

MINUTES
REGULAR MEETING
PLANNING AND ZONING COMMISSION
LISBON TOWN HALL
TUESDAY, JANUARY 2, 2024
7:00 P.M.

1. Call to Order

The regular meeting of the Planning and Zoning Commission was called to order by Robert Adams, Chairman at 7:42 PM.

MEMBERS PRESENT: Robert Adams, Kelly Clatt, Trevor Danburg, Ronald Giroux, Benjamin Hull, III, Jason Lebel, Veronica Lutzen, Timothy Minor, Kim Sperry, Andrew Gil (ALT)

MEMBERS ABSENT: Nathaniel Beardsworth (ALT)

STAFF PRESENT: Michael J. Murphy, AICP, Consultant Planner - SCCOG, Lisbon Town Planner

2. Previous Minutes – Motion by K. Sperry second by T. Minor to accept the December 5, 2023 Public Hearing and Regular Meeting minutes as presented. VOTE: UNANIMOUS, MOTION CARRIED

3. Correspondence

- a. Memo, to Town Treasurer from Lisbon Town Planner dated 12/15/2023 re: Cash Bond in the amount of \$10,000.00, Today's Realty, LLC, 240 Paper Mill Road
- b. Copy, Receipt of \$4000.00 Fee in Lieu of Open Space, re: 41 School House Road (Timothy Bresnan)
- c. Copy, Letter to First Selectman from DECD dated 12/18/2023 re: Award of \$120,000.00 Brownfields Grant for 99 River Road
- d. Copy, Letter to Board of Selectmen from the Commission dated 12/11/2023 re: Approval of Zoning Regulations Text Amendments (Zoning Districts & Cannabis) and Zoning Map Revisions
- e. Copy, Letter to Ronald Giroux from Board of Selectmen dated 12/12/2023 re: Appointment, SECCoG Regional Planning Commission. Motion by J. Lebel second by T. Danburg to add "Ron Giroux, Appointment to Regional Planning Commission" to the agenda under item 8.a.

VOTE: UNANIMOUS; MOTION CARRIED

- f. Copy, Letter to Kelly Clatt from Board of Selectmen dated 12/19/2023 re: Affirmation of Commission Appointment
- g. Copy, Letter to Andrew Gil from Board of Selectmen dated 12/19/2023 re: Appointment, Alternate Position, Planning and Zoning Commission
- h. Copy, Letter to Trevor Klewin from Conservation Officer Wayne Berardi dated 12/20/2023 re: agent approval, 1A Sylvendale Road
- i. Memo, from Clerk to the Boards to the Commission dated 1/2/2024 re: Disposal of outdated bylaws booklets. Motion by T. Danburg second J. Lebel to dispose of outdated Planning and Zoning Commission Bylaws booklets. VOTE: UNANIMOUS; MOTION CARRIED
- j. Eversource Electric Service Process and Responsibilities Guide
- k. Legal Notice: Notice of Dissolution dated 12/27/2023, Brenmor Properties, LLC

MINUTES
REGULAR MEETING
PLANNING AND ZONING COMMISSION
TUESDAY, JANUARY 2, 2024
Page 2 (Correspondence, cont)

