

MINUTES  
REGULAR MEETING  
PLANNING AND ZONING COMMISSION  
LISBON TOWN HALL VIRTUAL MEETING  
TUESDAY, SEPTEMBER 1, 2020  
7:00 P.M.

1. Call to Order

The regular virtual meeting of the Planning and Zoning Commission was called to order by Vice -Chairman Ron Giroux, at 7:01 P.M.

MEMBERS PRESENT VIA TELECONFERENCE: Ronald Giroux, Kim Sperry, Timothy Minor, Jason Lebel, Trevor Danburg, Benjamin Hull, III, Randy Brown, Gary Ritacco (ALT), Cheryl Blanchard (ALT)

MEMBERS ABSENT: Robert Adams, John Dempsey

STAFF PRESENT VIA TELECONFERENCE:

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

Vice-Chairman R. Giroux seated Gary Ritacco for J. Dempsey and C. Blanchard for Robert Adams.

Vice-Chairman R. Giroux added the following item to the agenda under 7.e.: Spirit Halloween, Zoning Permit Application for 3' x 20' Temporary Sign

2. Previous Minutes – Motion by K. Sperry second by J. Lebel to accept the previous Special Meeting minutes of August 12, 2020 with the following correction: T. Danburg was listed as present but should be listed as absent.

VOTE: UNANIMOUS, MOTION CARRIED

3. Correspondence

- a. Memo, from Board of Finance to Thomas W. Sparkman, First Selectman, dated 8/25/2020 re: Line Item Transfer approval to PZC LI#51730 (Purchased Services)
- b. Copy, Letter, from Conservation Commission to Thomas W. Sparkman, First Selectman, dated 8/25/2020 re: Approval of application #20-03, Bundy Hill Road Bridge Replacement
- c. Copy, Letter, from Conservation Commission to Thomas W. Sparkman, First Selectman, dated 8/25/2020 re: Approval of application #20-04, 140 Kimball Road, to construct a single-family residence
- d. Budget Report, July through August 2020 – LI#51730 (Purchased Services) \$58,000.00 / LI#51750 (Supplies & Expenses) \$3,800.00

4. Bills and action thereon

- a. The Bulletin, \$187.57, dated 8/25/2020, inv#00275509 re: Notice of Administrative Due Process Hearing (Sigfridson Subdivision). Motion to approve by T. Danburg second by K. Sperry.

VOTE: UNANIMOUS, MOTION CARRIED

- b. Halloran Sage, \$380.00, dated 8/19/2020, inv#11332138 re: PZC General Matters (Bylaws). Motion to approve by K. Sperry second by G. Ritacco.

VOTE: UNANIMOUS, MOTION CARRIED

5. Reports

- a. ZEO – Carl Brown reported that he had met with the Town Attorney regarding properties that were

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not complying to his cease and desist orders, and that the Zoning Board of Appeals have not made their decision yet regarding 29 McNeely Road.

b. Regulations - NONE

1. MS4 Storm Water Regulation/Ordinance Update – Mr. Murphy gave a brief update. Draft ordinance has been forwarded to the Conservation Officer, Joseph Theroux, for review and possible comment.

c. Zoning Map Subcommittee – none

1. Update Regarding Route 12 Corridor Study and Zoning Amendments per POCD 2016 – NONE

6. Old Business

a. Regional Planning Commission – NONE

b. Bylaws – Consideration and possible action thereon – Motion by K. Sperry second by T. Danburg to approve as revised and adopted as of September 1, 2020 (see attached).

VOTE: UNANIMOUS, MOTION CARRIED

c. Administrative Due Process Hearing – Sigfridson Subdivision, Phillips Road/Pleasant View Cove Road- It was noted for the record that Mr. Sigfridson, Member, of Pheasant Farm, LLC, was present via virtual means. He stated he is in support of the proposed expiration of the Sigfridson Subdivision at 20 Phillips Road (Fitch Road). Michael Murphy, Town Planner, entered his Staff Report into the record, and noted that the Commission and Mr. Sigfridson had received his report for review prior to the meeting. He stated that Mr. Sigfridson had recently sold the development rights of the land to the State of Connecticut. He also stated the original performance bond for the project, which remains incomplete, has expired, and only \$6,620.00 remains for inspections and erosion and sediment control. One house of three proposed lots has been developed; the other two lots have been deeded to the State to remain in agricultural use.

