

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
LISBON TOWN HALL
TUESDAY, AUGUST 7, 2012
6:30 P.M.

The Planning and Zoning Commission held the following public hearings in the Lisbon Town Hall, 1 Newent Road, Lisbon, Connecticut beginning at 6:30 PM on Tuesday, August 7, 2012.

1. 6:30 PM - An 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 Map 9 / Block 85 / Lot 1.

MEMBERS PRESENT: Robert Adams, Ronald Giroux, Sharon Gabiga, John Dempsey, Benjamin Hull, III
Alternates: David Gagnon

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

The following Public Hearing was called to order by Chairman Robert Adams at 6:42 PM:

1. 6:30 PM - An 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 Map 9 / Block 85 / Lot 1.

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 stated that the application materials the Commission already received consisted of a May 29th package, which went through a revision on May 20, 2012, and a revision of June 10, 2012. He stated that the First tab is an aerial photo of the site. The second is a copy of the wetlands approval; the third is storm water management report by Mr. Martucci of LBM Engineering, Colchester, CT. The fourth item is a letter from CL&P stating they can bring power to the property. The fifth item is a copy of Sanitarian Gosselin's May 31st letter; and tab six illustrates the vehicle turning radius on site.

He stated that within the August 1, 2012 materials, is information regarding the housing market in Lisbon and the surrounding towns. He then proceeded with an overview of the application. He stated the client is seeking to subdivide 12.92 acres to build 18 single family homes, stating it has been reduced from the original 19. He stated it was under the state program which encourages builders to set aside thirty percent of their proposed homes for households that earn roughly \$45,000.00 and \$70,000.00 a year, and preserves the resale prices to that range. He stated that the state program says that if you agree to sell 30% of these homes at below-market prices, the state gives you the ability to modify the existing zoning or subdivision regulations, providing it does not cause a public health or safety problem. This program has been in place for 22 years, with 100 applications, totaling 6,000 units have been involved in this program. Atty. Hollister stated that he has been involved in the creation of the program, and he states that the town is getting a time-tested model. He says it is "price restricted housing", not "affordable" housing. He stated that affordable housing involves government funding of rental property, and is a different program. He asked the commission not to be confused that it is referred to as "Section-8.30.g" – it has nothing to do with the federal, "Section-8" program.

He then stated that the property is 12.92 acres and is zoned R-40. He pointed out on the map the location of the property and proposed lots off Ames Road and Route 169. He pointed out the four lots by Route 169, the

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seasonal pond, and the location of the fifteen homes on the upper level. He reminded the Commission that the site has been through a couple of different plans and approvals over the past 8 years, because the market has been unsteady and changing. In 2004 a proposal was for 13 lots, and later modified for 7 lots. Brenmor pulled a permit for one foundation lot and driveway, which remains incomplete. He stated the town still holds the bond for that work. In 2007, he said, there was a sixteen-lot subdivision, which got wetlands approval, but did not go forward. In 2010, Atty. Hollister said, there was a four-lot subdivision put forth but not built. His client feels the market is stabilizing and the timing and price point in the market is aligning, and they feel they can move forward.

Mr. Hollister stated that the Wetlands Commission gave approval for around 9,000 square feet of grading in the upper area above the 1.2 acres of wetland area. He also stated that town Sanitarian, Mr. Gosselin did not approve of one lot for septic (lot 17) until it was re-perked in the spring. Lot sizes range from 9,500 to 104,000 square feet, average about $\frac{3}{4}$ of an acre. He stated that the plans call for modular homes on this site. A photo and floor plan of the style of home is in the May 29th revision of the application. Atty. Hollister stated that some homes are planned to be built on slab, others are planned for full foundations.

Atty. Hollister stated that six of the homes, on lots 3, 5, 8, 9, 13, and 18 are ones proposed to be subject to long term price restrictions. He explained the "affordability plan" to the commission. 30% of the homes are required to be in the price restriction. They need to follow state regulations; three will be sold at 80% of the area median income, which is \$84,400.00; 3 at 60% of the area median income, which is \$52,000.00. The interest rate would be at approximately 6.5%. The maximum price on a three bedroom home will be restricted to about \$247,000.00 for a home buyer qualifying at 80%, or \$175,000.00 to a home buyer qualifying for 60%. He stated this is all based on state regulations. The administrator would be someone like Brenmor or someone hired by Brenmor, who would determine qualification and the sales price of the home.