- I. Budget Report July 2023 – December 22, 2023 – 51730 = \$48,085.57; 51750 = \$3,365.48
4. Bills and action thereon
 - a. LocaliQ (Bulletin), \$266.37, inv#9623634, dated 12/11/2023 re: 12/14/2023 NoD. Motion to pay by T. Danburg second by R. Giroux. VOTE: UNANIMOUS; MOTION CARRIED
 - b. LocaliQ (Bulletin), \$517.74, inv#9623758, dated 12/12/2023 re: 12/19/2023 and 12/26/2023 Notice of PH. Motion to pay by J. Lebel second by T. Danburg. VOTE: UNANIMOUS; MOTION CARRIED
5. Reports
 - a. ZEO – It is noted for the record that Carl Brown, ZEO / BO, was not present at the meeting and did not provide a written report.
 - b. Regulations – NONE
 - c. Zoning Map Subcommittee – Set Agenda for January 9, 2024 Subcommittee Workshop/Special Meeting – Scheduled for January 9, 2024 at 5:30 PM, with “Reorganizing Zoning Lot Lines” as agenda item.
 1. Route 12 Corridor Study and Zoning Amendments per POCD 2016 – NONE
 - d. Town Planner Update Regarding Pending Projects/Issues of Interest
 1. Pump Station on Kenyon Road – Mr. Murphy gave a brief update as to the status of the proposed project.
 2. Training Requirements – Mr. Murphy reminded the Commission that it is imperative that all members of Land Use Boards in the State of Connecticut finish a minimum of 4 hours of training. It was noted for the record that the UConn CLEAR courses are available online and the courses would cover the four-hour requirements.
 3. Attorney Zizka’s Book and Commissioner Training – Mr. Murphy reported that he was reviewing the latest version of the Land Use Attorney’s book and would report back to the Commission on the changes in Land Use Law since the last edition was published. It was the consensus of the Commission to have a training session at 6 pm at the Senior Center on February 13, 2024.
 4. Zoning Map Update – The Zoning Map as adopted in December 2023 is now in effect, and copies have been received by the Town Clerk and distributed to the offices at the Town Hall as well as in the file. Larger copies are to be made available to the Town Offices.
 5. 240 Paper Mill Road – Today’s Realty Cash Bond – Mr. Murphy noted that the \$10,000.00 cash bond has been received and the mylars have been recorded. He also noted that he spoke to the Sprague First Selectwoman and noted she indicated that she agrees with having a simple easement.
 6. Brownfields Grant – 99 River Road – Mr. Murphy reported that a brownfields grant was awarded to the property owner in order to assess the property at 99 River Road.
6. Old Business
 - a. Regional Planning Commission - NONE

MINUTES
REGULAR MEETING
PLANNING AND ZONING COMMISSION
TUESDAY, JANUARY 2, 2024
Page 3 (Correspondence, cont)

- b. Text Amendment Application – Daycare Establishments – Town of Lisbon, Applicant, 1 Newent Road – Motion by K. Sperry second by B. Hull to approve the application of the Planning and Zoning Commission of the Town of Lisbon adopting the proposed zoning text amendments to sections 4, 5, 10 and 19 as proposed to provide for the regulation of family and group child care homes in the residential and business village zones in accordance with Public Act 23-142.

FINDINGS

The proposed amendments are found to be:

1. Consistent with the social, physical and economic goals in the 2016 Plan of Conservation and Development
2. Intended to enforce and implement the requirements of Public Act 23-142.

The effective date of the amendments shall be February 1, 2024.

VOTE: UNANIMOUS; MOTION CARRIED

- c. Text Amendment Application – Location of Gasoline Pumps in BVIII Zone – MSI, LLC, Applicant – Motion by B. Hull second by T. Danburg to approve the application of MSI, LLC of Old Lyme, CT adopting the proposed zoning text amendments relating to locations of gasoline dispensers in the BV-III zone, revising section 5B3.1.

FINDINGS

The proposed amendment is considered consistent with the comprehensive plan of zoning and has been found to be consistent with policies in the 2016 Plan of Conservation, which recommends 1) consideration of revisions to current standards of this specific Business Village zone in this segment of Route 169 and 2) encouraging economic development to absorb such growth with minimal impact on community character. In addition, the amendment would still allow the commission to regulate physical development consistent with the *Scenic Road Land Use and Maintenance Considerations* goals of the Connecticut State Route 169 National Scenic Byway Annex B recommendations in its 2016-2026 corridor management plan update.

The effective date of the amendments shall be February 1, 2024.

VOTE: K. SPERRY NO; MOTION CARRIES

It is noted for the record that Mrs. Sperry's reason for the "no" vote was because, in her opinion, the regulations located the pumps to the rear of the building for a very good reason.

