

MINUTES
REGULAR MEETING
PLANNING AND ZONING COMMISSION
LISBON TOWN HALL
TUESDAY, JANUARY 5, 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 7:37 p.m.

MEMBERS PRESENT: Robert Adams, Lawrence Alice, Robert Browne, John Dempsey,
Sharon Gabiga, David Gagnon, Ronald Giroux, Kim Sperry

MEMBERS ABSENT: Ruth MacDonald, Alts: Karol Gleason, VACANCY, VACANCY

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

A motion was made by L. Alice, seconded by R. Giroux, to move to Items 6. (Old Business), then 7. (New Business) and then back to 2.

VOTE: UNANIMOUS MOTION CARRIED

6. Old Business:

a. Appl. Special Permit, Aldi, Inc. & CL One Associates, LLC

A motion was made by L. Alice, seconded by R. Browne, to approve the application with the conditions (as noted below) in the Planner's report dated January 5, 2010:

1. 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.
2. Omitted.
3. Full architectural renderings(24"x36" - mylar) shall be filed as part of the special permit and plan set.
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. 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 Aldi's building at the site.
6. Final as-built shall 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.
7. Any deviations from the approved retaining wall and slope design shall be 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 wall and slope do not compromise the original design.
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.
9. Surety in the amount of \$50,000 (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 \$50,000 surety, \$10,000 in cash (bank check) shall be given to the Town of Lisbon and held as an emergency contingency fund. The type of

MINUTES
REGULAR MEETING
PLANNING AND ZONING COMMISSION
TUESDAY, JANUARY 5, 2009
Page 2 Old Business contd.

- the final surety shall be reviewed and approved by the Planning and Zoning Commission's legal counsel.
10. The applicant shall submit \$5,000 to the Town of Lisbon to be used as a deposit for site inspections associated with the Aldi' site. However, the final dollar amount necessary to 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 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.
 11. That the applicant receives approval from the State of Connecticut, State Traffic Commission.
 12. That the applicant receives approvals from the Town of Lisbon Water Pollution Control Authority for sewer/septic disposal per the Connecticut Public Health code or other appropriate authority prior to the issuance of a building permit.
 13. That the applicant receives approval from the State of Connecticut Department of Public Utilities and/or State of Connecticut Department of Health for water supply or other appropriate authority.
 14. Preliminary design for future pad site north of Aldi's shall be removed from the plans and a interim grading plan submitted and approved by staff. Additional applications for a special permit(s) including site plan approval for this future area must be submitted to the Planning and Zoning Commission and approved prior to any additional grading/excavation and/or the issuance of a building permit.
 15. Final lighting plan shall be submitted to the Planning and Zoning Commission to be reviewed and approved by the Town Planner. Lighting limits shall conform to lighting levels utilized throughout Lisbon Crossing prior to the issuance of a building permit. The applicant shall resubmit a lighting plan which eliminates existing hot spots and reducing overall foot candles/lumens.
 16. The Lisbon Planning and Zoning Commission, through its staff, reserves the right to require the applicant to supplement the proposed landscaping along the new wall/slope in Road A with material original planned for other areas of the site. If required, the landscape material along Road A shall be of similar value and plant type to th other material that was not planted throughout the site due to field conditions.
 17. The HVAC units shall be painted to match/complement the colors used on the building. Shop drawings shall be submitted to the Planning and Zoning Commission and reviewed and approval by Commission staff (Town Planner).
 18. The applicant shall allow a future pedestrian connection through the northerly portion of their parking field to an area reserved for future development located to the north of their existing site. The final location of the pedestrian sidewalks/crossings shall be determined when an application for future development of the northerly parcel occurs.

VOTE: UNANIMOUS MOTION CARRIED

b. Revised Zoning Map - Discussion

A motion was made by L. Alice to authorize the Chairman to submit an application on behalf of the Commission to adopt a digital format of the official Zoning Map that has been prepared using the Geographic Information System. R. Giroux seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

Kim Sperry, Lawrence Alice, David Gagnon (if available) , John Dempsey and Robert Adams,

APPLICATION FOR SPECIAL PERMIT
Lisbon Planning and Zoning Commission

To be completed by the Applicant:

Date: OCTOBER 28, 2009

Name and Address of Applicant: ALDI, INC. AND CL ONE ASSOCIATES, LLC

295 RYE ST.

SO. WINDSOR, CT 06074

C/O CEDARWOOD DEVELOPMENT

1765 MERRIMAN ROAD

AKRON, OH 44313

The undersigned does hereby request a Special Permit as required by Section 6.4.17, 11 of the Lisbon Zoning Regulations.

Location of Property: *175 RIVER ROAD, VOLUME 134, PAGE 66 (11/24/09) - B.S.S.
MAP 14 PORTION OF LOT 42, SE QUADRANT OF RT.12/I-395 INTERSECTION

Owner of Record of Property CL ONE ASSOCIATES, LLC


Description of Proposed Use RETAIL STORE FOR USE BY ALDI, INC.