The following motion was made by K. Sperry and seconded by T. Danburg: The Sigfridson subdivision located at 20 Phillips Road, Lisbon was approved on June 5, 2007. Said approval called for the creation of three (3) new lots and development of a cul-de-sac public road and frontage sidewalk, drainage basins and structures, street tree plantings and basin landscaping, and installation and relocation of specific street appurtenances to support same, the full extent of which have not been substantively completed in accordance with the provisions of CGS 8-26 C. In addition, the Town has made multiple good faith requests to the project owner to affirmatively resolve project compliance issues in furtherance of completion of the project and has clearly described the potential risks to the project from failure to address these matters. The Planning and Zoning Commission therefore declares the Sigfridson Subdivision plan to have expired and directs the Town Planner to provide all legally required notices in this matter.

In taking the above action, the Planning and Zoning Commission further recommends that the Board of Selectmen and Town of Lisbon take no subsequent action or measures to accept the subject road

## **BYLAWS**

### **Town of Lisbon Planning and Zoning Commission Revised and Adopted September 1, 2020**

#### **Article I**

##### **Purpose and Authorization**

The powers and duties of the Planning and Zoning Commission of the Town of Lisbon are as set forth in all pertinent provisions of the Connecticut General Statutes, including but not limited to Chapters 124 (Zoning) and 126 (Municipal Planning Commissions), and as delegated to the Commission under the Town of Lisbon Ordinance approved on January 16, 1987, and entitled "Reform of the Planning and Zoning Commission of the Town of Lisbon."

#### **Article II**

##### **Name**

The Commission shall be known as the Lisbon Planning and Zoning Commission.

#### **Article III**

##### **Office of Commission**

The office of the Lisbon Planning and Zoning Commission shall be at the Lisbon Town Hall where all Commission records will be kept. Copies of all official documents, records, maps etc. will be filed or recorded in the office of the Town Clerk.

#### **Article IV**

##### **Membership**

The membership and terms of office shall be as specified in the above stated ordinance establishing the Commission, as it may be amended, and the aforementioned General Statutes. Resignation from the Commission shall be in written form and transmitted to the Chairman, who will then forward same to the Town Clerk and Board of Selectmen. Vacancies shall be filled according to the above stated ordinance. As used in these Bylaws, the term "regular member" shall exclude alternate members.

#### **Article V**

##### **Officers and Their Duties**

##### **Section 1.**

The officers of the Commission shall consist of a Chair, Vice Chair, and Secretary. All officers must be regular members of the Commission.

##### **Section 2.**

The Chair shall preside at all meetings and hearings of the Commission and shall have the duties normally conferred on such officers. The Chair shall have the authority to call special meetings, appoint committees, and generally perform other duties as may be prescribed in these Bylaws.

##### **Section 3.**

The Chair shall have the privilege of discussing all matters before the Commission and of voting thereon.

Section 4.

The Vice Chair shall act for the Chair in his or her absence and have the authority to perform the duties normally conferred on such officers.

Section 5.

The Secretary shall have the official duty of taking the minutes of Commission meetings, maintaining the minutes and records of the Commission and such other duties as may be prescribed in these Bylaws. The Commission may also retain a Clerk or other administrative staff to handle some or all of these duties. The Commission must review and approve all official minutes of the Commission. Such review and approval shall ordinarily take place at the following regular Commission meeting.

Article VI  
Election of Officers

Section 1.

On the date of the first regularly scheduled meeting of the Commission following a November general Town election, the Commission shall hold an organizational meeting, at which time (i) all officers specified in Section 1, Article V of these Bylaws will be elected, and (ii) the Bylaws will be reviewed for potential revisions. All actions on those matters shall be made a part of the minutes of the annual meeting.

Section 2.

Nominations of officers shall be made from the floor at the organizational meeting and the election of the officers shall follow immediately.

Section 3.

A candidate receiving a majority vote from the entire membership of the Commission shall be declared elected and shall serve for two years or until a successor shall take office in accordance with the Ordinance referenced in Article I.

Section 4.

If any Office becomes vacant before the term of that office expires, the Commission shall elect another regular member to fill the vacancy at the next regular meeting of Commission following the occurrence of such vacancy, unless an earlier special meeting is called for that purpose.

Article VII  
Meetings

Section 1.

Regular meetings will be held on the first Tuesday of each month at 7:00 p.m. at the Town Hall. In the event any such date would conflict with holidays or other events, the Commission may change such date by majority vote at any prior meeting. Meetings shall be noticed and agendas filed in advance in accordance with FOIA requirements in Section 1-200 (1) and 225 of the General Statutes. The Commission may consider an item that was not listed on the agenda of any regular meeting upon the affirmative vote of two-thirds of the members present and voting.

Section 2.

