

MINUTES
REGULAR MEETING
PLANNING AND ZONING COMMISSION
LISBON TOWN HALL
TUESDAY, APRIL 6, 2010
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 7:57 p.m.

MEMBERS PRESENT: Robert Adams,, Robert Browne, John Dempsey, Sharon Gabiga
David Gagnon, Ronald Giroux, Ruth MacDonald, Kim Sperry
Alts: Gary Ritacco, VACANCY, VACANCY

MEMBERS ABSENT: Lawrence Alice

STAFF PRESENT: James D. Rabbitt, AICP, Senior Planner-SCCOG, Lisbon Town Planner

Mr. Adams noted that Gary Ritacco would be sitting in for Lawrence Alice.

2. Previous Minutes

A motion was made by J. Dempsey, seconded by R. Browne, to approve as presented.

VOTE: UNANIMOUS MOTION CARRIED

3. Correspondence:

1. Letter to Town Clerks from Anthony D'Andrea, PE & LS, Chair., Board of Examiners for PE & LS, ST CT Dept. of Consumer Protection, 3/1/2010, Re: Release of Digital Files of Surveying Maps and Engineering Plans
2. Letter, John Guskowski, Board President, Eastern Connecticut RC&D Council (Eastern Connecticut Conservation and Development Area, Inc., 3/2010, Re: Environmental Review Team (DRT) Free Services
3. Reports (2), Towne Engineering, Inc., Consulting Town Engineer, 3/8/2010, Re: Plan Review & 3/9/2010, Re: Status Outstanding Items/Punch List
4. Deadline Notice, Town Newsletter, 4/16/2010
5. Newsletter, Clear Scapes, UCONN, Spring 2010
6. Publication, Connecticut Technology Transfer, UCONN, Spring 2010
7. Publication, The Connecticut Landscape Architect, Connecticut Chapter of the American Society of Landscape Architects

A motion was made by J. Dempsey, seconded by D. Gagnon, to change the order of business from Item 4 and 5 and go directly to 6. Old Business, and then 7. New Business, then return to 4. Bills and 5. Reports.

VOTE: UNANIMOUS MOTION CARRIED

6. Old Business:

- a. Appl. Special Permit - H. Schwartz for Heritage Trail Winery, LLC

A motion was made by R. ~~Brown~~, seconded by R. MacDonald, to approve the waiver request (Section 12.4.2 of the Regulations, 3/2/2010).

VOTE: YES Robert Browne, John Dempsey, Sharon Gabiga, David Gagnon,
Ronald Giroux, Ruth MacDonald, Gary Ritacco, Robert Adams,
NO Kim Sperry MOTION CARRIED

Browne

APPLICATION FOR SPECIAL PERMIT
Lisbon Planning and Zoning Commission

To be completed by the Applicant:

Date: 2-1-10

Name and Address of Applicant: Harry W. Schwartz, Heritage Trail
Winery, LLC

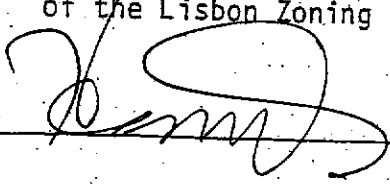
The undersigned does hereby request a Special Permit as required by Section
10.7A of the Lisbon Zoning Regulations.

Location of Property 291 N. Burnham Hwy

Owner of Record of Property Heritage Trail Winery, LLC

Description of Proposed Use Bed and Breakfast in Historic Home.
Owner operated ? on site.

(The applicant shall submit with this completed application a site plan as pre-
scribed in Section 10 of the Lisbon Zoning Regulations.)

Signature of Applicant: 

To be completed by the Commission:

Application No. _____

Date of Submission: _____

Date of Receipt: 2/2/2010

Fee Paid: \$ 210

Date of Action: 4/6/2010

Date of Public Hearing: 3/2/2010, 4/6/2010

Approved: WITH CONDITIONS see back Denied: _____

Reasons for denial or modifications: *The conditions were met through
submissions at the public hearing.

Signature _____

(No approved special permit shall be effective until a copy of this completed form
is recorded in the land records of the Town of Lisbon. The Town Clerk shall index
the same in the grantor's index under the name of the record owner and the record
owner shall pay for such recording. Sec. 8-3d, Connecticut General Statutes.)