APPLICANTS SEEK SPECIAL PERMIT FOR USE AND BUILDING APPROVAL. MODIFICATION TO CROSSING AT

LISBON APPROVAL BY LISBON P&Z ON JANUARY 8, 2008

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

CL ONE ASSOCIATES, LLC AND ALDI, INC.

Signature of Applicant: BY: 
BRIAN SAKIDOVITCH, THEIR ENGINEER

To be completed by the Commission:

Application No. _____

Date of Submission: _____

Date of Receipt: 11/4/09

Fee Paid: \$ 560

Date of Action: 1/5/2010

Date of Public Hearing: 12/1/09, 1/5/2010

Approved: WITH CONDITIONS

Denied: _____

Reasons for denial or modifications: CONDITIONS- 2 PAGES ATTACHED

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. 8-1a, Connecticut General Statutes.)

ATTACHMENT A:

January 5, 2010

Application by CL One Associates, L.L.C and Aldi, Inc. for a special permit and site plan approval.

CONDITIONS OF APPROVAL

Motion to approve the application as stated above with the following conditions.

1. 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.
2. Omitted.
3. Full architectural renderings(24"x36" - mylar) shall be filed as part of the special permit and plan set.
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. 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 Aldi's building at the site.
6. Final as-built shall 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.
7. Any deviations from the approved retaining wall and slope design shall be 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 wall and slope do not compromise the original design.
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.
9. Surety in the amount of \$50,000 (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 \$50,000 surety, \$10,000 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.
10. The applicant shall submit \$5,000 to the Town of Lisbon to be used as a deposit for site inspections associated with the Aldi' site. However, the final dollar amount necessary to 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 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.

11. That the applicant receives approval from the State of Connecticut, State Traffic Commission.
12. That the applicant receives approvals from the Town of Lisbon Water Pollution Control Authority for sewer/septic disposal per the Connecticut Public Health code or other appropriate authority prior to the issuance of a building permit.
13. That the applicant receives approval from the State of Connecticut Department of Public Utilities and/or State of Connecticut Department of Health for water supply or other appropriate authority.
14. Preliminary design for future pad site north of Aldi's shall be removed from the plans and a interim grading plan submitted and approved by staff. Additional applications for a special permit(s) including site plan approval for this future area must be submitted to the Planning and Zoning Commission and approved prior to any additional grading/excavation and/or the issuance of a building permit.
15. Final lighting plan shall be submitted to the Planning and Zoning Commission to be reviewed and approved by the Town Planner. Lighting limits shall conform to lighting levels utilized throughout Lisbon Crossing prior to the issuance of a building permit. The applicant shall resubmit a lighting plan which eliminates existing hot spots and reducing overall foot candles/lumens.
16. The Lisbon Planning and Zoning Commission, through its staff, reserves the right to require the applicant to supplement the proposed landscaping along the new wall/slope in Road A with material original planned for other areas of the site. If required, the landscape material along Road A shall be of similar value and plant type to th other material that was not planted throughout the site due to field conditions.
17. The HVAC units shall be painted to match/complement the colors used on the building. Shop drawings shall be submitted to the Planning and Zoning Commission and reviewed and approval by Commission staff (Town Planner).
18. The applicant shall allow a future pedestrian connection through the northerly portion of their parking field to an area reserved for future development located to the north of their existing site. The final location of the pedestrian sidewalks/crossings shall be determined when an application for future development of the northerly parcel occurs.

MINUTES
REGULAR MEETING
PLANNING AND ZONING COMMISSION
TUESDAY, JANUARY 5, 2009
Page 3 Old Business contd.

volunteered to serve on a subcommittee to review the zoning map and make recommendations.

Mr. Adams scheduled the first meeting to take place on Tuesday, January 12th from 4:30 to 6:30.

c. P & Z Members' Status

Mr. Adams reported sending letters to absentee members noting no response from Karol Gleason (Alternate) who has never attended a meeting since being elected. He reported that Town Counsel has advised that party affiliation relative to the Alternates isn't an issue. He then noted a letter from Gary Ritacco, 1/5/2010, asking to be appointed, and made also noted of two other people who have shown interest in serving on the Commission.

A motion was made by L. Alice, seconded by R. Giroux, to appoint Gary Ritacco to an Alternate's seat.

VOTE: UNANIMOUS MOTION CARRIED

d. Blight Ordinance

A motion was made by J. Dempsey, seconded by L. Alice, to have the Zoning Enforcement Officer look at the 131 N. Burnham property again.