A majority of the voting membership of the Commission shall constitute a quorum, and the number of votes necessary to transact business shall be a majority of members of the Commission.

Section 3.

A special meeting of the Commission may be called by the chair or upon the affirmative vote of five members of the Commission. The notice and agenda of such meeting shall specify the purpose of such meeting and no other business may be considered. The Secretary shall notify all members of the Commission as to the date, time, and place of the meeting in accordance with FOIA requirements in Section 1-200-(1) and 225.

Section 4.

All Commission meetings shall be open to the public except when the Commission votes to enter into an executive session in accordance with the applicable provisions of state law.

Section 5.

Unless otherwise specified, "Robert's Rules of Order" shall govern the proceedings at the meetings of this Commission.

ARTICLE VIII  
Powers and Duties of Alternates

Section 1.

In accordance with Section 8-1b of the General Statutes, alternate members shall, when seated as herein provided, have all the powers and duties set forth in the General Statutes or any special act relating to the Town of Lisbon for the Commission and its members. Whenever the word "member" is used in these Bylaws, except where preceded by the word "regular," it shall be deemed to include any alternate who has been duly seated to act in place of a regular member.

Section 2.

When a regular member of the Commission is absent or disqualified or recuses himself or herself for any reason, the chair shall designate an alternate, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes.

Section 3.

Alternates will receive the same meeting preparation materials prior to meetings as are distributed to the regular members of the commission.

Section 4.

Subject to the rules of disqualification in Article IX of these Bylaws, any alternate, whether or not officially seated in place of a regular member, may participate and speak along with seated Commission members during any public hearing. However, after the close of a public hearing, no alternate may speak unless officially seated in place of a regular member.

Section 5.

When officially seated to act on any matter, an alternate is bound by the same obligation to disqualify himself in case of conflict of interest, as is any other Commissioner, as stated in Article IX of the Bylaws.

Article IX  
Disqualification

Section 1.

In accordance with state law, no regular or alternate member of the Commission shall appear for or represent any person, firm or corporation or other entity in any matter pending before the Commission or before the Lisbon Zoning Board of Appeals. No regular or alternate member of the Commission shall participate in the hearing or decision of the Commission upon any matter in which he or she is directly or indirectly interested in a personal or financial sense. In the event of such disqualification, such fact shall be entered on the records of the Commission and, unless otherwise provided by law, replacement shall be made from alternate members, or remaining alternate members, in accordance with Section 2 of Article VIII of these Bylaws.

Section 2.

Regular members and alternates shall disqualify themselves from discussing and voting on an application if they are insufficiently familiar with an application before the Commission due to absence from the public hearing(s) or agency meeting(s) where the application was discussed. Familiarization includes fully reviewing any available audio or video recordings, any available transcripts, and the minutes of any portion of any pertinent meeting during which the regular member or alternate was absent. Simply reviewing minutes is not sufficient to prepare a commission member to participate. Members in such situations shall state for the record what each has done to become fully acquainted with the contents of the record.

Article X  
Order and Conduct of Business

Section 1.

Unless otherwise determined by the Chair, the order of business at regular meetings shall be:

1. Call to order
2. Previous Minutes
3. Correspondence
4. Bills and action thereon
5. Reports
6. Old Business
7. New Business
8. Any other business which may come before the Commission
9. Public Comment
10. Adjournment

Section 2.

No new business submitted for action by the Commission shall be acted upon unless it is submitted seven (7) days prior to a regular meeting date or unless otherwise required by law. However, this rule may be waived by a majority of members present and voting. Nothing in these Bylaws shall be deemed to postpone or affect any "date of receipt" that may be established by state law.

## Article XI Hearings

### Section 1.

The Commission shall hold public hearings when required by state law. The Commission may also hold discretionary public hearings when it decides, by a majority vote of members present and voting at any meeting, that such hearing will be in the public interest.

### Section 2.

All public hearings required by state law shall be held in accordance with the pertinent statutory provisions.

### Section 3.

All public hearings shall be recorded, and minutes taken.

## Article XII Conducting the Public Hearing

### Section 1.

The Chair of the Commission shall preside at any public hearing unless absent or disqualified. In event of his absence or disqualification, the Vice Chair shall act as presiding officer. If both the Chair and Vice Chair are absent or disqualified, another member shall be chosen to preside by a majority vote of the members present and voting.

### Section 2.

A reading of the public hearing notice, question, or issue shall be made by the presiding officer at the opening of the public hearing. The presiding officer shall describe the method of conduct of the hearing. Comments shall be limited to the subject advertised for the hearing. The Commission shall have the privilege of commenting or asking questions first.