- d. Text Amendment Application – Zoning Board of Appeals Requirements for Additional Notice to Abutters for Variance and Appeals Applications – Town of Lisbon, Applicant, 1 Newent Road – Schedule Public Hearing – Motion by T. Danburg second by R. Giroux to schedule a public hearing for Tuesday, February 6, 2024 at 6:30 PM.

VOTE: UNANIMOUS MOTION CARRIED

**TOWN OF LISBON
REGULATION AMENDMENT APPLICATION**

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

➤ APPLICANT: Town of Lisbon, Planning and Zoning Commission ADDRESS: 1 Newent Road, Lisbon, CT 06351	TELEPHONE: 860-376-3400 EMAIL: ejoseph@lisbonct.com
➤ APPLICANT'S AGENT (IF ANY): Michael J. Murphy, AICP, Lisbon Town Planner	TELEPHONE: 860-376-3400
➤ ADDRESS 1 Newent Road, Lisbon, CT 06351	EMAIL: mmurphy@seccog.org
➤ OWNER / RUSTEE: Town of Lisbon	TELEPHONE: 860-376-3400
ADDRESS: 1 Newent Road, Lisbon, CT 06351	EMAIL: _____
➤ ENGINEER/ SURVEYOR/ ARCHITECT: _____	TELEPHONE: _____
➤ ADDRESS: _____	EMAIL: _____

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).
2. THE SUBMITTAL OF THIS APPLICATION CONSTITUTES THE PROPERTY OWNER'S PERMISSION FOR THE COMMISSION, ITS STAFF, AND/OR ITS CONSULTANT(S) TO ENTER PROPERTY FOR THE PURPOSE OF INSPECTION IF PERTINENT TO THE APPLICATION.
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 *Michael J. Murphy* PRINTED NAME OF APPLICANT/AGENT Michael J. Murphy, AICP
DATE: 11/16/2023
SIGNATURE/RECORD OWNER *Thomas W. Sparkman* PRINTED NAME/RECORD OWNER: Thomas W. Sparkman, First Selectman
DATE: 11/17/2023

REGULATIONS PROPOSED FOR AMENDMENT:

ZONING X SUBDIVISION

PROPOSED AMENDMENT(S) (Section, title, and text-attach sheets as necessary):

Proposed Zoning Amendments to sections 4, 5, 10 and 19 as specified in the attached draft, for Family and Group Child Care Homes.

REASONS FOR EACH AMENDMENT REQUEST:

To come in to compliance with State mandates regarding municipal regulations for Family and Group Child Care Homes.

APPLICATION SUBMITTAL DATE: 11/17/2023 FEE(S) PAID: N/A
OFFICIAL DAY OF RECEIPT: 12/5/2023
P & Z COMMISSION ACTION: ADOPTED - EFF. 2/1/2024 DATE: 1/2/2024
CHAIR'S SIGNATURE: *Robert Adams* ROBERT ADAMS, CHAIR
Adopted ✓ Modified and Adopted _____ Denied _____

Planning and Zoning Commission

Zoning Text Amendments Within Sections 4, 5, 10 and 19 – Family and Group Childcare Establishments

Adopted: January 2, 2024

Effective Date: February 1, 2024

Section 4 - R-40, R-60 and R-80 Residential Districts

4.2 Permitted Uses Subject to Site Plan Review. The following uses are permitted in the R-40, R-60 and R-80 Districts, subject to approval of a site plan by the Commission and issuance of a zoning permit by the ZEO (Revised/Effective November 1, 2020)

4.2.1 Accessory Dwelling Unit (ADU) in accordance with section 10.2.

4.2.2 Group childcare home in separate facility other than a residential use.

SECTION 5 - BV-I BUSINESS VILLAGE DISTRICT

5.1 Permitted Uses Subject to Site Plan Review The following uses are permitted in the BV-I Zone subject to the approval of a site plan by the Commission and issuance of a zoning permit by the ZEO:

