

MINUTES  
PUBLIC HEARING  
PLANNING AND ZONING COMMISSION  
LISBON TOWN HALL  
TUESDAY, MARCH 5, 2013  
6:30 P.M.

The Planning and Zoning Commission held the following public hearing in the Lisbon Town Hall, 1 Newent Road, Lisbon, Connecticut beginning at 6:30 PM on Tuesday, March 5, 2013.

6:30 PM - A modified application to subdivide a 12.92 acre property located on Ames Road and Route 169 (196 South Burnham Highway) into 19 single-family residential house lots. The application for subdivision has been submitted pursuant to Connecticut General Statutes 8-30g. The owner of the property is Brenmor Properties, LLC and listed in the assessor's records as Map9/Block85/Lot1.

MEMBERS PRESENT: Robert Adams, Ronald Giroux, Kim Sperry, Benjamin Hull, III, Gary Ritacco, Lawrence Alice, Ryan Donaldson, S. Gabiga

STAFF PRESENT: James D Rabbitt, AICP, Senior Planner-SCCOG, Lisbon Town Planner  
Robert A. DeLuca, P.E., CLA Engineers, Inc., Lisbon Town Engineer

The following Public Hearing was called to order by Chairman Robert Adams at 6:37 PM:

6:30 PM - A modified application to subdivide a 12.92 acre property located on Ames Road and Route 169 (196 South Burnham Highway) into 19 single-family residential house lots. The application for subdivision has been submitted pursuant to Connecticut General Statutes 8-30g. The owner of the property is Brenmor Properties, LLC and listed in the assessor's records as Map9/Block85/Lot1.

Atty. Timothy S. Hollister of Shipman & Goodwin, Counselors at Law, One Constitution Plaza, Hartford, CT spoke on behalf of the client, Brenmor Properties, LLC. He entered into the record a written response (Exhibit A in the file). He stated that denial of an application submitted under 8-30g cannot be based on an assumption, and the Commission has an obligation to tell the applicant what needs to be changed in order to accept the application. He then showed the Commission a revised plan dated March 2013 (Exhibit B in the file).

Atty. Hollister stated that his client agreed to the following as conditions of approval:

1. They would not sell a lot until it is stable for emergency access.
2. The applicant agrees to follow state law with regard to a Performance Bond (financial guarantee).
3. Applicant agrees to form Home Owners' Association (HOA)
4. Applicant re-positioned individual wells in locations where they would not be run over.
5. Home Owners Association will not allow structures to be erected that would impede access of emergency vehicles.
6. Mark Vertucci, professional engineer with Fuss and O'Neill of Manchester, Connecticut, stated that the applicant did not need to follow state guidelines for internal private driveways.
7. A 50 foot right of way extends the lot lines to the stone walls, cutting back 14 feet from the right of way. Wells could now be moved into those areas away from pavement and emergency vehicles.
8. Drainage through Lot #1 was moved to Lots #4 & #7.
9. An internal loop has been created by connecting driveways at lots # 5, #6, and #8.
10. Adjustments to the turning radius for Lot #10 and Lot #14 will eliminate conflict with fire trucks.
11. The applicant has modified all grades to a maximum of 16%

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Atty. Hollister also stated the following: The internal private roads are not designed to Town standards, as it is not required they be; the Town Sanitarian approved lot #17 based on future ground water testing, so nothing was changed with that lot; a site line analysis was not made at the emergency vehicle entrance. He stated he could not get three clusters of driveways along Ames Road because they could not get site lines in three places on Ames Road for those drives. Finally, it was suggested that the Commission would have to approve of the closing of any of the affordable units, but they did not think it was necessary, as the Commission's schedule would not allow for closing in a timely fashion.

The additional changes include the revised map dated March 2013 (Exhibit B); a Spot Grade Map (Exhibit C); maps reviewed by Commission Members (exhibit D) were signed 1/26/2013.

Professional Engineer Mark Vertucci of Fuss and O'Neill, addressed the emergency vehicle access and town road standards issues. He showed the Commission how the drives for Lots #10 and #14 were moved to allow for emergency vehicles to turn. He stated the drive was made 20 feet wide. He also pointed out turnaround areas. He stated it was not necessary to adhere to Town road standards, as they would be extremely low volume driveways.