The August 1st package points out the need for affordable housing in Lisbon. 1987-2012, prices rose until 2005, and then came back down. He stated that what they are trying to achieve by setting apart six homes is to level off those spikes in housing, designed to create some stability so they don't follow the market in spiking. He pointed out some recent articles including one in the Norwich Bulletin, saying we are losing the population of the 25-35 year-old age group — the second highest rate in the United States. He says it is because of a lack of affordable housing.

Peter Gardner, L. S. of Gales Ferry, CT gave his presentation of plans as submitted with the application. He pointed out the house locations, septic and well locations, and areas for grading. He stated the plan shows 19 lots although only 18 are approved at this time. He proposes a single shared driveway off Ames Road, and an emergency access. Lots 18 & 19 will have a shared curb cut driveway, while lot 17 will need to go through more testing in the spring. He stated there would be overhead utilities. There is a storm drain end-wall, but they propose to do nothing with it at this point. There is a proposal for a split rail fence along Ames Road, providing they meet the site line requirements.

He stated the driveways off Ames Road would be paved. He stated there is no scale on the plans but that 1" equals 40 ft. Chairman Adams asked about the wells and septic system locations. Gardner stated the plans show the well locations. J. Dempsey asked about the curb cut, to which the answer was a single curb cut blocked off by a breakaway gate.

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Mark Vertucci, Traffic Engineer with Fuss and O'Neill, Manchester, CT, gave testimony that the site has good access to the highway just 3/10ths of a mile up the road. He conducted a new traffic count as part of their study on Route 169 and Ames Road. He stated that peak-hour of traffic is 7-8 a.m. and 4-5 p.m. 24 hour traffic volume is very low. Average for Route 169 is 1800 vehicles per day; Ames Road averages about 400. He stated they conducted a study for the full 19 units, and stated it would be very low; 13 trips entering and 23 exiting in the morning hours, and 20 entering and 15 exiting in the evening hours. A capacity analysis was conducted and it rated each site driveway, and all four of the proposed driveway sites operated at the efficient "A" rating. Regarding safety of operations for the four proposed site driveways, he stated that all of them exceeded the DOT criteria for speed. The only exception, he stated was the shared site driveway looking out to the south, and they graded that site line back to allow it to meet DOT criteria. Internal site safety – they concur that the development will provide safe access. For emergency vehicle access, they have the two additional gated driveways off to the south to help increase response times for the emergency vehicles. He pointed out the "turning templates" within the application, with regard to the emergency vehicles.

Atty. Hollister concluded and asked for questions of the Commission. He stated that he would respond in writing as a team to those questions he could not answer this evening.

B. Hull, III questioned the motives for the development, arguing that the reason for losing 25-35 year olds from the area isn't affordable housing but the lack of jobs. Atty. Hollister replied that there are two schools of thought on that. B. Hull, III then asked who would maintain the common driveway, to which the answer was that the homeowners would belong to an association. R. Giroux questioned why, if they were looking to create affordable housing, only six of the nineteen proposed lots would qualify as affordable housing? Atty. Hollister stated that this is a for-profit operation and in order to do this without state assistance, they can only afford to build the minimum of what the state requires for the program.

Jamie Rabbitt, Town Planner, interjected at this time with his letter dated August 7, 2012. He paraphrased the letter for the Commission. He made a recommendation to the Commission that they continue this public hearing to September 4th, which would still give them the required statutory time for making a decision regarding the application. They will need to close at next month's meeting. The memo attached to the letter is dated August 7, 2012, and it is an initial review based on the information supplied by Dieter & Gardner, Shipman & Goodwin, Fuss & O'Neill, and town Staff. He paraphrased saying that there was a lack of detail in the submissions, and the information that came in tonight was still insufficient.

