

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
LISBON TOWN HALL
TUESDAY, June 1, 2010
6:30 P.M.

The Planning and Zoning Commission held the following public hearings in the Town Hall, 1 Newent Road, Lisbon, CT beginning at 6:37PM on Tuesday, June 1, 2010

1. 6:30 PM - An application for a 30 lot subdivision of land on land known as Barber Farm Subdivision. The land is located on the west side of Route 12 and the south side of Mell Road. Map Lot(s) . Applicant - Josh Comerford (Tucker Development Group, LLC).
2. 6:35 PM - An application for a special permit (Section 4.2.7) to create two (2) rear lots as part of a 30 lot subdivision of land on land known as Barber Farm Subdivision. The land is located on the west side of Route 12 and the south side of Mell Road. Map Lot(s) . Applicant - Josh Comerford (Tucker Development Group, LLC).
3. 6:45 PM - An application for a special permit (Section 4.2.7) to create two (2) rear lots as part of a nine (9) lot subdivision of land. The land is located at 65 Sullivan Road. Map 6, Lot 4. Applicant - Randy Brown, President (GC Lisbon LLC).
4. 6:50 PM - An application for a nine (9) lot subdivision of land with a 1,200 cul-de-sac road. The land is located at 65 Sullivan Road. Map 6, Lot 4 Applicant - Randy Brown, President (GC Lisbon LLC).

MEMBERS PRESENT: Robert Adams, Robert Browne, John Dempsey, Sharon Gabiga, David Gagnon, Ronald Giroux, Ruth MacDonald, Kim Sperry. Alternates: Gary Ritacco, Larry Thibeault

MEMBERS ABSENT: - None

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 6:37PM:

1. 6:30 PM - An application for a 30 lot subdivision of land on land known as Barber Farm Subdivision. The land is located on the west side of Route 12 and the south side of Mell Road. Map Lot(s) . Applicant - Josh Comerford (Tucker Development Group, LLC).

After reading the legal notice, Mr. Adams called on the applicant to speak first.

Attorney Harry Heller, of Heller, Heller & McCoy, 736 Route 32, Uncasville, CT and representative of Tucker Development Group, LLC, spoke on behalf of the applicant. Three copies of the site plans, revised and submitted to the Town Clerk on June 1, 2010 were laid out on the table for review by the board.

Mr. Heller stated that the utilization of two cul de sacs, one extending southerly from Mell Road and one westerly from Route 12 to access developmental portions of the 180 acre parcel. Utilizing standard cul de sac design allowed pursuant to the provision would have resulted in the net loss of lots that the applicant could have derived utilizing a through road. Review by town planner and consulting engineer required a waiver, a request for a waiver was submitted but was not approved by the board due to the perception of increased road maintenance. The applicant has therefore redesigned the infrastructure for the subdivision, resulting in a modification of lot design for some of the proposed lots.

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
TUESDAY JUNE 1, 2010
Page 2. Tucker Special Permit contd.

The new design contemplates the development of a through road from Mell Road through River Road, being called "Barber Farm Road" by applicant, with a cul de sac off of that road referred to as "Jeannette Court". The proposed intersection on Barber Farm Road and Jeannette Court is designed with a three way stop, to discourage utilizing Barber Farm Road as a short cut between Mell Road and River Road.

The property is split with a R-60 zoning district and an R-40 zoning district. Mr. Heller stated that, according to the density standards enunciated in the town's zoning regulations, the land surveyor has calculated that there are 4.2 lots allowed in the R-60 zone and 32 lots allowed in the R-40 zoning district. Attny. Heller states that there are 32 total lots proposed with the new design, with four of those lots in the R-60 zoning district (lots 17, 18, 19, 20) and 28 lots proposed for the R-40 zoning district.

The new plan incorporates three interior building lots (Lot 11 on the cul de sac of Jeannette Road, Lot 14 on the southerly side of Barber Farm Road, Lot 25 on easterly side of Barber Farm Road. Attny Heller states that they have submitted an applicant for special permit for the three interior building lots as pursuant to section 10.6 of zoning regulations.

