

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
LISBON TOWN HALL
TUESDAY, APRIL 6, 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 6:30 p.m. on Tuesday, April 6, 2010:

1. 6:30 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 14, Lot 87. Applicant - Josh Comerford (Tucker Development Group, LLC)
2. 6:35 PM - An application for a 30-Lot subdivision of land on land known as the Barber Farm Subdivision. The land is located on the west side of Route 12 and the south side of Mell Road, Map 14, Lot 87. Applicant - Josh Comerford (Tucker Development Group, LLC)
3. 6:40 PM - An application to amend the existing hand drawn Zoning Map by replacing it with a new digital Zoning Map. Applicant - Town of Lisbon Planning and Zoning Commission.
4. 6:50 PM - An application by Howely Bread Group, LLC, for an amendment to a previously approved special permit and site plan associated with Lisbon Landing to permit a Panera Bread within a portion of the former Old Navy store located at 160 River Road, Map 20, Lot 14.
5. 6:55 PM - An application of CL One Associates for an amendment to a special permit and site plan previously granted on March 3, 2009, and January 8, 2008, pursuant to Section 6.4.17 of the Zoning Regulations. The amendment relates to a modification of an internal access road to Retail B from Road B and parking associated with Retail B. The premise subject to said amendment is known as 153-155 River Road, Lisbon, and is shown as Lot 7 on a subdivision plan recorded in map hanger #108, Lisbon Town clerk's office.

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

MEMBERS ABSENT: Lawrence Alice

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

The following public hearing was called to order by Ronald Giroux, Vice Chairman at 6:30 p.m.:

1. 6:30 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 14, Lot 87. Applicant - Josh Comerford (Tucker Development Group, LLC)

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

Attorney Harry Heller, 736 Route 32, Uncasville, representing the applicants, explained the application for a Special Permit to allow two interior lots (Lot 9 & Lot 12) as part of a 30-lot

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subdivision of 129 acres located at the southwesterly intersection of Mell Road and River Road (CT Route 12). Attorney Heller stated that they are in the process of addressing the Town Planner's and Consulting Town Engineer's comments received March 18th. Attorney Heller described the two proposed cul-de-sac streets noting that a request for a waiver of provisions of the town's Road Ordinance for same has been forwarded to the Board of Selectmen. He explained that there were concerns that a thru-street would encourage traffic to cut through the development. He also explained that the developer needs a yield of 30 lots to make the subdivision work; the proposed circumference of the cul-de-sacs will allow that yield. He further explained that the thru-road would also have allowed a 30-lot yield. Attorney Heller described the benefits of the design of the cul-de-sacs.

Robert Adams arrived at this time.

Gary Ritacco arrived immediately after Mr. Adams.

Attorney Heller noted that his brief overview dealt with both the special permit and subdivision applications then requested that at the end of all of the proceedings incorporate all of the evidence submitted in one public hearing into the public record for the other hearing (subdivision). He then restated his previous description of the project noting a request for a waiver of the sidewalk requirement then described two areas proposed for open space.

Mr. Adams called for questions from the Commission. There were none.

Mr. Rabbitt noted the following administrative items:

1. Letter, Peter Palazzi, Trans. Supervising District Service Agent, Bureau of Highway Operations, ST CT DOT, March 24, 2010
2. Letter, Albert G. Gosselin, Jr. Sanitarian, Department of Health Griswold/Lisbon/Voluntown, March 18, 2010
3. Letter w/Packet (proof of abutter notification), Harry B. Heller, February 26, 2010, Re: Application of Tucker Development Group, LLC for Special Permit Approval pursuant to Sections 4.2.7, 8.2.2 and 10.6 of the Lisbon Zoning Regulations
4. Review Letter, James D. Rabbitt, AICP, Lisbon Town Planner/SCCOG Senior Planner, March 18, 2010

Mr. Adams called for anyone in favor of the application to speak.

No one spoke in favor of the application.

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Tucker Subdivision

Mr. Adams called for anyone opposed to the application to speak.

No one spoke in opposition to the application.

Mr. Rabbitt reviewed time lines.

Mr. Adams called for any testimony for or against the application. There was none.

Mr. Adams continued the public hearing to May 4, 2010 at 6:30 p.m.

