

MINUTES
REGULAR MEETING
PLANNING AND ZONING COMMISSION
LISBON TOWN HALL
TUESDAY, APRIL 5, 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 7:43 PM.

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

MEMBERS ABSENT: Larry Thibeault, Mark Frieze

STAFF PRESENT: James D. Rabbitt, AICP, Senior Planner-SCCOG, Lisbon Town Planner
Attorney Kari Olson, Murtha Cullina, Town Counsel

2. Previous Minutes

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

VOTE: UNANIMOUS MOTION CARRIED

3. Correspondence

- a. Letter, CLA Engineers, Inc. to Staff J. Rabbitt, dated 3/31/11 re: Ames Road Subdivision
- b. Letter, Lawrence Gorham to Lisbon Planning and Zoning Commission, dated 3/31/11, re: CT Proposed Bill No. 5479 (Affordable Housing Appeals)
- c. Letter, Towne Engineering to Brian Sakidovitch, EIT, BL Companies, dated 3/30/11 re: Storm water Report Addendum #3, TEI Job #07-077
- d. Letter, Lisbon Zoning Board of Appeals to Teresa Bombard, dated 3/29/11 re: Application #11-03 (Denied)
- e. Letter of Transmittal, W/S Development Associates LLC, to Marlene LePine (Clerk to the Boards) dated 3/25/11 re: Dick's & Michaels surety checks
- f. Memo, Michael Zelasky, Chairman to the Board of Finance, to Thomas Sparkman, First Selectman, dated 3/21/11 re: Selectman's Requests
- g. Memo, Cedarwood Development, Inc. to John Fitzgerald, dated 3/16/11 re: CL One Escrow Account (payment to Towne Engineering)
- h. Letter, Towne Engineering, Inc. to Tom Johnson, Tri-C Construction Company, dated 3/15/11 re: Cedarwood Development- Crossing at Lisbon Current Punch List, TEI Job #07-077
- i. Letter, Heller, Heller & McCoy to Town of Lisbon, dated 3/9/11 re: Walter & Valerie Dziengiel, fee in lieu of open space
- j. Brochure, Town & City
- k. Brochure, CTI

4. Bills and action thereon –

- a. Norwich Bulletin, dated 2/28/11-3/27/11, Notice of Decision, \$110.04. Motion to pay by G. Ritacco second by R. Giroux
VOTE: UNANIMOUS MOTION CARRIED
- b. Murtha Cullina, dated 2/16/11, \$220.00. Motion to pay by G. Ritacco second R. Giroux
VOTE: UNANIMOUS MOTION CARRIED
- c. Murtha Cullina, dated 2/16/11, \$1760.0. Motion to pay by G. Ritacco second by R. Giroux.
VOTE: UNANIMOUS MOTION CARRIED
- d. CT Federation of Planning & Zoning Agencies Dues, dated 3/1/11, \$90.00. Motion to pay by R. Giroux second L. Alice.
VOTE: UNANIMOUS MOTION CARRIED
- e. Norwich Bulletin, dated 1/31/11-2/27/11, Notices of Public Hearings/Decisions, \$704.00. Motion to

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page 2. Bills (cont.)

pay by R. Giroux second L. Alice.

VOTE: UNANIMOUS MOTION CARRIED

5. Reports:

- a. ZEO – Written report submitted by Ben Hull
- b. ZBA – New Applications, #11-04 (Dziengiel) & 11-05 (Derjue)
- c. Regulations – NONE
- d. Zoning Map Subcommittee – NONE
- e. Regional Planning Commission – Staff J. Rabbitt gave verbal report of regional transportation plan. Regulations meeting (workshop) set up for Tuesday 4/12/11 6:30 PM for Signs, Slopes, & Shared Driveways

6. Old Business:

- a. Appl. Subdivision/ReSubdivision, Brenmoor Properties, LLC – Peter Gardner spoke on behalf of the applicant. Dropped off revised plans for the Ames Road Subdivision on 3/31/11. R. Giroux stated that two days was not enough time for the town planner to review the revisions. J. Dempsey asked for clarification regarding underground utilities. J. Rabbit stated the decision for underground utilities was at the discretion of the applicant. He also stated that the applicant has yet to present information pertaining to density issues and other technical and regulatory issues, including the fact that the applicant shows a five-lot proposal where only four are permitted, not complying with zoning regulations. Density calculations must be valid.
Attorney K. Olson gave her legal opinion on behalf of the town and stated that it is the responsibility of the commission to interpret the regulations.
Mr. Gardner submitted a revised plan, delivered April 5, 2011, showing a 350-foot site line. He then stated that the regulations do not spell out the definitions of a local road, artillery road, collector, road, etc.
J. Rabbitt stated that there was an outstanding item for the application – no proposal for open space. Mr. Gardner stated his client agrees to a fee in lieu of. J. Rabbitt stated that the application as submitted does not meet necessary requirements, including deeds, density, site line, and signatures on plans. He also stated that the commission has 130 days from the January 3, 2011 meeting to act on the application. The applicant submitted a hand written request signed by both members of the LLC, dated 4/5/11 to keep the application open for review at the May 3, 2011 meeting. A motion was made by G. Ritacco second by J. Dempsey to table until May 3, 2011 meeting.