Staff stated that 8.30.g is governed by whether or not "health, safety, and public welfare" would be impacted by the development, not the town's regular zoning regulations regarding setbacks and other issues. He went on to review some of the issues with the current application: Item #1 - There is currently no erosion control outlined for the driveways or the single-family lots. Without the plans addressing those issues, the Commission cannot address the implications of that erosion. The grading and drainage could have impact to emergency access. Item #2 deals with health issues with on-site wells and their ability to meet state health regulations. There are wells designated to be located inside the paved area of the common drive, and you cannot put a well there, J. Rabbitt stated. Item #3 - The lack of adequate site line. Only four of the six proposed driveways meet those generally accepted site line principles. Item #5 - potential conflict with the grading plan and the site line on Ames Road. The two plans do not match. Item #6 - common driveway details – no construction details on plans. There are only details for the paved apron. Item #7 - The existing end wall on Ames Road, flows in the general pattern of lots 1, 2, 3 & 4. He recommends that be dealt with.

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Item #8 – shared common drive needs to outline a plan for snow removal, etc., and they need language of the Association to determine if home owner association fees will be affordable or not – if not, it impacts the town's ability to provide emergency access in a timely manner in all weather.

Staff stated that he found it interesting that the testimony from the professionals tonight suggested that access was designed to increase the response times, yet Staff stated that the fire trucks can not enter Ames Road from the southerly direction, which would be the quickest route. He stated that those driveways are not adequate for access by emergency vehicles. He stated they are not required to follow the standard zoning codes, and although these issues may have been overlooked by the applicant, since this falls under the state's 8.30.g program, these issues need to be addressed.

Staff's second letter was from Robert DeLuca, P. E. of CLA Engineers, Inc, Norwich, CT. The letter made comment on nine issues that need addressing by the applicant, including actual grading and site line profiles; erosion and safety concerns; well locations; the non-approval of lot 17; and concern for public health related to the design of the onsite septic systems and wells. The lots are only about 25% of the recommend size from a public health standpoint; driveways for lots 9 and 11 only have a one-way traffic pattern; and the inadequate emergency vehicle access.

R. Giroux asked the applicant to take a moment to show the public the boards and to do a short recap. Peter Gardner stood to briefly show and explain the plans to the public present.

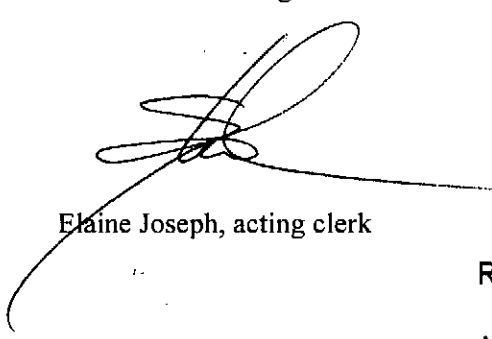
Atty. Hollister stood to say he appreciated Jamie Rabbitt's comments. He stated his concern that the application was on file since May 29th and some of the technical concerns of Staff could have been addressed already had they been notified, but they will respond in writing to try and clarify everything for the board.

Chairman Adams asked for comment in favor of, and in opposition of, the application, to which there was none. He then asked for general comments from the public. John Wolinski of Preston stated that he owns property at 184 South Burnham Highway, an adjacent lot to the proposed subdivision. He stated he has concerns regarding downhill erosion into the wetlands, pond and adjacent properties. It all goes downhill onto 169. The wetlands run diagonally behind the pond, and he believes there are more wetlands up there than is being shown on this map.

Atty. Hollister commented that Mr. Wolinski's concerns would be addressed.

Chairman Adams asked for any other comment, to which there was none.

This Public Hearing was continued to September 4, 2012 at 6:30 at Lisbon Town Hall.


Elaine Joseph, acting clerk

Approved: _____
Robert D. Adams, Chairman

RECEIVED FOR RECORD AT LISBON
CT ON 8/15/2012 AT 10:35am.
ATTEST. LAURIE TIROCCHI, TOWN CLERK
Margaret D. Wakely, asst.