Attny Heller also requested two waivers. The first is a waiver of the requirement to delineate the exposed ledge within the open space area, as no development will be occurring in those areas. He state it will be cost prohibitive

Second waiver applied for is the waiver of the sidewalk requirement. Attny. Heller states there are many reasons. The first is that the additional hardscape created by sidewalks is inconsistent with the rural residential character they are trying to develop with the subdivision, as the population density is proposed at one unit per four acres. Secondly, the installation of additional hardscape is inconsistent with the Department of Environmental Protection's policy concerning storm water run off, storm water quality and ground water quality. Third, the town of Lisbon incurs the responsibility of the structural maintenance of the sidewalks. Finally, there is no existing sidewalk system in the immediate vicinity of this project and is unlikely that sidewalks will ever interconnect with a comprehensive system to provide public benefit.

Attny. Heller stated that the project is designed in accordance with town regulations, with a closed drainage system. Storm water will be captured in a storm basin system, and will flow to its outlet, a catch basin, at the westerly end of Jeannette Court. The storm water will outlet the basin and will be conveyed by an 18" culvert to a proposed storm water quality retention basin in the proposed westerly open space area. In describing the proposed system, Attny Heller states that it is designed to retain 60% of the 25 year storm, with significantly greater capacity than is required. This structure is delineated in detail on the detail sheets of the sub-division plan.

Attny. Heller states that the proposal was submitted to the Lisbon Conservation Commission for review and a permit was granted for the proposal, and was again resubmitted to the Conservation Commission with the current revisions, and Attny. Heller states that a declaratory ruling made at the May 17, 2010 meeting of the Lisbon Conservation Commission, states that no regulatory activities were involved that were not permitted with the original permit.

Attny Heller states that erosion and sediment control for the project and the subsequent lots are outlined on sheet 17 of the site plans.

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
TUESDAY JUNE 1, 2010
Page 3. Tucker Special Permit contd.

Sheet 18 consists of test pit data performed on each of the proposed building lots, as recorded by the professional engineer for the project.

Sheet 20 lists various project details, including signage.

Sheet 21 and for the remainder of the subdivision submission, site line demonstration plans will demonstrate the suitability of the proposed intersections of Barber Farm Road and individual driveways, with the requirements for safe intersection with River Road and Mel Road. With respect to development along River Road, says Attny. Heller, a report has also been submitted to the District 2, Department of Transportation, which is in the process of evaluating that now.

Sheet 22 in addition to the site line demonstration plan on River Road, a second demo plan as required by DOT in order to ensure a northerly traveling vehicle will have sufficient site line.

Attny Heller states that the applicant is proposing two open space areas in conjunction with the subdivision, totaling approximately 64 acres or nearly 50% of the project site. They have been broken down into two distinct areas: one at the intersection of River and Mel Roads containing 20.9 acres, and the second is located easterly side of Lisbon Brook and its wetland system containing 43.9 acres.

Attny Heller states there has been some debate between his office and the Town's Planner regarding Open Space locations or a fee in lieu of open space. Attny Heller states that he believes the laws of the State of Connecticut provides for payment in lieu of the open space requirements and is determined by the applicant, not the town. Attny Heller believes that the open space dedication, as formulated on the plan, achieves the open space objectives as contained in the regulation, and believes the commission is required to approve the open space dedication. He feels that CT law is an option of the applicant and not the commission. Attny Heller states that his client, the applicant, is not adverse in paying "some" payment of a fee in lieu of open space. In addition to the dedication of the 64 acres of open space, he submits that the commission give some consideration to the substantial open space dedication proposed and adopt a fee commensurate with that open space dedication that it does have significant environmental and economical value as in the RHEMA report. He states that since the revised plans, applications and reports were just submitted that afternoon to the Planner and Town Clerk, he does not expect any kind of review comment.

Attny. Heller states the density for interior building lots is a lower density than is allowed for standard lots. The layout of the three interior lots has been formulated to achieve significant separated distance from the proposed house locations on other lots. He also states that the traffic generated with this subdivision is estimated at 9.5 vehicle trips per unit. With a 26' pavement width on Barber Farm Road and Jeannette Road, the capacity is more than sufficient to accommodate the traffic generated by the three additional lots. He submits that the inclusion of the three interior lots will not have any adverse traffic impact, and feels they meet the special permit evaluation criteria.

