

MINUTES
REGULAR MEETING
PLANNING AND ZONING COMMISSION
LISBON TOWN HALL
TUESDAY, MAY 3, 2011
7:00 P.M.

1. Call to order

The regular meeting of the Planning and Zoning Commission was called to order by Chairman Robert Adams, at 7:05 PM.

MEMBERS PRESENT: Robert Adams, Ronald Giroux, Robert Browne, Kim Sperry,
David Gagnon, John Dempsey, Sharon Gabiga
Alts: Gary Ritacco, Mark Frieze
MEMBERS ABSENT: Lawrence Alice, Larry Thibeault
STAFF PRESENT: James D. Rabbitt, AICP, Senior Planner-SCCOG, Lisbon Town Planner

2. Previous Minutes

A motion was made by J. Dempsey second by R. Browne to accept the previous minutes as presented.

VOTE: UNANIMOUS MOTION CARRIED

3. Correspondence

- a. Letter, CLA Engineers, Inc. to Staff J. Rabbitt, dated 3/3/11 re: Ames Road Subdivision
- b. Letter, Uncas Health District to Lisbon Planning and Zoning Commission, dated 5/3/11, re: Ames Road Subdivision
- c. Copy of Check, Aldi, Inc., dated 4/26/11 re: \$1,461.25 for Towne Engineering
- d. Letter, Town of Lisbon ZEO to Lisbon Zoning Board of Appeals, dated 4/25/11 re: Application #11-04 (Dziengiel)
- e. Memo, Board of Finance to Planning and Zoning Commission, dated 4/11/11 re: Additional Appropriation (Approved)
- f. Letter, Planning and Zoning Commission to CT DOT, dated 4/7/11, re: Dick's Sporting Goods
- g. Letter of Complaint, M. Lepine (Clerk to the Boards) to Planning and Zoning Commission, dated 4/6/11 re: 180 Newent Road

A motion was made by R. Giroux second by R. Browne to move item 3.g to "Other Business"

VOTE: UNANIMOUS MOTION CARRIED

A motion was made by R. Giroux second by G. Ritacco to add "Executive Decision" to the agenda

VOTE: UNANIMOUS MOTION CARRIED

A motion was made by D. Gagnon second by G. Ritacco to add "Signage" to the agenda

VOTE: UNANIMOUS MOTION CARRIED

A motion was made by K. Sperry second by R. Browne to add "Proposed Law and Review Site Plan" to the agenda.

VOTE: UNANIMOUS MOTION CARRIED

A motion was made by R. Giroux second by D. Gagnon to add "Enforcement" to the agenda

VOTE: UNANIMOUS MOTION CARRIED

- h. Letter, CLA Engineers, Inc. to Staff J. Rabbitt, dated 4/5/11 re: Barber Farm Subdivision
- i. Memo, Lisbon Quarterly re: Submission Deadline May 13
- j. Newsletter, Lisbon Quarterly

4. Bills and action thereon –

- a. Murtha Culina, dated 4/28/11, \$678.00. Motion to pay by D. Gagnon second by R. Browne

MINUTES
REGULAR MEETING
PLANNING AND ZONING COMMISSION
TUESDAY, MAY 3, 2011
page 2. Bills (cont.)

VOTE: UNANIMOUS MOTION CARRIED

- b. SE CT Council of Governments dated 4/8/11, \$40,240.54. Motion to pay by D. Gagnon second K. Sperry.

VOTE: UNANIMOUS MOTION CARRIED

5. Reports:

- a. ZEO – Written report submitted by Ben Hull
- b. Regulations – Verbal report by K. Sperry
Meeting scheduled for Tuesday, May 31, 2011 6:00 PM with the following items: Driveways, Signs (P&Z Notices), Slopes, and General Revisions to Regulations
- c. Zoning Map Subcommittee – NONE
- d. Regional Planning Commission – NONE

6. Old Business:

- a. Appl. Subdivision/ReSubdivision, Brenmore Properties, LLC – Peter Gardner spoke on behalf of the applicant. Submitted plans showing four lots, including density calculations and significant revisions. Two lots will be on Ames Road, two on Route 169. CLA, DOT and Uncas Health have signed off on plans. P. Gardner feels everything has been addressed in regards to Town Planner's recommendations. R. Adams questioned if the utilities were to be overhead or underground to which the answer was that they will "not be underground since it is not required". It was also noted that the removal of the stone wall was requested of them but they have chosen not to do that. R. Browne asked if there were provisions for walkways to which the answer was "no".

