

MINUTES
REGULAR MEETING
PLANNING AND ZONING COMMISSION
LISBON TOWN HALL
TUESDAY, SEPTEMBER 5, 2017
7:00 P.M.

1. Call to Order

The regular meeting of the Planning and Zoning Commission was called to order by Vice-Chairman Ronald Giroux, at 7:00 P.M.

MEMBERS PRESENT: Ronald Giroux, Kim Sperry, Cheryl Blanchard, Sharon Gabiga, Gary Ritacco, Benjamin Hull, III, David Gagnon, Trevor Danburg

MEMBERS ABSENT: Robert Adams, John Dempsey (ALT), James Labonne (ALT)

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

2. Previous Minutes

Motion by K. Sperry second by B. Hull to approve the minutes of 8/1/2017 as presented.

VOTE: UNANIMOUS, MOTION CARRIED

3. Correspondence

- a. Letter, from M. Murphy to Norwich Town Planner, dated 8/8/17 re: Babies & Bubbles
- b. Agreement, between Lisbon and SECCoG re: yearly contract for Town Planner (July 1, 2017 through June 30, 2018)
- c. Memo, from Planning & Zoning Commission to Board of Selectmen, dated 8/10/17 re: Citations Hearings, etc.
- d. Newsletter, CT Planning and Zoning Agencies
Newsletter, CCM
- f. Notice of non-extension letter of credit, 175 River Road, due to expire on November 10, 2017
Motion by G. Ritacco second by T. Danburg to add "175 River Road" to agenda item 8.a.

VOTE: UNANIMOUS, MOTION CARRIED

4. Bills and action thereon

- a. The Bulletin, \$461.22, dated 8/22/2017, inv#00236230 re: Text Amendment PH Notice.

Motion by K. Sperry second by S. Gabiga to pay. VOTE: UNANIMOUS, MOTION CARRIED

5. Reports:

- a. ZEO – Brief update by C. Brown, Lisbon ZEO
- b. Regulations –
 - 1. Ordinance and Amendment for Citations and Fines for Zoning Violations – NONE
- c. Zoning Map Subcommittee
 - 1. Update Regarding Route 12 Corridor Study and Zoning Amendments per POCD 2016 – Update by Mr. Murphy

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6. Old Business:

a. Zoning Enforcement – NONE

1. Pending Litigation (Executive Session as needed)

i. Rick Gwiazdowski – 555 River Road

ii. Brenmor Properties

b. Regional Planning Commission – NONE

c. Change of Zoning Regulation Application – Richard & Michele Hamel, 363 N. Burnham HWY – for Text Amendment for Private Event Facilities in the R-40, R-60 and R-80 Zones – Motion by D. Gagnon second by C. Blanchard to approve the application of Richard and Michele Hamel of 363 North Burnham Highway, Lisbon, Connecticut, adopting the proposed amendments to section 19.3, section 4.2.20 and section 10.26 to incorporate regulations to allow by special permit the use of Private Event Facilities in the R-40, R-60 and R-80 zoning districts. The proposed amendments have been found to be consistent with policies in the 2016 Plan of Conservation and Development which recommend protection of rural character, enhancement of perceived open space, sustaining greenway corridors, and strengthening the town's economic base. (See attached). The effective date of the amendments shall be October 1, 2017.

VOTE: UNANIMOUS MOTION CARRIED

7. New Business

a. Receipt of New Applications - NONE

b. Subdivision/Resubdivision – Brenmor Properties, LLC Route 169 & Ames Road – Motion by G. Ritacco second by T. Danburg that: In accordance with the order of the Superior Court dated June 9, 2014 and filed on June 13, 2014, overruling denial of the application and directing the commission to approve Brenmor's application "as is," and in accordance with the Connecticut Supreme Court's June 27, 2017 decision affirming the trial court's order, it is moved to approve the resubmitted subdivision application of Brenmor Properties, LLC, dated January 30, 2013 subject to all modifications and conditions of approval proposed by the applicant as noted in its application materials and in subsequent submissions and testimony, as provided below:

1. A note shall be added to the plan to indicate that prior to the sale of any of lots 1 through 15, all improvements, infrastructure, utilities, and grading necessary for safe occupancy of, and access to, that lot will be installed and completed. Without limiting the foregoing, lots 2, 4, 7, 9, and 11, which will depend on the internal loop road for direct access, will not be sold until the loop road and associated infrastructure is complete. However, this requirement regarding completion of the internal loop road behind Lots 5, 6, and 8 shall not apply to the sale of Lots 12 to 14, which front on Ames Road and a common access easement, and derive access therefrom.