The proceeding on this application concluded at 6:47 p.m.

At 6:48 p.m., Mr. Adams called the following public hearing to order:

2. 6:35 PM An application for a 30-Lot subdivision of land on land known as the Barber Farm Subdivision. The land is located on the west side of Route 12 and the south side of Mell Road, Map 14, Lot 87. Applicant - Josh Comerford (Tucker Development Group, LLC)

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

Attorney Harry Heller, 736 Route 32, Uncasville, representing the applicants, asked that the testimony that was provided for the Special Permit hearing, as well as the exhibits, entered into the record be made a part of the record for this hearing.

Mr. Adams called for questions from the Commission. There were none.

Mr. Adams called for anyone in favor of the application to speak.

No one spoke in favor of the application.

He then called for anyone opposed to the application to speak.

No one spoke in opposition to the application.

Mr. Rabbitt reviewed time lines.

Mr. Adams continued the public hearing to May 4, 2010 at 6:35 p.m.

The proceedings on this application concluded by 6:54 p.m.

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Page 4 Town of Lisbon - Digital Zone Map
SP- H. Schwartz, Heritage Trail Winery

At 6:55 p.m., Mr. Adams called the following public hearing to order:

3. 6:40 PM - An application to amend the existing hand drawn Zoning Map by replacing it with a new digital Zoning Map. Applicant - Town of Lisbon Planning and Zoning Commission.

Mr. Adams read the notice for the hearing then Mr. Rabbitt explained that the original hand drawn zoning map was converted into a digital copy with no changes made to the zones or boundaries.

Mr. Adams called for comments for or against the application.

There were no comments for or against the application.

Mr. Adams called for questions from the Commission. There were none.

Mr. Adams closed the public hearing on this application at 6:57 p.m.

At 6:58 p.m. Mr. Adams called the following public hearing to order:

6:45 PM An application by Harry Schwartz, Heritage Trail Winery, LLC, for a Special Permit, continued from March 2, 2010, to allow a Bed and Breakfast in the historic home located at the owner/operated Heritage Trail Winery, 291 North Burnham Highway, as shown on Assessor's Map 11 as Lot 53.

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

Harry Schwartz, Heritage Trail Winery, LLC, submitted the following items:

1. Letter, Albert G. Gosselin, Jr. Registered Sanitarian, Department of Health Griswold/Lisbon/Voluntown, February 11, 2010
2. Letter, John Pellett, Fire Marshal, Town of Lisbon, February 28, 2010
3. Proof of Abutter's Notices

Mr. Schwartz noted the request for a waiver of Section 12.4.2 of the Zoning Requirements submitted at the previous hearing.

Mr. Rabbitt submitted and reviewed his review letter dated April 6, 2010 (#4).

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Page 5 SP- H. Schwartz, Heritage Trail Winery
SP Amendment - Howley Bread Group

Mr. Schwartz, referring to his waiver request, showed that all of the required information appears on the approve site plan for the winery.

Mr. Rabbitt then advised that with the exclusion of the items requested in the waiver, the application meets the Regulations. He went on to discuss the permitted activities.

Kim Sperry interjected that she disagreed because she believed the request should have been handled by a text amendment through the farm winery, not a Special Permit, as all of those activities aren't allowed.

Mr. Rabbitt reviewed his interpretation.

Ms. Sperry stated that the key word is "premises".

Mr. Schwartz stated that the house is on a separate lot from the restaurant and barns.

A Discussion followed between Ms. Sperry and Mr. Rabbitt regarding the issue.

Mr. Rabbitt reviewed the B & B regulations after which he reviewed his interpretation.

Mr. Adams called for questions from the Commission.

Ron Giroux asked if the Commission had the waiver request.

Mr. Rabbitt confirmed that the request was submitted and is in the file.

Mr. Adams called for anyone in favor of the application to speak.

No one spoke in favor of the application.

Mr. Adams called for anyone opposed to the application to speak.

No one spoke in opposition to the application.

Mr. Adams closed the public hearing at 7:12 p.m.

At 7:13 p.m. Mr. Adams called the following public hearing to order:

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 SP Amendment - CL One Associates LLC

4. 6:50 PM - An application by Howley Bread Group, LLC, for an amendment to a previously approved special permit and site plan associated with Lisbon Landing to permit a Panera Bread within a portion of the former Old Navy store located at 160 River Road, Map 20, Lot 14.