VOTE: UNANIMOUS MOTION CARRIED

- b. Appl. for Change of Zoning Regulations or Boundries: PSK Realty, LLC - CONTINUED

- d. Blight Ordinance – NONE

7. New Business:

- a. Receipt of New Applications
 - 1. Appl. Subdivision/ReSubdivision, Tucker Development Group, LLC –
Atty. Bill McCoy of Heller, Heller & McCoy, Uncasville, CT represented the applicant. He stated that the application was already reviewed and accepted by the wetlands commission. Staff J. Rabbitt then read his letter regarding drainage.

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page 3. New Business: (cont.)

A motion to accept the application was made by L. Alice second by D. Gagnon.

VOTE: UNANIMOUS MOTION CARRIED

Staff J. Rabbitt reminded the commission that the applicant has submitted close to \$50,000.00 in sureties, etc. with respect to this project already.

A motion was made by L. Alice second by R. Browne to approve this application with conditions as outlined by Staff J. Rabbitt. Conditions are that mylars be submitted for review and deeds must be submitted.

VOTE: UNANIMOUS MOTION CARRIED

The applicant then submitted additional items. He stated that blasting would be a one day event and that processing of materials would take two weeks or less, Monday through Friday. There are no neighbors to the east, and C. Palmer to the south is the nearest neighbor. The blasting and processing will not affect the building area.

2. Appl. Zoning Permit, B&W Paving & Landscaping (Winner Ford, Inc.) –
The applicant is leasing the building. Ellen Bartlett, CLA Engineers, Norwich, CT represented the applicant. She submitted revised plans showing the current conditions of the property, plans for parking and display areas, landscaping, etc. The applicant requests a waiver of full site plan application. Staff J. Rabbitt said the existing property is a non-conforming site. R. Giroux questioned if construction services will be a part of the business, to which the answer was no, it is strictly for resale of trailers. R. Browne questioned the applicant if it was taken into consideration that customers would be leaving the area with trailers behind their vehicles, and K. Sperry asked if DOT could require a change to the landscaping. No Public Hearing is required of this application. A motion was made by J. Dempsey second by G. Ritacco to approve application with waiver.

VOTE: UNANIMOUS MOTION CARRIED

b. Referrals - NONE

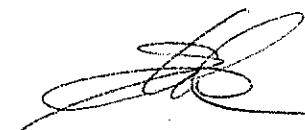
8. Any other business which may properly come before the commission
 - a. Motion by R. Browne second by J. Dempsey to add the following: a) Discuss Regulations Meeting b) Map Sub-Committee c) Moritorium on Subdivisions for Private Houses and d) Kohl's to the agenda.

VOTE: UNANIMOUS MOTION CARRIED

9. Public Comment – Esther Benjamine, 184 Newent Road stated that she would like to see maps of all these developments in town.

10. Adjournment - Motion to adjourn made by G. Ritacco second by R. Giroux at 9:39 PM.

VOTE: UNANIMOUS MOTION CARRIED


Elaine Joseph, Acting Clerk

Approved: _____
Robert D. Adams, Chairman

RECEIVED FOR RECORD AT LISBON.
CT ON 4/12/2011 AT 2:45pm
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 & Zoning Commission

At the regular meeting of the Town of Lisbon Planning and Zoning Commission held on Tuesday, April 5, 2011 the commission took the following action:

1. Application for Subdivision/ReSubdivision, Tucker Development Group, LLC Barber Farm Subdivision, Lot #87-0 Map #14, for modification of drainage at the intersection of proposed Barber Farm Road and River Road.
APPROVED WITH CONDITIONS
2. Application for Zoning Permit, B&W Paving & Landscaping (Winner Ford, Inc.), 16 River Road, change of use permit for retail showroom, service garage, storage and the sale of used motor vehicles, trailers and equipment.
APPROVED

Dated at Lisbon, Connecticut this 12th day of April 2011.

Robert D. Adams, Chairman
Lisbon Planning and Zoning Commission

RECEIVED FOR RECORD AT LISBON.
CT ON 4/12/2011 AT 2:45pm
ATTEST. BETSY M. BARRETT, TOWN CLERK

APPLICATION FOR SUBDIVISION OR RESUBDIVISION
LISBON PLANNING AND ZONING COMMISSION

1. Name of Applicant Tucker Development Group, LLC

Address 1405 South County Trail, Suite 530

East Greenwich, Rhode Island 02898

Phone 401-996-0558

2. Name of Property Owner Tucker Development Group, LLC

Address 1405 South County Trail, Suite 530

East Greenwich, Rhode Island 02898

Phone 401-996-0558

(To be filled in by Commission.)