APPLICATION FOR SPECIAL PERMIT
Lisbon Planning and Zoning Commission

To be completed by the Applicant:

Date: 2/25/10

Name and Address of Applicant: RACHEL TURNER CLAUCK, DM DESIGN GROUP
ON BEHALF OF THE HOWLEY BREAD GROUP, LTD., 30400 DETROIT RD #401, WESTLAKE
OH 44145

The undersigned does hereby request a Special Permit as required by Section
11 of the Lisbon Zoning Regulations.

Location of Property LISBON LANDING, 160 BIVOR RD, LISBON, CT 06331

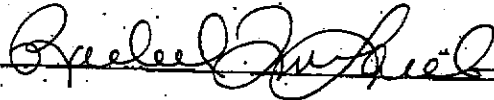
Owner of Record of Property LISBON LANDING, LLC

Description of Proposed Use PANORA BREAD BAKERY CAFE

PROPOSE PATIO AND OUTDOOR SEATING AREA

PROPOSED FACADE MODIFICATIONS - NEW EIFS, PAINT, STOREFRONT
AWNINGS, LIGHTING AND SIGNAGE

(The applicant shall submit with this completed application a site plan as pre-
scribed in Section 10 of the Lisbon Zoning Regulations.)

Signature of Applicant: 

To be completed by the Commission:

Application No. _____

Date of Submission: _____

Date of Receipt: 3/2/2010

Fee Paid: \$ 560

Date of Action: 4/6/2010

Date of Public Hearing: 4/6/2010

Approved: APPROVED WITH THE ATTACHED CONDITIONS

Reasons for denial or modifications: _____

Signature _____

Robert D. Adams, Chairman

(No approved special permit shall be effective until a copy of this completed form
is recorded in the land records of the Town of Lisbon. The Town Clerk shall index
the same in the grantor's index under the name of the record owner and the record
owner shall pay for such recording. Sec. 8-3d, Connecticut General Statutes.)

APPLICATION FOR CHANGE OF ZONING REGULATIONS OR BOUNDARIES
Lisbon Planning and Zoning Commission

To be completed by Applicant:

Date: Feb. 2, 2010

Name of applicant Planning & Zoning Commission Town of Lisbon

Mailing address 1 Newent Road Lisbon CT 06

Name of owner of record NA

Mailing address NA

Description of and purpose for proposed change: (In addition to a written description, the applicant shall submit a map clearly showing the boundaries of the proposed change when the change involves a zoning district boundary.)

Adopt a new zoning map prepared via a geographic information system (GIS). The purpose of this application is to replace the old hand drawn zoning map with a new digital copy.

Proposed map attached

ATTACHMENT "A"

OLDER HAND DRAWN MAP ALSO ATTACHED

ATTACHMENT "B"

Signature of applicant

Martine LePine, Commission Clerk

To be completed by Commission:

Application No. _____

Date of Submission: _____

Date of Receipt: 2/2/2010

Fee Paid: \$ N/A

Date of public hearing: 4/6/2010

Date of Commission Action: 4/6/2010

Approved: No effective date was set at this time.

Reasons for change: _____

Signature: _____

Robert D. Adams, Chairman

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Pag 2 Old Business contd.

A motion was made by D. Gagnon, seconded by R. MacDonald, to approve with the Planner's four (4) items as conditions as recommended in his letter dated April 6, 2010:

1. The applicant needs to address the requirements of Section 11 (Special Permits i.e. 11.21, 11.3, 11.4)
2. The applicant needs to submit a letter to the Fire Marshall as required by the Regulations.
3. The applicant needs to submit a letter to the Lisbon Health Director.
4. The Commission needs to act on the waiver request for site plan requirements.

Mr. Adams noted that all four of the items have been addressed.

<u>VOTE:</u>	YES	Robert Browne, John Dempsey, Sharon Gabiga , David Gagnon Ronald Giroux, Ruth MacDonald, Gary Ritacco, Robert Adams	
	NO	Kim Sperry	<u>MOTION CARRIED</u>

- b. Appl. Special Permit, Rear Lots - Tucker Development Group, LLC - Tabled PH contd.
- c. Appl. Subdivision/Re-subdivision - Tucker Development Group, LLC - Tabled PH contd.
- d. Appl. Planning and Zoning Commission - Adoption, Digitalized Zone Map

A motion was made by J. Dempsey, seconded by R. Giroux, to approve Boundaries doing the digital.