Staff J. Rabbitt requested a copy of a letter from the applicant requesting a fee in lieu of, dated April 25, asking for \$6,000 per lot for a total of \$24,000.00. He also submitted for the record a letter from DOT, the surety estimate of \$25,842.00, a draft for drainage easement, a letter with properties to be deeded to town, storm drainage, and a cover letter. J. Rabbitt also submitted a report dated 3/3/11, administrative details from SECTCG of information reviewed. He stated the applicant does not have permission from the town to change the existing drainage. Applicant is required to rebuild the stone wall regarding the town's right-of-way. He stated that without removing the stone wall, Lot #1 is not buildable. He stated his motion is favorable with modifications to the plans. R. Giroux asked if there was a copy of what would be the fair market value of the property. Staff J. Rabbitt agreed that no appraisal was needed and that what was submitted was a fair market value, consistent with numerous other projects. R. Giroux commented that if the applicant had no problem with a crossing pole to the west side of Ames Road, then the applicant can provide for underground utilities. R. Browne asked if the area in front of the wall could be graded to allow for pedestrians. J. Rabbitt addressed the question. G. Ritacco then asked if the applicant was unwilling to fix the wall, to which the applicant M. Holmes stated that it really wasn't a "wall", but that they would be willing to reconstruct it at lots #1 & #2.

A motion was made by G. Ritacco second by R. Browne to accept the "fee in lieu of".

VOTE: UNANIMOUS MOTION CARRIED

A motion was made by G. Ritacco second by J. Dempsey to approve, with the draft motion of Town Planner, to include item #13 "underground utilities and pole at Ames Road".

VOTE: UNANIMOUS MOTION CARRIED

APPLICATION FOR SUBDIVISION OR RESUBDIVISION
LISBON PLANNING AND ZONING COMMISSION

1. Name of Applicant Brenmor Properties LLC
(Mark Coen)

Address P.O. Box 577

Gales Ferry, CT 06335

Phone (860) 464-6789

2. Name of Property Owner Brenmor
Properties LLC

Address P.O. Box 577

Gales Ferry, CT 06335

Phone (860) 464-6789

(To be filled in by Commission.)

Application No. _____

Subdivision ☒ Resubdivision _____

Date submitted 12/29/2010

Date of receipt 1/3/2011

Date of hearing _____
(If required)

Date of action 5/3/2011


Fee paid \$2310.00

Submitted to _____

Time extension _____
(If any)

APPROVED WITH CONDITIONS
(see attached)

3. Name of Subdivision Amer Road Subdivision


R. Adams, Chairman

4. Location of Subdivision Route 169 and Amer Road

Land Records Map of N/A Lot # Assessor's Map # 1
85

5. Total area of property to be subdivided 12.92 acres

6. Number of new lots proposed 5

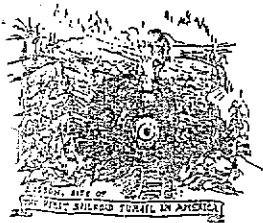
7. Average lot size 2.54 Acres

8. Are new or relocated roads proposed? No

9. Are public water or sewer systems proposed? No

10. Zoning Category R-40

11. Name and Connecticut Registration No. of Land Surveyor(s) and/or Engineer(s)
Peter C Gardner 14208



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

CONDITIONS OF APPROVAL

APPLICATION SUBDIVISION/RESUBDIVISION – BRENMORE PROPERTIES, LLC –
5/3/2011

1. The applicant shall submit a letter stating that all monuments have been pinned per the approved plans or that adequate surety is provide as approved by the Town's legal Counsel for the installation of all monumentation.
2. The applicant shall submit an executable warranty deed for the proposed road frontage to be reviewed and approved by the Commission's legal counsel prior to the signing of the mylars.
3. The applicant shall submit approved and consummated easement documents for a) the drainage and/or construction and/or maintenance easements shown on the plans for proposed development; Drainage easements shall be deeded to the Town and referenced in individual deeds recorded with the Town and approved by the Commission's legal counsel
4. The applicant shall submit 3 paper copies with live signatures along with the mylars to be signed.
5. The applicant shall pay the Town of Lisbon a fee-in-lieu of open space payment of \$24,000. This amount may be paid in a lump sum or as each lot ownership/title is transferred a payment of \$6,000 per lot must be paid prior to closing for the initial transfer. A caveat shall be filed on the land records to provide notice of this provision.
6. The applicant shall submit: (1) a \$30,000 (includes 10% contingency and adjustment for tree removal per Town Engineer) surety for proposed improvements and (2) a cash surety in the \$ 3,500 (5% of surety+\$500) to act as a deposit to cover the cost associated with inspection of the proposed improvements (i.e. construction including but not limited to road construction, landscaping/tree removal, drainage improvements, Erosion and Sediment (E&S) controls and site restoration, surety review) and the costs associated with the final review of the items contained within this motion. (3) a \$2,000 cash surety to cover E&S measures. If the amount to review and inspect exceeds the initial deposit of \$3,500, inspection and review fees may be deducted from the \$30,000 surety posted for the proposed improvements and/or \$2,000 surety posted for E&S. Final surety type shall be approved by the Commission's legal counsel.
7. Sightline necessary for the creation of proposed lots #1, and 2 may be predicated on the applicants ability to remove an existing stone wall and re-grade the slopes along the existing Town Road The applicant shall be required to removed and reconstruct the sections of stone wall shown on the plans prepared by Dieter and Gadner necessary to create adequate sightline, drainage improvements, or as necessary based on the final location of the driveways to the individual lots. The Commission shall also require sufficient financial security to ensure that the necessary work is completed as part of the approvals as noted on the plans. The financial security shall be paid prior to the signing and recording of the mylars, or a caveat shall be placed on the land records requiring the improvements be completed or financial security posted with the Town prior to the issuance of a building permit on an individual lot. The amount of financial security shall be \$5,000 per affected lot. Final type shall be approved by the Town=s legal Counsel.