2. The applicant will comply with Connecticut General Statutes § 8-25 on financial guarantees to address surety requirements of the Town to cover costs for public improvements, including costs associated with driveway aprons, emergency access, grading to address sight visibility and public safety at intersections with public roads, and any municipal drainage

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

To be completed by the Applicant:

Date June 16, 2017

Name of applicant Richard A. Hamel and Michele Hamel

Mailing address 363 North Burnham Highway, Lisbon, CT 06351

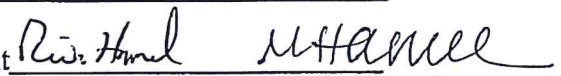
Name of owner of record Richard A. Hamel

Mailing address 363 North Burnham Highway, Lisbon, CT 06351

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.)

To incorporate regulations allowing, by special permit, a "private event facility" in the R-40, R-60 and R-80 zoning districts as a special permit use pursuant to the provisions of Sections 4.2.20 of the Lisbon Zoning Regulations and by adding a new definition of "Private Event Facility" and a new Section 10.26 to the Lisbon Zoning Regulations in accordance with the attached "Proposed Revisions to the Lisbon Zoning Regulations".

Signature of applicant


Richard A. Hamel/Michele Hamel

To be completed by Commission:

Application No. _____

Fee Paid \$560.00

Date of Submission June 19, 2017

Date of Receipt July 11, 2017

Date of Public Hearing September 5, 2017

Date of Commission Action September 5, 2017

Approved APPROVED (see attached)

Denied _____

Reason for Change To incorporate regulations allowing by Special Permit
A private event facility in the R-40, R-60 and R-80 zones.

Signature



Robert Adams, Chairman

Planning and Zoning Commission – Regulations Text Amendment

Effective Date: October 1, 2017

Approved: September 5, 2017

1. Add a new definition of “Private Event Facility” to Section 19.3 of the Lisbon Zoning Regulations, inserted in alphabetical order as follows:

“A Private Event Facility shall be a seasonal accessory use permitted by special permit in the R-40, R-80 and R-60 zoning districts for the accommodation of weddings, showers, engagement parties, graduation parties and other private gatherings conducted by a resident property owner for profit and which satisfies the standards and requirements contained in Section 10.26 of these Regulations.”

2. Add a Section 4.2.20 as follows:

“Private Event Facility as a seasonal accessory use to a single family owner occupied use of property in a residential district in accordance with Section 10.26 of these Regulations.”

3. Add a new Section 10.26 to the Lisbon Zoning Regulations as follows:

10.26 Private Event Facilities.

10.26.1 Intent. Private Event Facilities are intended as a seasonal accessory use to a principal owner occupied single-family residential use in the residential zoning districts on land containing twenty-five (25) or more acres. This use is intended as a mechanism to allow a landowner of large parcels of land in the residential zoning districts to obtain an economic return from the property as a tool to encourage the preservation of agricultural and/or forested use of the property and to encourage the preservation of open space in the Town of Lisbon.

10.26.2 Accessory Activities and Uses. A Private Event Facility may be developed on any parcel of land that contains not less than twenty-five (25) acres. The following uses shall be considered accessory uses to a Private Event Facility:

- (i) The offering for consumption on the premises of alcoholic beverages;
- (ii) The offering for consumption on the premises of food, but only in conjunction with a scheduled private event conducted on the property; and

- (iii) The provision of entertainment including, but not limited to, automated, digital or live music, but only in conjunction with a private event conducted at the facility.

10.26.3 Standards.

- (a) A Private Event Facility may only be located on a parcel of land which is improved with a single-family residence as a principal use. The operator of the Private Event Facility must reside on the premises.
- (b) The Private Event Facility must be located on a single parcel of land in the R-40, R-80 and R-60 zoning districts.
- (c) The principal building in which private events shall be conducted shall be located no closer than one hundred fifty (150') feet from any property line of the property on which the Private Event Facility is permitted and no closer than seven hundred fifty (750') feet from any residential structure existing as of the date that the special permit is granted.
- (d) The permitted hours of operation of a Private Event Facility shall be from 12:00 p.m. to 12:00 a.m.
- (e) A Private Event Facility shall have no more than ten (10) part-time employees (including employees of any caterer for a private event) but excluding (i) the owner of the Private Event Facility and (ii) the entertainment personnel. Employees shall only be present on the premises during the duration of each private event conducted thereon.
- (f) The provision of food, drink and alcoholic beverages shall be limited to guests and invitees of the Private Event Facility only and there shall be no sale of either food or beverage, including alcoholic beverage, to the general public.
- (g) In conjunction with an application for a special permit for a Private Event Facility, the applicant shall submit to the Commission a request for comment submitted to the Uncas Health District together with any reply comments received which shall, in the event that the Commission approves the special permit, be incorporated as additional conditions of approval.

