR THE COMMISSION, ITS STAFF, AND/OR ITS CONSULTANT(S) TO ENTER THE PROPERTY FOR THE PURPOSE OF INSPECTION.

3. I HEREBY, AGREE TO PAY ALL ADDITIONAL FEES AND/OR ADDRESS SUCH COSTS DEEMED NECESSARY BY TOWN STAFF UNDER THE LISBON LAND USE FEES ORDINANCE.

SIGNATURE OF APPLICANT/AGENT [Signature] PRINTED NAME OF APPLICANT/AGENT Ceccarelli Collision Services LLC / Ceccarelli Properties LLC
DATE: _____

SIGNATURE/RECORD OWNER [Signature] PRINTED NAME/RECORD OWNER Hillside Partners LLC
DATE: 7/27/21 Eric Anderson, Pres.

PARCEL IDENTIFICATION INFORMATION

STREET ADDRESS AND/OR LOCATION OF PROPERTY: 363 River Road

MAP / BLOCK / LOT: Map 13 Block 005 Lot 000

VOLUME / PAGE: Vol 154 Pg 626

PROJECT NAME: Ceccarelli Properties LLC ACREAGE: 4.1 +/- ZONING DISTRICT: R40
LOT IN SQUARE FEET: 178,600 +/- TOTAL FLOOR AREA IN SQUARE FEET: 9650

PROJECT DESCRIPTION, APPLICABLE REGULATIONS, AND PROPOSED STATEMENT OF APPROPRIATENESS OF USE:

Convert vacant building to used car dealer / Auto body repair facility

APPLICATION SUBMITTAL DATE: 7/26/2021 / FEE(S) PAID: 320.00

OFFICIAL DAY OF RECEIPT: 8/3/2021

*P & Z COMMISSION ACTION: APPROVED w/ CONDITIONS DATE: 11/9/2021

CHAIR'S SIGNATURE: [Signature] ROBERT ADAMS CHAIRMAN

UPON APPROVAL OF THIS APPLICATION BY THE PZC, AND COMPLIANCE WITH THE PROVISIONS OF SECTION 2.3.3 AND ANY CONDITIONS REQUIRED, THE ZONING ENFORCEMENT OFFICER MAY ISSUE THE ZONING PERMIT.

Zoning Enforcement Officer

DATE: _____

Rev. 12/17

(* Any conditions attached to PZC action, or any reasons for denial, shall be reflected in the record and attached. No approved special permit shall be effective until a copy of the Notice of Approval and Grant of Special Permit is duly recorded in the land records of the Town.)

TOWN OF LISBON
PLANNING AND ZONING COMMISSION
NOTICE OF APPROVAL AND GRANT OF SPECIAL PERMIT

This is to certify that on November 9, 2021 the Planning and Zoning Commission of the Town of Lisbon granted a Special Permit in accordance with the provisions of sections 2.8, 9 and 11, inclusive, of the Lisbon Zoning Regulations as follows:

1. Owner of Record: Hillside Partners, LLC, 66 Wauregan Road, Brooklyn, CT 06234
2. Applicant: Ceccarelli Properties, LLC, 60 Pierce Road, Preston, CT 06365
3. Description of premises including street address, map, block and lot(s):
363 River Road; M/B/L 13/005/0000
4. Description of special permit including relevant regulations authorizing activities and any conditions of approval:

Special Permit Application to allow for modifications at a non-conforming use/vacant building to operate only an automotive service and body repair facility at 363 River Road, Lisbon, CT in accordance with the provisions of sections 2.8, 9 and 11, inclusive, with the following conditions:

1. The proposed use of outdoor display and used car sales shall be eliminated from the plan as it constitutes an expansion and extension of the non-conforming use. Used car sales, inside or out of building, is prohibited.
2. The latest proposal for access changes to allow parking in front of the building recommended by the staff and CONNDOT shall be accepted with the exceptions that the northern most parking stall near the garage door shall be eliminated, concrete curb stops shall be installed 4' off the building at the front stalls, curbing shall be incorporated into the design along Route 12, and all curb radii shall be included on the final plan.
3. Lighting associated with the operation shall not create glare or illumination which creates a hazard or nuisance to neighboring property or on adjacent roadways. Fixtures and lighting levels shall be appropriate to the use and the area, and shall be maintained, directed or shielded to provide illumination necessary for the safety and security.
4. The plan shall note that the applicant shall obtain approval from CONNDOT prior to the commencement of work in the Route 12 right of way. Any changes required by CONNDOT that substantively affects the site plan approval by this commission shall require submission of a new application to the Planning and Zoning Commission and approval of a modified plan in the same manner.
5. The cost estimate for surety purposes should be increased to \$20,000.00 to address the cost of parking lot line striping, landscaping, curb stops and cutoff/capping of well heads. It shall be provided in a form that meets the requirements of Town Counsel prior to issuance of the zoning permit.
6. Any remaining pavement within the area receiving the millings treatment shall be removed prior to millings installation and comply with the millings installation detail.
7. There shall be no installation of a free-standing sign within the existing posts without commission review and approval of a permit, and authorization from CONNDOT.
8. The applicant shall obtain a certificate of approval of location from the designated local agency.
9. The evergreens proposed shall be noted to be planted at a minimum of 6' in height and no more than 10' on center.