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

To be completed by Applicant:

Date: 12/30/2010

Name of applicant PSC Realty, LLC c/o Paul Kiavar

Mailing address 28 EVELL AVENUE LISBON CT 06351

Name of owner of record Same

Mailing address _____

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.)

PROPOSED TEXT AMENDMENT TO SECTION 10.4.5a OF THE ZONING
REGULATIONS TO ALLOW FOR THE CONSTRUCTION/EXCAVATION OF
PONDS OF 2-ACRES OR LESS

Signature of applicant

Paul Kiavar

To be completed by Commission:

Application No. _____

Date of Submission: 12/30/2010

Date of Receipt: 1/3/2011

Fee Paid: \$ 560.00 (1/31/2011)

Date of public hearing: 3/1/2011, 4/5/2011, 5/3/2011

Date of Commission Action: 5/3/2011

Approved: With Modifications

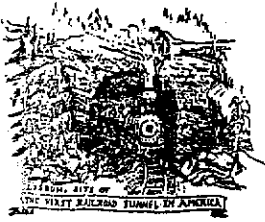
Denied: _____

Reasons for change: (see attached)

Signature: _____

R. Adams

R. Adams: Chairman



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

CONDITIONS OF APPROVAL

AMMENDMENT to ZONING REGULATIONS AND BOUNDARIES - PSK REALTY, LLC -
5/3/2011

Section 10.4 - Excavation, Removal and Filling of Earth Materials

Section 10.4.5g

Separating Distance from Water Table. No excavation shall remove earth materials closer than four feet to the spring high water table. This distance shall be maintained throughout the excavation except as permitted by Section 10.4.11 of these regulations.

Section 10.4.11 -

Ponds. Excavation of ponds for agricultural purposes, recreation, landscape enhancement or earth removal operations may be permitted by Special Permit by the Commission in accordance with Sections 10.4.3 through 10.4.10 of these regulations and the following criteria:

- a. Design and Construction Standards: Ponds shall be designed and constructed in accordance with USDA Natural Resource Conservation Service handbook 590 - Ponds Planning, Design and Construction. The design shall be certified by a Licensed Professional Civil Engineer.
- b. Site Size: No ponds shall be excavated on a parcel comprising less than five acres in area. The area of any proposed pond shall not exceed 10% of the total contiguous upland area of the subject parcel; where the proposed pond is to be located the low water level of the pond shall be no less than 7' in depth. Excavation of the pond shall not result in the removal of more than 25,000 cubic yards of soil material per acre of pond surface area. The buildable square must be maintained on the subject parcel in accordance with Section 8.4 of the Lisbon Zoning Regulations.
- c. Monitoring: Minimally, groundwater levels in the area of the proposed pond shall be monitored from March 1st to June 1st and again from September 15th to November 15th (6 months total) prior to excavation to determine seasonal high water table levels. The results of monitoring shall be certified by a licensed professional engineer or licensed surveyor and shall be utilized to design the final proposed water level of the pond. The applicant shall provide a written report from a licensed professional engineer, hydrologist or hydrogeologist certifying the suitability of the site to support the proposed pond.
- d. No pond shall be excavated closer than 100' from adjoining properties. Setbacks to wetlands shall be as determined acceptable by the Inland Wetlands Commission.

page 2. (cont)

- e. Slopes: Interior slopes shall not exceed 4H:1V or be less than 7H:1V for the first 20' horizontally around the pond perimeter. Slopes shall not exceed 3H:1V for the interior portions of the excavation.
- f. Removal of Soil Material: Removal of earth materials shall be subject to the applicable items outlined in Section 10.4.3c of these regulations. The requirements of Section 10.4.3 may be waived by the Commission for ponds where excavated soils remain on the property. No topsoil or subsoil shall be removed from the site until all disturbed areas have been restored with a minimum of 6" of topsoil or topsoil blend.