VOTE: UNANIMOUS MOTION CARRIED

7. New Business:

a. Election of Officers

Chairman:

R. Browne nominated Robert Adams for Chairman. The nomination was seconded by L. Alice. There were no other nominations.

VOTE: UNANIMOUS MOTION CARRIED

Vice Chairman:

J. Dempsey nominated Ronald Giroux for Vice Chairman. L. Alice seconded the nomination. There were no other nominations.

VOTE: UNANIMOUS MOTION CARRIED

Secretary:

L. Alice nominated Kim Sperry for Secretary. R. Browne seconded the nomination. There were no other nominations.

VOTE: UNANIMOUS MOTION CARRIED

b. Receipt of New Applications - None

c. Referrals - None

2. Previous Minutes

A motion was made by J. Dempsey, seconded by L. Alice, to approve the previous minutes with a correction to the votes under New Business e. FY2010/2011 Budget, which should indicate that Robert Browne abstained on both votes.

VOTE: UNANIMOUS MOTION CARRIED

3. Correspondence

1. c: Memo to Gilbert Milone, Chair., DTC, 12/8/09 from R. Adams, Chair., Planning and Zoning, Re: Vacancies
2. Letter, Gary Ritacco, 1/5/2010, Re: Appointment
3. Deadline Notice, Town Newsletter (1/15/2010)
4. Information Re: Public Act 09-144, An Act Concerning Neighborhood Protection
5. Publication, Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter, Fall 2009
6. Publication, Connecticut Technology Transfer, UCONN School of Engineering Winter 2009

MINUTES
REGULAR MEETING
PLANNING AND ZONING COMMISSION
TUESDAY, JANUARY 5, 2009
Page 4

4. Bills and action thereon

Monthly Expenditure Report Thru December, 2009 BAL: LI #51730, Purchased Services-\$18,612.86I #51750, Supplies & Expenses-\$4,224.53

Statement, Murtha Cullina LLP - Inv. No. 395348, 12/21/09, Re: Zoning Activities -\$704

A motion was made by J. Dempsey, seconded by L. Alice, to approve the statement.

VOTE: UNANIMOUS MOTION CARRIED

1. \$688.48, Norwich Bulletin, 11/02/09-11/29/09, Re: ND-5/12/09, Re: Text Amnd.-CL One Assoc.; SP-CL One, Assoc. (Chili's); 11/10/09-ND Text Amnd., Lisbon Valley Golf Resort; SP Amnd. CL One, Assoc., SP Rawson Materials; 11/17/09-PH SP-CL One, Assoc. (Aldi); 11/24/09 PH SP-CL One, Assoc. (Aldi)

A motion was made by R. Giroux, seconded by L. Alice, to pay the bill.

VOTE: UNANIMOUS MOTION CARRIED

2. \$10,682.50, Towne Engineering, Inc., Inv. 21136, 1/4/2010, Re: Project #07-077-Cedarwood Development-Route 12, Outside inspections: Dec. 2, 8, 11, 14, 15, 23, 28 and 30 (\$5,520); Project #9-129 - Aldi- Site Plan Review-Crossing at Lisbon (\$5,162.50)

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

VOTE: UNANIMOUS MOTION CARRIED

5. Reports:

a. ZEO

The December 2009 report from Ben Hull, Zoning Enforcement Officer was distributed for review.

b. Regulations - No Report

c. 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 R. Giroux, to add "Sidewalks" and "Bills" to the agenda.

VOTE: UNANIMOUS MOTION CARRIED

a. Sidewalks

Mr. Browne led a discussion regarding notifying homeowners of their responsibility concerning keeping their sidewalks clean of snow and ice.

b. Bills

A discussion was held regarding the status of the payment of bills as a condition of approval for a previous applicant.

9. Public Comment - None

10. Adjournment

A motion was made by L. Alice, seconded by R. Giroux, to adjourn at 8:58 p.m.

VOTE: UNANIMOUS MOTION CARRIED


Mariette LeFevre, Clerk

APPROVED: _____
Robert D. Adams, Chairman

FILED FOR RECORD AT LISBON,
JAN 12-2010 AT 11:45 AM
BY TSY M. BARRETT, TOWN CLERK



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

Town of Lisbon
Planning and Zoning Commission

Notice of Decision

At the regular meeting of the Town of Lisbon Planning and Zoning Commission held on January 5, 2010, in the Town Hall, 1 Newent Road, Lisbon, Connecticut the following decision was made:

1. An application for a Special Permit to permit a retail store (grocery) to be located at 175 River Road (Route 12) on a piece of land (Volume 134, Page 66) owned by CL One Associates, LLC. Map 14, Lot 42 (portion of). Applicant - Aldi, Inc. and CL One Associates, LLC.
APPROVED WITH CONDITIONS

Dated at Lisbon, Connecticut this 12th day of January 2010.

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

RECEIVED FOR RECORD AT LISBON,
CT ON 1-12-2010 AT 11:45 AM
ATTEST: BETSY M. BARRETT, TOWN CLERK