- (h) The applicant shall submit a written request to the Lisbon Fire Marshal for comment on the suitability of any emergency access and fire protection provisions that are to be established in connection with the proposed Private Event Facility. A copy of such written request shall be submitted to the Commission as part of the special permit application.
- (i) The structure in which private events shall be conducted shall not exceed 8,000 square feet in gross floor area. Associated outdoor patio space shall not exceed 5,000 square feet. Any such patio shall be designed as an integral component of the Private Event Facility and may have an overhead covering such as an awning for use only during periods of inclement weather.
- (j) Parking shall be provided in accordance with the requirements of Section 13 of these Regulations. No parking area shall be located within two hundred (200') feet of any property line of the property on which the Private Event Facility is located. Parking must be located on the parcel of land which holds a special permit to conduct a private event facility. Handicapped parking spaces shall be located within fifty (50') feet of the Private Event Facility building and all parking spaces shall be located within five hundred twenty-five (525') feet of the building which will accommodate the private events. All parking areas shall contain a dustless surface and shall be located in an area that is screened from nearby public roads and streets and residential structures located on abutting properties.
- (k) A Private Event Facility shall only attain access by virtue of a driveway from a State of Connecticut maintained highway.
- (l) All refuse areas shall be screened from view from abutting properties and shall be located no closer than seven hundred fifty (750') feet from any dwelling on an adjoining lot.
- (m) The applicant shall be permitted to have one (1) identification sign at the facility driveway which shall not

exceed 6 square feet in size and which shall not be internally illuminated.

- (n) Except as provided in subsection (o) below, sound systems to be used at a Private Event Facility shall be located within buildings on the facility premises and noise emissions, at the property line of the property accommodating the Private Event Facility shall not exceed the maximum night time decibel standards promulgated by the State of Connecticut Department of Energy and Environmental Protection for a residential receptor. No music shall be played after 11:45 p.m. .
- (o) Acoustic, non-amplified music may be played within a designated and approved outdoor patio area adjacent to the Private Event Facility building; provided, however, that no such music may be played after 9:00 pm.
- (p) A Private Event Facility shall be a seasonal use only and may only be operated during the period May 1 to November 15 of each year.

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improvements from the Ames Road culvert to its outlet, as well as soil and erosion control for work associated with the subdivision.

3. Each of Lots 1 to 15 will be conveyed in deeds that will include, and will be subject to, cross-easements as follows:

a. Lots 1, 2, 11, and 15 will be conveyed together with the non-exclusive perpetual easements for access, maintenance, and utilities as more particularly shown and depicted on Sheets 2 and 3 of the "Plan Showing The Residences At Lisbon Property Of Brenmor Properties LLC, Connecticut State Route 169 A.K.A. South Burnham Highway And Ames Road, Lisbon, Connecticut. Scales As Shown May 2012" comprised of Sheets 1 through 9A last revised 1/21/13 (hereinafter the "Plan").

b. Lots 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, and 14 will be conveyed subject to and together with the non-exclusive perpetual easements for access, maintenance, and utilities as more particularly shown and depicted on Sheets 2 and 3 of the Plan.

c. Lots 1 through 15 shall be conveyed with the prohibition from parking motor vehicles of any type in the areas more particularly shown and depicted as "No Parking Anytime" areas on Sheets 2 and 3 of the Plan.

d. Lots 1, 2, 4, 7, and 15 shall be conveyed subject to a Drainage Easement (including access and maintenance) in favor of the Town of Lisbon as more particularly shown and depicted on Sheets 1, 2, and 3 of the Plan.

e. Lots 3, 5, and 14 shall be conveyed subject to emergency ingress and egress easement rights as more particularly shown and depicted on Sheets 2 and 3 of the Plan.

f. Lot 10 shall be conveyed subject to an easement for common driveway for ingress and egress to the site as more particularly shown and depicted on Sheet 2 of the Plan.

g. Lot 10 shall be conveyed subject to a temporary construction entrance easement as more particularly shown and depicted on Sheet 2 of the Plan.