RECEIVED

MAY 10 2011

TOWN CLERKS OFFICE
TOWN OF LISBON

2:30pm
P. Bauer

MINUTES
REGULAR MEETING
PLANNING AND ZONING COMMISSION
TUESDAY, MAY 3, 2011
page 3. New Business: (cont.)

- b. Appl. for Change of Zoning Regulations or Boundries: PSK Realty, LLC – Staff J. Rabbitt did not have a draft motion. A motion was made by M. Friese second by G. Ritacco to approve as modified: 10.4.10.b shall read “contiguous upland area of the subject parcel; where the proposed pond is to be located the low water level...” and 10.4.10.f, omit “from the property” from first line.

VOTE: R. BROWNE OPPOSED, MOTION CARRIED

- d. Blight Ordinance – NONE

7. New Business:

- a. Receipt of New Applications - NONE
b. Referrals –
1. Town of Preston, dated April 6, 2011, Proposed Text Amendment re: Flood Requirements
2. Town of Sprague, dated April 7, 2011, Proposed Text Amendment re: Flood Requirements

A motion was made by R. Browne second by R. Giroux to send letters of no impact.

VOTE: UNANIMOUS MOTION CARRIED

A motion to adjust agenda to go to item 9 by R. Browne, second by G. Ritacco. No Public Comment.

VOTE: UNANIMOUS MOTION CARRIED

Executive Decision started 8:20 PM and ended 8:40 PM.

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

- a. Signs – J. Rabbitt stated signage at Lisbon Landing (trucks) were temporary and would be gone within two weeks.
b. Law 896 – K. Sperry stated passing this law would prohibit planning and zoning commissions from the review process. She gave a written review of the bills 896 and 504. A motion was made by G. Ritacco second by K. Sperry for a letter to be written to Hartford.

VOTE: UNANIMOUS MOTION CARRIED

- c. Enforcement – Staff J. Rabbitt to put together a fee schedule for violations.

A motion was made by G. Ritacco second by R. Giroux to allow for more public comment.

VOTE: UNANIMOUS MOTION CARRIED

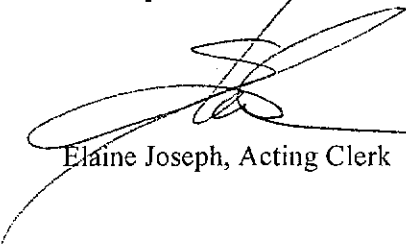
9. Public Comment - Dorothy Crothers of 5 Townhouse Road believes the public needs to be more involved, and suggested a letter to the editor to help make people aware. She then gave an example of other towns sending out members of their public works department, to help individuals with clean up in regard to enforcement issues.

10. Adjournment - Motion to adjourn made by R. Giroux second by G. Ritacco at 9:00 PM.

VOTE: UNANIMOUS MOTION CARRIED

Approved: 

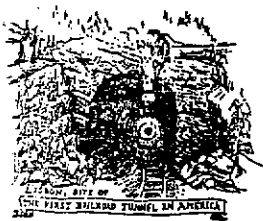
Robert D. Adams, Chairman


Elaine Joseph, Acting Clerk

RECEIVED FOR RECORD AT LISBON.

CT ON 5-10-2011 AT 2:30 PM

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 on Tuesday, May 3, 2011 the following actions were taken:

1. Application, Subdivision/ReSubdivision: Brenmore Properties, LLC, for a 4-lot subdivision on Route 169 and Ames Road.

APPROVED WITH CONDITIONS

2. Application for Change of Zoning Regulations or Boundries: PSK Realty, LLC, 28 Ethyl Acres, proposed text amendment to Section 10.4.5g of the Zoning Regulations to allow for the construction/excavation of ponds of 2 acres or less.

APPROVED WITH MODIFICATIONS

Dated at Lisbon, Connecticut this 10th day of May 2011.

Robert D. Adams, Chairman
Lisbon Planning and Zoning Commission

**RECEIVED FOR RECORD AT LISBON.
CT ON 5-10-2011 AT 2:30pm
ATTEST. BETSY M. BARRETT, TOWN CLERK**