5.1.1 Retail businesses, such as variety stores, apparel stores, drug stores, grocery stores, eating/restaurant and drinking (liquor) establishments (restaurant must be primary use - drinking (liquor) accessory, calculated as primary use 75% of gross floor area excluding kitchen and storage areas - accessory use 25% of gross floor area excluding kitchen and storage areas, liquor stores, antique shops, music shops, sporting goods stores, and book, stationery, magazine, candy and tobacco shops. Under the definition of retail sales, the following items are specifically prohibited in BV-I Districts: 1.) The sale of live animals, and 2.) The sale of kerosene, gasoline and/or diesel fuel.

5.1.2 Business services, such as: banks, credit unions, loan companies, and other financial institutions, accounting, legal, real estate and insurance agencies, utility offices, government and business, medical, clinical and professional offices.

5.1.3 Personal services, such as hair care, fitness center/gym, beauty salons, photographic studios, tailor, dressmaking, and millinery.

5.1.4 Repair services, such as radio, television and appliance shops, plumbing shops, carpenter shops, upholstery shops, and shoe repair shops, but excluding vehicular repair and/or installation services as a primary use. Vehicular repair and/or installation services as an accessory use shall not exceed 10 percent of the total square footage dedicated to retail sales, excluding storage.

5.1.5 Group childcare home.

- 5.1.6 Assembling, converting, altering, finishing, cleaning or any other processing of products that is clearly incidental to a retail or service business and where goods so produced and/or processed are to be sold exclusively on the lot provided that:
 - a. The area used for such purposes shall be fully concealed from any street, and shall not be greater in area than 20% of the square feet devoted to retail sales or service;
 - b. Not more than four (4) employees are engaged in such production or processing.
- 5.1.7 Buildings, structures and uses that are accessory to principal uses permitted under Section 5 of these Regulations.
- 5.1.8 Signs in accordance with Section 15 of these Regulations.
- 5.1.9 Wireless telecommunication facility where the antenna is mounted on the rooftop or facade of an existing nonresidential building or is mounted to existing towers, water towers/tanks, utility poles, steeples, clock or bell towers, billboards, nonresidential chimneys, bridges, and silos, provided the requirements of Section 10.17 of these Regulations are met.
- 5.1.10 Wireless telecommunication facility where a tower is to be located on property occupied by one or more existing towers provided the requirements of Section 10.17 of these Regulations are met.
- 10.14 Accessory Uses and Structures. No accessory use shall be made nor accessory structure erected prior to the construction of the principal building or establishment of the principal use. Agricultural uses and structures are considered principal uses and structures, but agricultural structures shall be treated as accessory structures for the purpose of determining yard requirements.
 - 10.14.1 Location. Accessory structures may not be located within the required front yard, side and rear yards, except as stated in Section 8.4.1 a. thru d. Accessory uses and structures shall be located on the same lot as the principal structure or use to which they are accessory.
 - 10.14.2 Attachment to Buildings. A structure attached to the principal building by a covered passageway, or by having a wall or part of a wall in common with it, shall be considered a part of the principal structure.
 - 10.14.3 Customary accessory uses and structures in Residential Zones The following list is a partial list of acceptable accessory uses and structures that are accessory to a residential use:
 - a. Private garages, sheds, doghouses, greenhouses, or other detached structures associated with residential use.

- b. Signs, subject to the requirements of Sec. 15.
- c. Radio and television reception equipment, including satellite dishes for private use, non-commercial, smaller than 36 inches in diameter.
- d. Swimming pools.
- e. Outside storage of vehicles, camp trailers, recreational motor homes, boats, equipment or miscellaneous materials considered accessory to residential use, provided the following conditions are met.
 - 1. Such storage shall not constitute a junkyard.
 - 2. Such storage is of a scope and nature clearly accessory to the residential use.
 - 3. Such storage shall not be located within the front yard.
 - 4. No more than one unregistered vehicle or one unregistered camp trailer or recreational home on a lot.
 - 5. Outside storage of miscellaneous materials shall occupy no more than 200 contiguous square feet of the lot.
 - 6. Trailers while stored shall not be occupied, inhabited, or used for sleeping purposes.
 - 7. Trailers while stored shall be kept at all times in a safe and sanitary condition.
- f. Family and group child care homes within a residential use.