Attny Heller states he has granted an extension to the commission to the date of the July meeting.

(Tape 1 Side 2)

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
TUESDAY JUNE 1, 2010
Page 4. Tucker Special Permit contd.

Bob Browne proposed a question in regard to the open spaces, asking if there are wetlands and if the drainage would empty into those areas as well. Attny Heller confirmed. Bob Browne also asked if the proposed site plan allowed for two driveways to front Route 12 (River Road). This was also confirmed by Attny. Heller.

James rabbit, Lisbon town Planner, confirmed for the record that the packets including the waiver requests and the revised plans were dropped off by Attny Heller's office that afternoon of June 1, 2010. He asked Attny. Heller to summarize what was submitted. Attny Heller stated that the packet consists of the following: two cover letters to the commission, both dated June 1, 2010, the first of which delineates the documentation submitted with the revised application for subdivision approval, containing the waiver requests for the sidewalk waiver, as well as the waiver for the requirement to locate all the ledge outcroppings in the open space areas; A revised subdivision application form, revised as of June 1, 2010; A revised storm water management plan as prepared by Development Solutions, also containing the watershed map; The revised bond estimate stating that the new estimate for Barber Farm Way and Jeannette Court is \$573,185.00, erosion control is \$11,450.00; A copy of the minutes of the May 17, 20110 meeting of the Conservation Commission granting a Declaratory Ruling that no further permits are required by that commission with respect to the reformulated design; Draft Warranty Deed from Tucker Development Group to the Town of Lisbon, conveying to the town the half section road strip for Mel Road creating a new strip line from the center line 25' distant from the center line, also granting in conjunction the drainage easement as discussed picking up the three drainage culverts on the southerly side of Mel Road; A second warranty deed conveying to the Town of Lisbon the two open space areas delineated on the plan; Third deed is a Warranty Deed from Tucker Development Group to the Town of Lisbon conveying to the town of Lisbon the fee in Barber Farm Road and Jeannette Court together with the drainage rights. Deed would not be executed and delivered until such time the structure improvements have been constructed according to road ordinance and accepted; Ecological assessment of open space areas as prepared by RHEMA Ecological Consultants; Special permit application for the three interior building lots; revised prints for the subdivision plan, which was reviewed in detail at the hearing.

Bob Browne questioned Attny Heller about the northerly open space section being approximately 1/3 of that as R-60. It was confirmed by Attny Heller.

James Rabbitt, Town Planner clarified that provision 6.51 under "dedication" states that the dedicated areas shall be no less than 50% of the development as is deemed appropriate by the commission. He states it is the ultimate discretion of the commission to make the determination.

Chairman Bob Adams questioned the requirements of sidewalks. James Rabbitt said it was up to the commission to decide whether or not to require those sidewalks or grant the applicant a waiver.

Chairman Bob Adams showed some concern for the bus route on Route 12, and if those two proposed lots would require sidewalks on Route 12. He then showed concern regarding the homestead on the property, a house confirmed by Attny Heller as no longer standing. He said the RHEMA report included some information as to its archeological significance, located in the open space areas. Kim Sperry questioned if they were on the site plan. Attny Heller confirmed they were not. James Rabbitt to follow up with the report.

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
TUESDAY JUNE 1, 2010
Page 5. Tucker Special Permit contd.

Bob Adams asked for public comment. Joe Lewerk of 174 Kendall Road gave comment.

At 7:45 PM, Chairman Adams granted a continuation of Public Hearing for July 6, 2010, at 6:30PM.

Second public hearing was called to order by Chairman R. Adams at 7:46PM.

2. 6:35 PM - An application for a special permit (Section 4.2.7) to create two (2) rear lots as part of a 30 lot subdivision of land on land known as Barber Farm Subdivision. The land is located on the west side of Route 12 and the south side of Mell Road. Map Lot(s) . Applicant - Josh Comerford (Tucker Development Group, LLC).