### Section 3.

The Chair shall first allow the applicants to make a full presentation of the application. The Chair shall then call for comments or questions from supporters of the application. Next, the opponents shall be given an opportunity to comment or ask questions. The presiding officer may allow flexibility in the order of presentation if it appears that doing so will expedite the hearing process. Comments or questions from the Commission and/or staff may occur at any time. Planning and technical staff may submit written or oral reports summarizing the application and significant issues and answering questions from the Commission.

### Section 4.

It shall be made clear by the presiding officer at the hearing that all questions and comments must be directed through the presiding officer and only after being properly recognized by the presiding officer.

### Section 5.

All persons recognized shall approach the hearing table in order to facilitate proper recording of comments and/or testimony. Before commenting on the matter before the hearing each person shall give their name and address.

### Section 6.



The presiding officer shall assure an orderly hearing and shall take necessary steps to maintain the order and decorum of the hearing at all times. The presiding officer shall reserve the right to terminate the hearing in the event the discussion becomes unruly and unmanageable.

Section 7.

The show of hands by those persons present shall not be allowed on any general question presented at the public hearing. The hearing shall be conducted only for the purpose of taking testimony to be considered in subsequent deliberations by the Commission.

Article XIII  
Employees

Within the limits of the funds available for its use, the Commission may employ such staff, personnel and/or consultants as it sees fit to aid the Commission in its work. Appointments shall be made in accordance with Town policy.

Article XIV  
Committees

Standing or special committees may be appointed by the Chair for purposes and terms that the commission approves.

Article XV  
Freedom of Information

The Commission shall comply with all applicable provisions of the Freedom of Information Act, CGA Chapter 14 as amended.

Article XVI  
Amendments

These Bylaws may be amended by a majority of the Commission, only after the proposed change has been read and discussed at a previous regular meeting except that the Bylaws may be changed at any meeting by the unanimous vote of Commission.



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into the Town's public road system, nor accept the proposed drainage easements to the Town associated with lot #1. In addition, as a result of the paved roadway remaining in private ownership, the commission hereby authorizes the release of the remaining performance bond/inspection funds to the project owner upon effective expiration of the subdivision.

VOTE: UNANIMOUS; MOTION CARRIED

7. New Business
  - a. Receipt of New Applications – NONE
  - b. Zoning Text Amendments- Revisions to section 4.1.2, sections 4.2 and 4.3, inclusive, section 10.2 and section 19.3 for Amendments Relating to Development of Accessory Dwelling Units in R Zones – Mr. Murphy gave the Commission a brief overview of some of the changes made since the last meeting. He noted for the record, a Public Hearing is scheduled for Tuesday, October 6, 2020, at 6:30 PM.
  - c. Mattress Firm, Crossing at Lisbon- Request for Release of Performance Bond – It was noted for the record that Mr. Salvatore Monroe, a representative from Cedarwood Development, was present at the virtual meeting. Mr. Murphy stated that Cedarwood Development is required to finish the landscaping that was disturbed while the façade was being worked on before the performance bond will be returned. Mr. Monroe concurred that it will be completed this fall. Carl Brown, Building Inspector, noted that the applicant will receive a Certificate of Compliance once all requirements have been met. Motion by G. Ritacco second by K. Sperry to release the Performance Bond upon completion of landscaping. VOTE: UNANIMOUS MOTION CARRIED
  - d. Referrals – NONE
  - e. Spirit Halloween, Zoning Permit Application for 3' x 20' Temporary Sign – It was noted for the record that Ann Davis, representative for Spirit Halloween, was present via virtual means. Motion by K. Sperry second by G. Ritacco to approve the request of Spirit Halloween for a zoning permit to install a 3' x 20' temporary sign at 160 River Road, with the modification that the sign be removed by the end of business on Monday, November 2, 2020. VOTE: UNANIMOUS MOTION CARRIED  
Mr. Brown noted for the record that before Spirit Halloween may open its doors, a site walk by both the Fire Marshal and the Building Official must first be conducted.
8. Any other business which may properly come before the commission – Mr. Murphy gave a brief update regarding the completion of the Walmart project.
9. Public Comment – It was noted for the record that no Public Comments were received by email as directed on the Town's website.