SECTION 19 - DEFINITIONS

Definitions. As used in these Regulations, the following terms shall have the definitions provided. Words and phrases not specifically defined shall have commonly accepted definitions.

Day Care Center, Child. A child day care center provides supplementary care to more than twelve related or unrelated children on a regular basis for a part of the 24 hours in one or more days of the week.

Child Care Home, Family. A private family home caring for not more than six children, including the provider's own children not in school full time, where the children are cared for not less than three nor more than twelve hours during a 24-hour period, and as defined by the General Statutes.

Child Care Home, Group. A group day care home provides a program of supplementary care to not less than seven nor more than twelve related or unrelated children inside the home, or one to not more than twelve children outside their own homes on a regular basis for a part of the 24 hours in one or more days of the week.

**TOWN OF LISBON
REGULATION AMENDMENT APPLICATION**

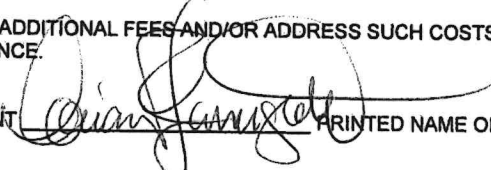
CORRESPONDENCE WILL BE SENT TO APPLICANT OR DESIGNATED AGENT. ALSO SEE NOTES 1, 2 AND 3 BELOW:

- > APPLICANT: MSI, LLC TELEPHONE: _____
ADDRESS: 7 Jean Dr., Old Lyme, CT 06371 EMAIL: _____
- > APPLICANT'S AGENT (IF ANY): Dorian Reiser Famiglietti, Esq. TELEPHONE: 860-812-1765
ADDRESS: Kahan Kerensky Capossela LLP, 45 Hartford EMAIL: dfamiglietti@kkc-law.com
- > OWNER / RUSTEE: Tnpk, Vernon, CT 06066 TELEPHONE: _____
ADDRESS: _____ EMAIL: _____
- > ENGINEER/ SURVEYOR/ ARCHITECT: Darren Hayward TELEPHONE: 860-886-1966
ADDRESS: CLA Engineers, 317 Main St, Norwich, CT EMAIL: dhayward@claengineers.com
06360

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).

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

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  PRINTED NAME OF APPLICANT/AGENT Dorian Reiser Famiglietti,
DATE: 11/7/2023 Attorney for Applicant

SIGNATURE/RECORD OWNER n/a PRINTED NAME/RECORD OWNER _____
DATE: _____

REGULATIONS PROPOSED FOR AMENDMENT:

ZONING X SUBDIVISION _____

PROPOSED AMENDMENT(S) (Section, title, and text-attach sheets as necessary):

See Addendum attached

REASONS FOR EACH AMENDMENT REQUEST:

See Addendum attached

APPLICATION SUBMITTAL DATE: 11/8/2023 FEE(S) PAID: 560.⁰⁰

OFFICIAL DAY OF RECEIPT: 12/5/2023

P & Z COMMISSION ACTION: ADOPTED/ EFF. 2/1/2024 DATE: 1/2/2024

CHAIR'S SIGNATURE:  ROBERT ADAMS, CHAIR

Adopted ✓ Modified and Adopted _____ Denied _____

Planning and Zoning Commission

Zoning Text Amendment to Section 5B.3.1 – Gasoline Pumps in the BV-III Zone

Adopted: January 2, 2024

Effective Date: February 1, 2024

Section 5B.3 In addition to the requirements of section 10.13 of these regulations the following standards shall apply to all uses involved in the retail sale of gasoline and uses involving drive-thru facilities for eating and restaurant establishments:

5B3.1 Gasoline pumps and dispensers shall be located behind the front line of the building and landscaping shall be installed to minimize the view of the same, to the extent possible, from the adjacent street.