VOTE: UNANIMOUS MOTION CARRIED

- e. Appl. Special Permit (modification) - Panera Bread

A motion was made by R. Giroux, seconded by R. Browne, to approve with the eight (8) conditions sited by the Planner (in his letter dated April 6, 2010):

1. A preconstruction meeting should be held with Commission/town staff (Planner, Engineer, ZEO, Building Official) with building contractor prior to any construction, grading and/or excavation activity associated with the construction of the Panera Bread at the site.
2. Full architectural renderings (24"x36" - mylar) shall be filed as part of the special permit and plan set.
3. Shop drawings of all signs approved on the facade shall be submitted and reviewed by town staff to determine compliance with approvals prior to installation.
4. A note shall be added to the plans stating that: no outside retail storage, display, and/or sales is permitted beyond the areas depicted on the approved site plan. This note shall be placed on the site plan and the architectural renderings.
5. Surety in the amount of \$10,000 (irrevocable letter of credit, performance/insurance bond and/or cash) shall be posted with the Town of Lisbon prior to any construction, grading and/or excavation activity at the site. In addition to the \$10,000 surety, \$2,000 in cash (bank check) shall be given to the Town of Lisbon and held as an emergency contingency fund. The type of the final surety shall be reviewed and approved by the Planning and Zoning Commission's legal counsel.
6. The applicant shall submit \$2,500 to the Town of Lisbon to be used as a deposit for site inspection associated with the Panera Bread site. However, the final dollar amount necessary complete the inspection is subject to the actual time required to insure compliance with the approved site plan. Consequently, all costs associated with the review and inspection of the

APPLICATION FOR SPECIAL PERMIT
Lisbon Planning and Zoning Commission

To be completed by the Applicant:

Date: February 25, 2010

Name and Address of Applicant: CL One Associates, LLC

c/o Cedarwood Development, Inc., 1765 Merriman Road, Akron, OH 44313

The undersigned does hereby request a Special Permit as required by Section
6.4.17 of the Lisbon Zoning Regulations.

Location of Property 155 River Road, Lisbon, CT, aka Lot #7, Crossing at Lisbon,

Owner of Record of Property CL One Associates, LLC, owner-lessor S/D Map #108

Description of Proposed Use Retail sales

Applicant seeks to amend special permit and site plan granted March 3, 2009,

as to Lowe's site and amend special permit to entire development granted

Jan. 8, 2008, to provide reduction of 28 parking spaces; with reduction site
still satisfies parking requirements. Plans attached.

(The applicant shall submit with this completed application a site plan as pre-
scribed in Section 10 of the Lisbon Zoning Regulations.)

Signature of Applicant: by: CL One Associates, LLC
John R. FitzGerald, 141 Broadway, Norwich, CT 06360
Its Attorney

To be completed by the Commission:

Application No. _____

Date of Submission: _____

Date of Receipt: 3/2/2010

Fee Paid: \$ 560

Date of Action: 4/6/2010

Date of Public Hearing: 4/6/2010

Approved: APPROVED WITH THE ATTACHED CONDITIONS (5)

Reasons for denial or modifications: _____

Signature

(No approved special permit shall be effective until a copy of this completed form
is recorded in the land records of the Town of Lisbon. The Town Clerk shall index
the same in the grantor's index under the name of the record owner and the record
owner shall pay for such recording. Sec. 8-3d, Connecticut General Statutes.)

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project with regards to compliance with the Planning and Zoning Commission's approved site plan is necessary to receive a Certificate of Zoning Compliance which is required to receive a Final Certificate of Occupancy shall be the responsibility of the applicant.

7. Final as-built should be submitted to the Town to determine compliance with the approved plans. As-built shall include final grades, curbing, landscaping, buildings, signage, utilities (depth, size, location, type) and drainage. As-built may include additional information deemed necessary by town staff to determine compliance with approvals.
8. That all costs associated with the review and processing of the application are paid in full by the applicant prior to the signing of mylars and filing of a special permit.