**TOWN OF LISBON  
ZONING PERMIT APPLICATION**

**PLEASE CHECK THE APPROPRIATE LINE(S) AND COMPLETE THE REQUIRED APPLICATION(S):**

☐ SITE PLAN REVIEW OF PROPOSED DEVELOPMENT IN ACCORDANCE WITH **SECTION 2.5** AND **SECTION 12**  
☐ PLANNING AND ZONING COMMISSION ADMINISTRATIVE REVIEW OF CHANGES TO COMMERCIAL/INDUSTRIAL

☐ BUILDINGS AND PROPERTIES IN ACCORDANCE WITH **SECTION 2.8** AND **SECTION 10.13**

☒ SITE PLAN REVIEW OF ASSOCIATED SIGNAGE IN ACCORDANCE WITH **SECTION 15.8**

**PROJECT DESCRIPTION:**

Temporary Sign for Spirit Halloween 3'x20' Sign  
above door. Store front - from approximately 91120 to 1145 20

PROJECT NAME: Spirit Halloween ACREAGE: 21.33 ZONING DISTRICT: IP2  
LOT IN SQUARE FEET: \_\_\_\_\_ TOTAL FLOOR AREA IN SQUARE FEET: \_\_\_\_\_

**PARCEL IDENTIFICATION INFORMATION**

STREET ADDRESS OF PROPERTY IF AVAILABLE: 160 River Rd. Sp A 190  
MAP / BLOCK / LOT: 20-014-0000  
VOLUME / PAGE: \_\_\_\_\_

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

- APPLICANT: Ann Marie Davis TELEPHONE: 203-526-1094  
ADDRESS: \_\_\_\_\_ EMAIL: Spdist20416@spirithalloween.com
- APPLICANT'S AGENT (IF ANY): \_\_\_\_\_ TELEPHONE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ EMAIL: \_\_\_\_\_
- OWNER / TRUSTEE: WS Development Lisbon Landing LLC  
ADDRESS: 33 Boulton Street TELEPHONE: \_\_\_\_\_ EMAIL: Dana.Clark@wsdevelopment.com  
Chestnut Hill, MA
- 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) AND MAP(S) 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, OR ITS CONSULTANT 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 LAND USE FEES ORDINANCE.

SIGNATURE OF APPLICANT/AGENT: [Signature] PRINTED NAME OF APPLICANT/AGENT: Ann Marie Davis  
DATE: 8/25/20

SIGNATURE/RECORD OWNER: \_\_\_\_\_ PRINTED NAME/RECORD OWNER: \_\_\_\_\_  
DATE: \_\_\_\_\_

=====

**APPLICATION SUBMITTAL DATE:** 9/1/2020 **FEE(S) PAID:** 180.00

**OFFICIAL DAY OF RECEIPT:** 9/1/2020

**\*P & Z COMMISSION ACTION:**  
APPROVED W/MODIFICATION **DATE:** 9/1/2020

**CHAIR'S SIGNATURE:** [Signature]  
ROBERT ADAMS, CHAIRMAN

UPON APPROVAL OF THIS APPLICATION BY THE PZC, AND COMPLIANCE WITH ANY DIRECTIVES, MODIFICATIONS AND/OR CONDITIONS REQUIRED, THE ZONING ENFORCEMENT OFFICER MAY ISSUE THE ZONING PERMIT.

\_\_\_\_\_  
DATE: \_\_\_\_\_

Rev.12/17

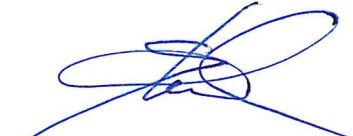
Zoning Enforcement Officer

(\* Any modifications, directives or conditions attached to PZC action, or any reasons for denial, shall be reflected in the record and attached)

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10. Adjournment - Motion made by K. Sperry second by B. Hull to adjourn at 8:06 P.M.

VOTE: UNANIMOUS MOTION CARRIED



Elaine Joseph, Clerk

Approved: \_\_\_\_\_  
Ron Giroux, Vice-Chairman

RECEIVED FOR RECORD AT LISBON  
CT ON 09/08/2020 AT 11:25am  
ATTEST. LAURIE TIROCCHI, TOWN CLERK  
*Margou Wakely West*



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 virtually on Tuesday, September 1, 2020, the following actions were taken:

1. Sigfridson Subdivision, 20 Phillips Road, Lisbon, CT– Declaration of automatic expiration of the subdivision plan, originally approved on June 5, 2007 APPROVED
2. Application by Spirit Halloween – 160 River Road – Zoning Permit Application for Temporary Signage APPROVED WITH MODIFICATION

Dated at Lisbon, Connecticut this 8th day of September 2020.

Robert D. Adams, Chairman  
Lisbon Planning and Zoning Commission

RECEIVED FOR RECORD AT LISBON  
CT ON 09/08/2020 AT 11:25  
ATTEST. LAURIE TIROCCHI, TOWN CLERK

*Margaret Wakely, Asst*