5B.3.2 Drive-thru windows associated with eating/restaurant establishments shall be located on the rear wall of the proposed building.

5B.3.3 Flat roofs shall not be allowed. Roofs shall be constructed at a pitch of not less than 6 in 12 and shall contain such architectural elements as fascia board and soffits and shall be finished with an architectural grade shingle. Metal and built-up roofs are not allowed.

5B.3.4 All buildings shall contain architectural elements consistent with New England architectural such as crown molding, rake boards, corner trim, and shall incorporate the use of natural materials such as wood on exterior finishes.

5B.3.5 All windows shall be true divided light, double hung with a minimum of 6 over 6 panes. Architectural features of windows shall include pediments and appropriately detailed casements.

5B.3.6 Windows shall comprise at least 15% of the gross wall area of side and front walls.

MINUTES
REGULAR MEETING
PLANNING AND ZONING COMMISSION
TUESDAY, JANUARY 2, 2024
Page 4 (cont)

Motion by R. Giroux second by T. Danburg to add "Discussion on Commission" to agenda item 8.b.

VOTE: UNANIMOUS MOTION CARRIED

7. New Business

a. Receipt of New Applications

- i. Text Amendment Application – Free Standing Signs at Multiple Use Commercial Developments – Nick Alletto, River Road I, LLC, Applicant – Motion by T. Danburg second by J. Lebel to schedule a public hearing for Tuesday, February 6, 2024 at 6:45PM.

VOTE: UNANIMOUS MOTION CARRIED

b. Referrals- NONE

8. Any other business which may come before the Commission

- a. Ron Giroux, Appointment to Regional Planning Commission – Motion by K. Sperry second by J. Lebel to affirm the appointment of Ron Giroux as a regular member to the Regional Planning Commission.

VOTE: UNANIMOUS MOTION CARRIED

- b. Discussion on Commission – Mr. Giroux made comments for the benefit of the new members regarding the application processes / approval procedures.

9. Public Comment – NONE

10. Adjournment – Motion made by T. Danburg second by K. Sperry to adjourn at 8:56 P.M.

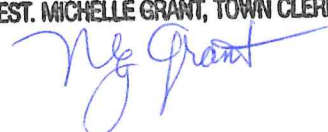
VOTE: UNANIMOUS MOTION CARRIED

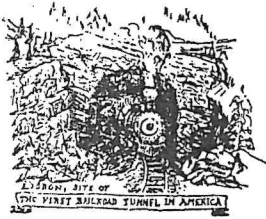


Elaine Joseph, Clerk

Approved: _____

Robert Adams, Chairman

RECEIVED FOR RECORD AT LISBON, CT
ON 01/08/24 AT 11:40am
ATTEST. MICHELLE GRANT, 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, January 2, 2024, the following actions were taken:

1. Application by Town of Lisbon Planning and Zoning Commission, 1 Newent Road, for Zoning Regulation Text Changes within Sections 4, 5, 10, and 19 for Family and Group Childcare Establishments. ADOPTED WITH EFFECTIVE DATE: FEBRUARY 1, 2024
2. Application by MSI, LLC, for Zoning Regulation Text Changes within Section 5B.3.1 for Gasoline Pumps in the BVIII Zone. ADOPTED WITH EFFECTIVE DATE: FEBRUARY 1, 2024

Dated at Lisbon, Connecticut this 8th day of January 2024.

Robert D. Adams, Chairman
Lisbon Planning and Zoning Commission

RECEIVED FOR RECORD AT LISBON, CT
ON 01/08/24 AT 11:40 am
ATTEST. MICHELLE GRANT, TOWN CLERK