VOTE: UNANIMOUS MOTION CARRIED

f. Appl. Special Permit (modification) - CL One Associates, LLC

A motion was made by R. Browne, seconded by R. Giroux, to approve with the five (5) modifications:

1. A preconstruction meeting should be held with Commission/town staff (Planner, Engineer, ZEO, Building Official) with building contractor prior to any construction, grading and/or excavation activity associated with the construction of the Lowe's building at the site.
2. Final as-built should be submitted to the Town to determine compliance with the approved plans. As-built shall include final grades, curbing, landscaping, buildings, signage, utilities (depth, size, location, type) and drainage. As-built may include additional information deemed necessary by town staff to determine compliance with approvals.
3. Any deviations from the approved grading plan and slope treatments shall be prepared by the applicants engineer and submitted to the Planning and Zoning Commission to be reviewed and approved by the Town Planner and Town Engineer prior to the construction of proposed deviations. Staff may approve such deviation where staff concludes, at their sole discretion, that the aesthetics and/or structural integrity of the approved grading plan and slope treatment do not compromise the original design.
4. The Lisbon Planning and Zoning Commission, through its staff, reserves the right to require the applicant to supplement the proposed landscaping along the revised parking area for Lowes' and in Road A and Road B with material originally planned for other areas of the site. If required, the landscape material along Road A and Road B shall be of similar value and plant type to the other material that was not planted throughout the site due to field conditions.
5. That all costs associated with the review and processing of the application are paid in full by the applicant prior to the signing of mylars and filing of a special permit.

VOTE: UNANIMOUS MOTION CARRIED

g. P & Z Members' Status

After reviewing all of the documentation associated with the removal of Alternate Karol Gleason for the Commission by the Selectmen at the request of the Planning and Zoning Commission, Mr. Adams expressed his concerns, relative to time frames, regarding the appointment of Gary Ritacco, by the Board of Selectmen, to fill the vacancy.

A motion was made by K. Sperry, seconded by R. Browne, to confirm the appointment of Gary Ritacco to the Commission.

VOTE: UNANIMOUS MOTION CARRIED

h. Blight Ordinance - No Update

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7. New Business:

a. Appl. Special Permit, Rear Lots - G. C. Lisbon LLC

Application by G. C. Lisbon LLC for a Special Permit for 2-Rear Lots at the end of a proposed 1,200' road in a proposed 9-Lot subdivision, Gavin Estates, to be located at 65 Sullivan

A motion was made by J. Dempsey, seconded by R. Browne, to accept the application for review and schedule a public hearing.

VOTE: UNANIMOUS MOTION CARRIED

Mr. Adams scheduled the public hearing to take place on May 4, 2010 at 6:45 p.m.

b. Appl. Subdivision/Re-subdivision - G. C. Lisbon LLC

Application by G. C. Lisbon LLC for a proposed 9-Lot subdivision, Gavin Estates, of property located at 65 Sullivan as shown on Land Records Map of 6 as Lot 4, Zoned R-60.

A motion was made by R. Browne, seconded by J. Dempsey, to accept the application for review and schedule a public hearing.

VOTE: UNANIMOUS MOTION CARRIED

Mr. Adams scheduled the public hearing to take place on May 4, 2010 at 6:50 p.m.

c. Receipt of New Applications - None

d. Referrals

1. Town of Canterbury - Gravel Operation & Bridge, Depot Road
2. Town of Sprague - Technical Text Amendments, Sprague Zoning Regulations
3. Town of Canterbury - Regulations Revisions & Plan of Conservation and Development

4. Bills and action thereon

Monthly Expenditure Report Thru February, 2010 BAL: LI #51730, Purchased Services-\$4,963.09, #51750, Supplies & Expenses-\$2,782.32

Statement, Murtha Cullina LLP - Inv. No. 400840, 03/22/2010, Re: PSK, LLC, \$ 682

A motion was made by D. Gagnon, seconded by R. MacDonald, to approve.

VOTE: UNANIMOUS MOTION CARRIED

1. \$3,665, Towne Engineering, Inc., (Consulting Town Engineer), 3/1/2010, Inv. No. 21181, Re: \$3,360, Project #07-077-Cedarwood Development-Route 12; \$305, Project #09-129 ALDI-Site Plan Review-Crossing at Lisbon

A motion was made by G. Ritacco, seconded by R. Browne, to pay the bill.

VOTE: UNANIMOUS MOTION CARRIED

2. \$378.28, Norwich Bulletin, 2/17/10, Re: PH Notice-SP, Harry Schwartz/Heritage Trail Winery, LLC
- A motion was made by R. Giroux, seconded by G. Ritacco, to pay the bill.

VOTE: UNANIMOUS MOTION CARRIED

3. \$818.10, Norwich Bulletin, 3/24/2010 & 3/30/2010, PH Notice: 1) SP Tucker Development; 2) Subdv. Tucker Development; 3) Zone Map-P & Z; 4) SP-Panera Bread; 5) SP-CL One Assoc.