Chairman R. Adams questioned, under 30-8g, how many of the lots would be affordable? The answer was "six". Chairman R. Adams then asked if all lots were to be sold as single-family homes, to which the answer was "yes".

L. Alice asked for a clearer discussion on the grades, Surveyor Peter Gardner pointed out areas on the Spot Grade map (Exhibit C) as a guideline to the changes in the grades that were made.

Chairman R. Adams asked for public comment. George Williams of 30 Dogwood Drive asked if wells would be drilled on the right of way on Ames Road, and if they become contaminated with road salt, who takes the responsibility? Atty. Hollister stated that ultimately the Town Sanitarian approves the well locations. Mr. Williams then asked, who will enforce the Home Owners Association, and how? Atty. Hollister explained that the buyer would sign an agreement.

John Algier of 29 Preston Allen Road questioned what changed the R-40 Zoning to allowing houses to be built on a quarter acre, to which the answer was 8-30g. He then questioned if the Town had granted an environmental impact study at that property, to which the answer was "no". He also wanted to know, how the applicant could guarantee no run off, and who will inspect roads? Atty Hollister stated his client agreed to provide as-builts. Mr. Algier then commented that it "blows him away" that the town wouldn't let one house be built there, but now they want to build 19.

Bernice Sylvestre of 105 Newent Road asked if there was a similar subdivision in the area that they could compare this one to? Chapman Farms in Noank and Senior Housing in Preston were given as examples.

Chairman R. Adams read into the record a letter from the Town Sanitarian, Al Gosselin, dated 1/30/2013 (Exhibit E).

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Town Planner submitted and read into the record three items: Letter to the Commission from Town Planner dated 3/4/2013 (Exhibit F); Letter from Robert DeLuca, Town Engineer dated 3/1/2013 (Exhibit G); Letter from Attorney Michael Zizka, Town Counsel, Murtha Culina, LLP (Exhibit H).

Staff J. Rabbitt clarified that plans 2A and 3A with the resubmission were to show snow storage areas. He stated he has not received these 2 plans. He also stated that the applicant disagrees on having money in place for improvements and maintenance. He stated that the thickness of the road is to Town standards. However, the width of the road and the turnaround are not to Town road standards.

Staff R. DeLuca stated that keeping the road open to 20 feet is impractical due to space limitations. He also says it is not a driveway but an access road. He stated that the infrastructure first needs to be in place before houses are built.

Mark Vertucci spoke about site line requirements.

A letter dated 3/1/2013 from Atty. Zizka, Town Counsel (Exhibit H), was a response to the resubmission of the application. It stated that the resubmitted application does not meet the requirements under section 8-30g.

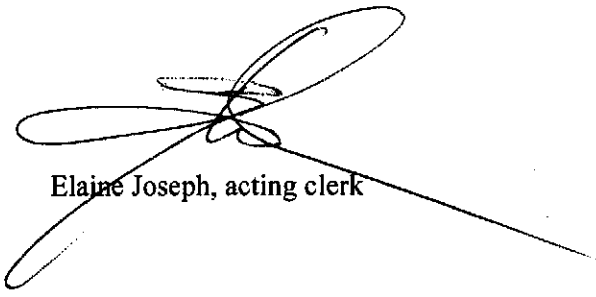
Staff J. Rabbitt addressed the Commission with a sample of what the subdivision could look like with shared driveways and fewer houses as a potential alternative.

Atty. Hollister made a few closing comments, stating that the Commission should make any reasonable changes the Commission feels is necessary, as conditions of approval.

Motion was made by G. Ritacco second by L. Alice to close the Public Hearing.

VOTE: UNANIMOUS MOTION CARRIED

This public hearing was closed at 8:34 P.M.



Elaine Joseph, acting clerk

Approved: \_\_\_\_\_  
Robert D. Adams, Chairman

RECEIVED FOR RECORD AT LISBON  
CT ON 03/12/2013 AT 2:40pm  
ATTEST. LAURIE TIROCCHI, TOWN CLERK  