Josh Cumerford of Toker Development Group, LLC requested a continuance for June 1, 2010.

Revised application is for three rear lots. Asked that the commission incorporate the evidence form the prior public hearing into the record for this public hearing.

Bob Browne asked if it needed to be reposting. James Rabbitt advised he would seek advice of council as to how it would affect the notice.

Mr. Adams continued the proceedings on this public hearing to July 6, 2010 at 6:40PM.

Mr. Adams called for a five minute recess at 7:50PM.

Third public hearing was called to order by Chairman R. Adams at 7:58PM.

3. 6:45 PM - An application for a special permit (Section 4.2.7) to create two (2) rear lots as part of a nine (9) lot subdivision of land. The land is located at 65 Sullivan Road. Map 6, Lot 4. Applicant - Randy Brown, President (GC Lisbon LLC).

Brian Long, Project Engineer submitted revised plans. Changes involve the addition of sidewalks along one side of the road along lots 1, 2 and 3. Other changes per the recommendation of the town planner and town engineer include the modification of the site line along Sullivan Road. Stated that part of the wetlands approval was to fill in approximately 2000 square feet of wetlands along side of the road in order to put the intersection at the proposed locations. Rear lots are off the end of cul de sac, accessed side by side. Lot 5 is almost five acres, lot 6 is biggest lot of subdivision at 17.5 acres.

Bob Browne questioned if there were wetlands on the 5 acre lot. Brian Long confirmed there was one small area.

This hearing was closed by Chairman Bob Adams at 8:04PM.

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
TUESDAY June 1, 2010
Page 3. Brown Special Permit contd.

4. 6:50 PM - An application for a nine (9) lot subdivision of land with a 1,200 cul-de-sac road. The land is located at 65 Sullivan Road. Map 6, Lot 4 Applicant - Randy Brown, President (GC Lisbon LLC).

Brian Long states that the entire house existing on the parcel on Sullivan Road is to be taken down and moved further back into the site.

The existing headwall will be removed and will slope to the road as approved by the Wetlands Commission, according to Mr. Long.

Outstanding issue for open space dedication – proposing to dedicate 8.8 acres of open space, the applicant is prepared to add a strip 100 feet from Sullivan Road to conservation land south into the woods. He is also asking some guidance from the commission as to whether they would prefer the open space dedication or the fee in lieu of open space.

He also asked for guidance if sidewalks should end at cul de sac or continue to lot 6.

James Rabbitt suggested to continue the sidewalk along the edge to the end of lot 6.

Mr. Rabbit stated that the appraisal is \$300,000.00, thus \$30,000.00 or 10% would be the in lieu of fee.

Mr. Rabbitt also talked about the proposed conservation easement as not having public access. He proposes that 6.7 acres will give access to the 400 acres of the Glenny property. Larry Alice suggested requiring the applicant dedicate 6.75 acres or 200,000 square feet of conservation easement.

John Dempsy questioned where the pond was located. Mr. Rabbitt confirmed that there is a perennial stream with open water within the marsh area. There is evidence of beaver activity on the site as well, including damming which has changed the topography over time.

Mr. Rabbitt proposed to defer decision to a subsequent meeting. Mr. Adams asked for an informal input from commission members. Mr. Long is concerned about the viability of lots where land is deeded to the town, as lots will be diminished in size. He suggests a conservation easement will achieve the same goal, and can be worded to allow access.

Mr. Rabbitt reminded the commission that there are three items on the table: the applicant has proposed conservation easement, OR a fee in lieu of OR the Town of Lisbon to retain rights of ownership.

Chairman Bob Adams requested comment from the public. Joe Lewerk of 174 Kendall Road gave comment.

At 8:48PM, Mr. Adams continued the proceedings on this public hearing to July 6, 2010, at 6:45PM.

Elaine Joseph, acting clerk

Robert D. Adams, Chairman

RECEIVED FOR RECORD AT LISBON.
CT ON 6/3/2010 AT 11:30 Am
ATTEST. BETSY M. BARRETT, TOWN CLERK