4. The plan shall note that as a condition of subdivision approval and the eventual sale of each Lot 1 to Lot 15, Brenmor Properties, LLC, shall form a Homeowners Association, using the form of Agreement submitted to the Commission. In furtherance of the above, the purchaser of each Lot 1 to 15 will agree to the Homeowners Association Agreement as a condition of purchase. Upon sale of the first lot of Lots 1 to 15, Brenmor Properties will provide initial funding of the Homeowners Association in the amount of \$2,500, for the purpose of funding for one season snow plowing and driveway clearance (estimated at \$200 per plow, 12 snow events). Thereafter, each owner of a lot that is not subject to § 8-30g income and sale / resale

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price restrictions, will pay a minimum of \$40 per month to the Association, and the owners of those lots that are subject to § 8-30g will pay a minimum of \$25 per month, but a maximum only snow removal estimated in the Homeowners Association Agreement will need to include the loop road addition. Funds collected by the Homeowners Association in excess of snow removal of the driveway, common utilities, or drainage.

5. Water supply wells shall be located in accordance with the Public Health Code, and will be approved on a lot-by-lot basis by the Uncas Health District or other authorized authority at the time individual site/erosion and sediment control plans are submitted. Each proposed well will need to demonstrate sufficient yield before a Certificate of Occupancy is issued. Wells will be located so as to not be subject to damage by vehicles, including emergency and service vehicles, traveling on the internal loop road.

6. School bus pick-ups for Lots 1-15 will occur at a location along Ames Road to be determined in conjunction with the Board of Education staff.

VOTE: UNANIMOUS MOTION CARRIED

c. Referrals

1. City of Norwich – 61 Taftville-Occum RD – Site Plan Review for construction of 6200 SF swimming pool, 68-space parking lot, utilities and other associated site improvements.
- Review
2. City of Norwich – Amend Zoning Regulations Section 6.3 relative to Garages and Filling Stations, Motor Vehicle Sales, and Repair. - Review

Motion by G. Ritacco second by D. Gagnon to add "Attorneys" to agenda item 8.b.

VOTE: UNANIMOUS MOTION CARRIED


8. Any other business which may properly come before the commission
 - a. 175 River Road – add to next month's agenda
 - b. Attorneys – The Commission demonstrated concerns about the 555 River Road issue, and would like Chairman Adams to work with Attorney Olson to explain the issue.
9. Public Comment – Selectman R. Browne commented on Public Hearings and their agendas as they pertain to the Town's website.
10. Adjournment - Motion made by K. Sperry second by B. Hull to adjourn at 7:48 P.M.

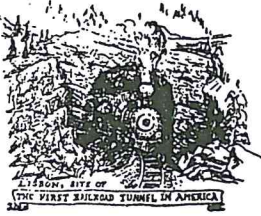
VOTE: UNANIMOUS MOTION CARRIED



Elaine Joseph, clerk

Approved: _____
Ronald Giroux, Vice-Chairman

RECEIVED FOR RECORD AT LISBON
CT ON 9/13/17 AT 9:40am
ATTEST. LAURIE TIROCCHI, 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, September 5, 2017, the following action was taken:

1. Application of Richard A. and Michele Hamel, text amendment of zoning regulations sections 19.3, 4.20 and 10.26, inclusive, allowing by special permit the use of a Private Event Facility in the R-40, R-60 and R-80 zoning districts.

ADOPTED; EFFECTIVE DATE: OCTOBER 1, 2017

2. Resubmitted Subdivision Application of Brenmor Properties, LLC, Route 169 & Ames Road - dated January 30, 2013 in accordance with the Connecticut Supreme Court's June 27, 2017 decision affirming the trial court's order.

APPROVED WITH MODIFICATIONS AND CONDITIONS

Dated at Lisbon, Connecticut this 15th day of September 2017.

Robert D. Adams, Chairman
Lisbon Planning and Zoning Commission

RECEIVED FOR RECORD AT LISBON
CT ON 9/13/17 AT 9:40am
ATTEST. LAURIE TIROCCHI, TOWN CLERK
Laurie Tirocchi