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10. Technical items of staff shall be addressed, including any construction or installation details required.
11. Hours of Operation shall be Monday through Saturday, 8:00 AM to 5:00 PM.

FINDINGS AND CONCLUSIONS

The commission finds that this proposed application, as conditioned, meets the special permit objectives of sections 11.1, 11.3 and 11.4, relating to intent, appropriateness of use, and impacts to residential areas, respectively, and complies with the provisions of section 2.8 and section 9 regarding commercial site modifications and continuation of non-conforming uses, respectively. This finding is made after careful review and consideration of all information presented regarding the valid historic non-conforming use of the site and all required conditions and modifications.

Date: November 9, 2021

By:  _____

Robert D. Adams, Chairman

Lisbon Planning and Zoning Commission

NOTE: The Connecticut General Statutes and the Lisbon Zoning Regulations require that this NOTICE be recorded on the Land Records of the Town of Lisbon located in the office of the Town Clerk, indexed under the name of the record owner in order to become effective.

Received for Record: _____ at _____

Attest: _____
Lisbon Town Clerk

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Gary Ritacco, present by remote means, left the meeting at 9:30 PM

- d. Zoning Permit Application – Today's Realty, Applicant, 240 Paper Mill Road, to construct a contractor maintenance and office facility – It is noted for the record that the applicant, Keith Macken and his representative, James V. Rossman, P.L.S. of Stadia Engineering Associates, Inc., 516 Vauxhall Street, Suite 103, New London, CT 06320, were present. Mr. Murphy reported that the Zoning Board of Appeals and Conservation Commission have just recently acted favorably on the applicant's applications before the two boards. He has requested that the applicant provide the ZEO/Building Official with a list of materials that will be stored and/or processed on site, as well as DEEP's list of hazardous materials, to establish that hazardous materials will not be taken in or processed at the site. TABLED

7. New Business

a. Receipt of New Applications

- i. Zoning Permit Application – Amjad Traboulsi, Applicant, 166 Strawberry Street, to add an Accessory Dwelling Unit – The planner noted concerns about accuracy and clarity of the plan but that they are easily corrected after he provides his comments to the applicant. It is noted for the record that the applicant was present. It was the consensus of the Commission that Mr. Traboulsi should have the planned construction of a detached garage removed from his ADU Zoning Permit application and its accompanying plans, as the structure does not require approval by the Planning and Zoning Commission. Motion by K. Sperry second by T. Danburg to accept the application and to table.

VOTE: UNANIMOUS, MOTION CARRIED

b. Referrals

- i. Town of Preston – Zoning Text Amendments to Sections 2, 5.1, and 16.29, regarding Short Term Rentals – Chairman Adams noted for the record that the deadline for comments has passed and that the Commission has no comment.

c. FY 2022 / 2023 Budget Request – TABLED

8. Any other business which may properly come before the commission

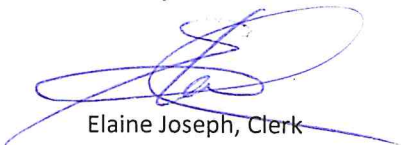
- a. Alternate Position – Motion by T. Danburg second by R. Giroux to recommend to the Board of Selectmen the appointment of Cheryl Blanchard and Nathaniel Beardsworth as alternates to the Planning and Zoning Commission.

VOTE: UNANIMOUS MOTION CARRIED

9. Public Comment – NONE

10. Adjournment - Motion made by R. Giroux second by R. Brown to adjourn at 10:15 P.M.

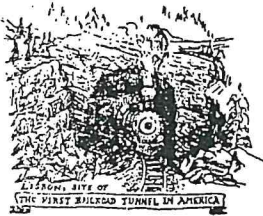
VOTE: UNANIMOUS MOTION CARRIED



Elaine Joseph, Clerk

Approved: _____
Robert Adams, Chairman

RECEIVED FOR RECORD AT LISBON
CT ON 11/15/2021 AT 10:45am
ATTEST. LAURIE TIROCCHI, TOWN CLERK



PLANNING & ZONING COMMISSION
TOWN OF LISBON
1 Newent Road
Lisbon, Connecticut 06351

NOTICE OF DECISION
Town of Lisbon
Planning and Zoning Commission

At the regular meeting of the Town of Lisbon Planning and Zoning Commission held on Tuesday, November 9, 2021, the following action was taken:

1. Special Permit Application to allow for modifications at a non-conforming use/vacant building to operate only an automotive service and body repair facility – Ceccarelli Properties, LLC, 363 River Road
APPROVED WITH CONDITIONS

Dated at Lisbon, Connecticut this 15th day of November 2021.

Robert D. Adams, Chairman
Lisbon Planning and Zoning Commission

RECEIVED FOR RECORD AT LISBON
CT ON 11/15/2021 AT 10:45am
ATTEST. LAURIE TIROCCHI, TOWN CLERK
Laurie Tirocchi