

MINUTES
SITE WALK / SPECIAL MEETING
PLANNING AND ZONING COMMISSION
47 SCHOOL HOUSE ROAD
FRIDAY, JUNE 16, 2023
4:00 P.M.

1. Call to Order - The site walk / special meeting of the Planning and Zoning Commission was called to order by Acting Chairperson, Kim Sperry, at 4:06 P.M.

MEMBERS PRESENT: Kim Sperry, Benjamin Hull, III, Veronica Lutzen, Timothy Minor,
Nathanial Beardsworth (ALT)
MEMBERS ABSENT: Robert Adams, Randy Brown, Trevor Danburg, Ronald Giroux, Jason Lebel,
Kelly Clatt (ALT)
STAFF PRESENT: Michael J. Murphy, AICP, Consultant Planner-SCCOG, Lisbon Town Planner
OTHERS PRESENT: Timothy Bresnan, Property Owner

Nathanial Beardsworth, Alternate, was seated for Robert Adams by Acting Chairperson, Kim Sperry.

2. Inspection of Bresnan Subdivision Improvements - Michael J. Murphy, AICP, Consultant Planner-SCCOG, Lisbon Town Planner spoke with Mr. Bresnan after he requested an inspection of the improvements to the property. Mr. Murphy noted that everything that is still outstanding as listed on his punch list attached to his letter to the Bresnans dated 4/10/2023, would need to be resolved by 2024, ten years from the original subdivision approval in 2014, based on the commission's most recent partial caveat release decision. Copies of the inspection letter was provided to the Commission members at this meeting and previously in their packets. He read the original conditions of approval into the record, including the requirement of completing the work or putting up a \$15,000.00 bond, which was never received by the Town. He noted that the applicant recently requested an inspection to release the caveat on the property. If the lot sells, these issues should be resolved before the buyer would be able to get a building permit. He also noted that he cannot recommend that the town grant a release of the caveat without either the \$15,000.00 bond or correct completion of subdivision improvement work. Mr. Murphy then noted that the next regular meeting is July 11 but that this site walk/special meeting was called for the purpose of fact gathering.

Mr. Murphy pointed out the storm drain catch basin on the plan that was approved by the Commission in 2014. He outlined what was approved versus what has subsequently been done. He pointed out the location of the easement on the plan and detailed the requirements of the approval. Trees were to be removed, the road shoulder reworked, and an apron for the driveway will be required as part of these improvements. Mr. Bresnan noted that the "driveway" currently in place was installed in order to get construction equipment onto the property to do the improvements, and the curb has not been cut. Mr. Murphy also noted that a driveway permit was never issued for this lot, and that sight-line is determined by the location and grade of the driveway. Drainage and sight line visibility are important improvements to be signed off on but they are not complete. He notes that the applicant is requesting that the Commission accept the work that was done and release the caveat. He noted that the applicant says the drainage pipe has been installed but Mr. Murphy noted that it was installed outside of the easement and it does not meet the road and drainage construction ordinance standards. Mr. Murphy noted that the First Selectman has indicated that no one approved this drain connection. He noted that he himself inspected the pipe in March and the Engineer had inspected it June 15th. He also noted that the Town Engineer should get involved to ensure it meets the approved plan.

Mr. Bresnan claims the stub pipe was draining water onto his property. Mr. Bresnan indicated that there is also an issue with the existing pipe, as water coming off the hill is pushing stone out from under the


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pipe. He stated that the pipe he put in was 15" or bigger, stating it was hooked up to that stub pipe the Town originally put in. Mrs. Sperry stated that the work did not follow the plan and that it needs to meet town requirements.

Mr. Bresnan read the caveat as recorded on the land records, and provided it for the record, believing he fulfilled the requirements listed since no building permit has yet been issued. Mr. Minor stated that if an applicant does not do the work according to the approved plan, and the bond was never submitted, it could give the Commission reason to expire the subdivision approval and void the building lot. The Commission and the planner also discussed the matter of the applicant's responsibility to complete subdivision work rather than place this responsibility on the future lot buyer.

Mr. Murphy noted for the record that in addition to the inspection he submitted photographs of his findings. These photographs are in the file. He read the Engineer's report, noting that the Town Engineer does not recommend approving the current drainage. He also noted that the Commission would need to amend the location of the easement description in order to approve the drainage work as completed. Mrs. Sperry asked if Mr. Bresnan got permits for the work that was done or if inspections were conducted. Mr. Bresnan answered that he did not know. Mr. Murphy noted that the lack of a driveway apron, correct drainage with proper permit in place, current sight line issues and no bond as originally required, remain as potential issues for not releasing the caveat until these issues are addressed. He indicate that he will assess the situation between now and the July meeting and advise the full Commission at that time.

3. Adjournment – Motion by B. Hull second by T. Minor to adjourn at 5:16 PM.



Elaine Joseph, clerk

Approved by: _____
Kim Sperry, Acting Chairperson

RECEIVED FOR RECORD AT LISBON, CT
ON 06/23/23 AT 9:25am
ATTEST. MICHELLE GRANT, TOWN CLERK