Application No. _____

Subdivision x Resubdivision _____

Date submitted 3/14/2011

Date of receipt 4/5/2011

Date of hearing _____
(If required) N/A

Date of action 4/5/2011

Fee paid N/A

Submitted to _____

Time extension _____
(If any)

APPROVED WITH CONDITIONS

(See attached)

3. Name of Subdivision Barber Farm Subdivision

4. Location of Subdivision Southwesterly intersection of Mell Road and River Road

Land Records Map of 14 Lot # 87-0

5. Total area of property to be subdivided 129.2 +/- acres

6. Number of new lots proposed N/A - Subdivision approval for modification of drainage at the intersection of proposed Barber Farm Road and River Road only is requested.

7. Average lot size N/A - no new lots requested

8. Are new or relocated roads proposed? no

9. Are public water or sewer systems proposed? no

10. Zoning Category R-60 (for area in which subdivision modification is requested)

11. Name and Connecticut Registration No. of Land Surveyor(s) and/or Engineer(s) _____

Surveyor: Dieter & Gardner, Inc. (Peter C. Gardner) Reg. No. 14208

Engineer: Development Solutions, L.L.C. (Patrick Lafayette) Reg. No. 11003

12. The undersigned hereby acknowledges that this application to the best of his knowledge conforms to the Subdivision Regulations of the Town of Lisbon and that approval of the plan is contingent upon compliance with all requirements of said Regulations. The undersigned hereby authorizes the Lisbon Planning and Zoning Commission, or its agents, to enter upon the property to be subdivided for the purpose of inspection and enforcement of said Subdivision Regulations.

TUCKER DEVELOPMENT GROUP, LLC

(Signed) BY: [Signature] Date March 14, 2011
(Applicant)
Harry B. Heller, Its Authorized Agent

TUCKER DEVELOPMENT GROUP, LLC

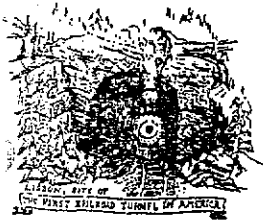
(Signed) BY: [Signature] Date March 14, 2011
(Owner)
Harry B. Heller, Its Authorized Agent

13. The undersigned warrants and guarantees that all of the improvements as shown on the final approved subdivision map will be installed in a good and workmanlike manner, and individually and severally guarantee to provide all necessary funds with respect thereto.

(Signed) _____ Date _____
(Applicant)

(Signed) _____ Date _____

This application, together with three copies of the proposed subdivision or resubdivision and the required fee, should be submitted to the Zoning Enforcement Office, the Chairman or Secretary of the Lisbon Planning and Zoning Commission, or the Lisbon Town Clerk.



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

CONDITIONS OF APPROVAL

SUBDIVISION - TUCKER DEVELOPMENT GROUP - 4/5/2011

1. The applicant shall submit mylars of the plan pertinent to the project for review.
2. The applicant shall submit the revised deeds to the Town of Lisbon and a final layout, which will include landscaping and drainage easements.

TOWN OF LISBON ZONING PERMIT APPLICATION

(For all buildings and uses except single- and two-family homes and accessory buildings or uses.)

To be completed by the Applicant:

Date: _____

Application is hereby made for a Zoning Permit for the use described herein and shown in the accompanying plans.

Applicant B&W Paving & Landscaping Address P.O. Box 70, 215 Flanders Rd.
Property Owner Winner Ford, Inc. Address 16 River Road ^{Mystic, CT}
Location of Property 16 River Road Rd., St., or Ave.
Land Records Map of _____ Lot # _____ Vol. 21 Page 224
Lot Size in Square Feet 3.7 acres Total Building Floor Area in Square Feet 5,214 SF - front building & 2,430 SF - rear building (existing)
Existing Use of Land or Building vacant Zone Business Zone
Industrial Zone
Proposed Use of Land or Building change of use permit for retail showroom, service garage, storage, for the sale of used motor vehicles, trailers and equipment.

(Applicants shall submit site plans as prescribed in Section 10 of the Lisbon Zoning Regulations.)

Signature of Applicant *[Signature]* member

To be completed by the Commission:

Application No. _____
Date of Submission: 3/24/2011
Date of Receipt: 4/5/2011 Fee Paid: \$ 210.00
Date of Action: 4/5/2011
Approved: 4/5/2011 Denied: _____
Reasons for denial or modifications: _____

Signature *[Signature]*

(A permit issued on the basis of this application certifies conformance with the Lisbon Zoning Regulations. Other permits may be required, such as those concerning driveways, wetlands, water and sewer facilities, fire protection, building code and health code. Obtaining the additional permits is the responsibility of the applicant.)