A motion was made by G. Ritacco, seconded by R. Giroux, to pay the bill.

VOTE: UNANIMOUS MOTION CARRIED

4. \$123.18, Norwich Bulletin, 3/1/10 - 3/28/10, Re: ND-Dziengiel Subdivision

A motion was made by J. Dempsey, seconded by R. Giroux, to pay.

VOTE: UNANIMOUS MOTION CARRIED

5. \$7,793.75, Towne Engineering, Inc., (Consulting Town Engineer), 3/31/09 (Revised 4/5/2010) Inv. No. 21209, Re: Project #07-077-Cedarwood Development - Route 12

A motion was made by G. Ritacco, seconded by R. MacDonald, to pay the bill.

VOTE: UNANIMOUS MOTION CARRIED

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5. Reports:

a. ZEO

The March 2010 zoning activities report submitted by Ben Hull, Zoning Enforcement Officer, was distributed for review.

b. Regulations

Mr. Adams scheduled a meeting on the Regulations for April 20th at 6:30 p.m.

c. Zoning Map Subcommittee - No Report

d. Regional Planning Commission - No Report

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

A motion was made by R. Browne, seconded by D. Gagnon to add: Preston Allen Road Stone Wall, Newsletter; Monarch Property, and Vacancy.

VOTE: UNANIMOUS MOTION CARRIED

a. Preston Allen Road Stone Wall

R. Browne led a discussion regarding the removal of the stone wall associated with the Dzgeingel Subdivision on Preston Allen Road with Mr. Rabbitt assuring the Commission that he has been in contact with Dick Strauss, the developer's Surveyor; he is aware that it is their responsibility to rebuild the wall in like kind and character of what was there.

b. Newsletter - Discussion

c. Monarch Property - Discussion

d. Vacancy

A motion was made by J. Dempsey, seconded by R. MacDonald, to recommend to the Selectmen that Larry Thibeault be appointed to the position when he is qualified to serve.

Larry Thibeault.

VOTE: UNANIMOUS MOTION CARRIED

9. Public Comment - None

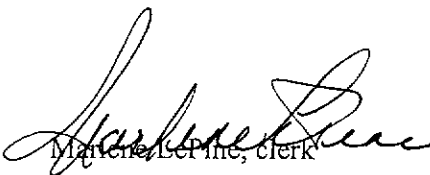
10. Adjournment

A motion was made by R. Giroux, seconded by D. Gagnon, to adjourn at 8:42 p.m.

VOTE: UNANIMOUS MOTION CARRIED

APPROVED: _____

Robert D. Adams, Chairman


Marlene LePine, Clerk

RECEIVED FOR RECORD AT LISBON,
CT ON 4/13/2010 AT 2:40pm
ATTEST: BETSY M. BARRETT, 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 in the Town Hall, 1 Newent Road, Lisbon, Connecticut, on April 6, 2010, the following action was taken:

1. An application to amend the existing hand drawn Zoning Map by replacing it with a new digital Zoning Map. Applicant - Town of Lisbon Planning and Zoning Commission. APPROVED
2. An application by Harry Schwartz, Heritage Trail Winery, LLC, for a Special Permit to allow a Bed and Breakfast in the historic home located at the owner/operated Heritage Trail Winery, 291 North Burnham Highway as shown on Assessor's Map 11 as Lot 53. APPROVED WITH CONDITIONS
3. An application by Howely Bread Group, LTD, for an amendment to a previously approved special permit and site plan associated with Lisbon Landing to permit a Panera Bread within a portion of the former Old Navy store located at 160 River Road, Map 20, Lot 14. APPROVED WITH CONDITIONS
4. 6:55 PM - An application of CL One Associates for an amendment to a special permit and site plan previously granted on March 3, 2009, and January 8, 2008, pursuant to Section 6.4.17 of the Zoning Regulations. The amendment relates to a modification of an internal access road to Retail B from Road B and parking associated with Retail B. The premise subject to said amendment is known as 153-155 River Road, Lisbon, and is shown as Lot 7 on a subdivision plan recorded in map hanger #108, Lisbon Town clerk's office. APPROVED WITH CONDITIONS

Dated at Lisbon, Connecticut, this 13th day of April 2010.

By Robert D. Adams, Chairman
Town of Lisbon Planning and Zoning Commission

RECEIVED FOR RECORD AT LISBON,
CT ON 4/13/2010 AT 2:40pm
ATTEST: BETSY M. BARRETT, TOWN CLERK