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

Tom Howley, Howley Bread Group, LTD, explained the proposal for a Panera Bread with an outdoor café in a portion of the former Old Navy Store. He and David Saurette, BL Companies, reviewed plans (Rev. 4/2/2010), renderings, elevations, parking, and a change to the railing in response to the Town Planner, comments then answered questions from the Commission members.

Mr. Rabbitt submitted and reviewed his letter dated April 6, 2010.

Mr. Adams called for anyone in favor of the application to speak.

Joseph Lewerk, 174 Kendall Road, stated that overall he likes the plan but want to ensure that hand-in-hand with consideration and approval of the plan potentially that the outdoor seating ordinances for the Town also be updated so the small businesses in town that have sought outdoor seating would also get equal treatment. He further stated that he knows they are not as big a player as Howley Breads but certainly there are local businesses that would like to take advantage of outdoor seating arrangements. So, hopefully, if it hasn't been done already, it's expedited so there's a level playing field between big business and the small mom and pop operations that we have here in town.

Mr. Adams called for anyone opposed to the application to speak.

No one spoke in opposition to the application.

Mr. Adams closed the public hearing at 7:30 p.m.

At 7:31 p.m. Mr. Adams called the following public hearing to order:

5. 6:55 PM - An application of CL One Associates for an amendment to a special permit and site plan previously granted on March 3, 2009, and January 8, 2008, pursuant to Section 6.4.17 of the Zoning Regulations. The amendment relates to a modification of an internal access road to Retail B from Road B and parking associated with Retail B. The premise subject to said amendment is known as 153-155 River Road, Lisbon, and is shown as Lot 7 on a subdivision plan recorded in map hanger #108, Lisbon Town clerk's office.

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Page 7 SP Amendment - CL One Associates LLC

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

Attorney John FitzGerald, representing the applicants, submitted proof of notice to abutters then noted the presence of Doug Miller, Vice President, CL One and Cedarwood, and Brian Sakidovitch, BL Companies.

Doug Miller, Managing VP, Cedarwood Development, stated that they were before the Commission with a minor modification to respond to some physical conditions that occurred on the sight with regard to predominately rock slope characteristics noting that the site plan has been reviewed by town staff as well as the associated main tenants.

Brian Sakidovitch, BL Companies, reviewed the following boards to illustrate the site conditions and proposed modification:

1. Site Plan, Dated 1/8/08
2. Overall Site Plan, Site Plan, Sheet No. SP-OL Dated 11/30/07, Revised: 2/23/10, 3/17/10, 4/5/10
3. Site Plan, Sheet No. SP-IL, Dated 1/30/07, Revised: 2/23/10, 3/17/10, 4/5/10
4. Compilation Plan (proposed landscape changes) Dated 4/5/2010
5. Plan and Cross Section B-B, Dated 12/1/09

Mr. Adams called for questions from the Commission. There were none.

Mr. Rabbitt submitted and reviewed his letter dated 4/6/2010.

Mr. Adams called for anyone in favor of the application to speak.

No one spoke in favor of the application.

Mr. Adams called for anyone opposed to the application to speak.

Russell Gleason, 236 River Road, asked if there is going to be more blasting.

Mr. Miller stated that if there is any blasting at all, it will not be to the extent it was at the beginning of the project.

Mr. Gleason stated that he doesn't want any blasting.

Mr. Miller stated that he then wouldn't know how to do a couple of things that need to be done.

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Mr. Gleason stated that he is a foster parent and because of the blasting he has failed his water test.

Mr. Miller stated that he didn't know how to respond questioning if they (blasting and failed water test) are related.

Mr. Gleason stated that he will be seeing an attorney.

No one else spoke in opposition to the application.

Mr. Adams invited Mr. Miller to speak with rebuttal in favor of the application.

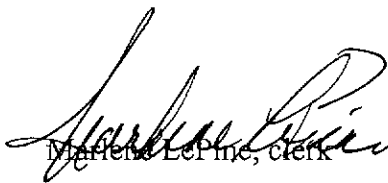
Mr. Miller stated that the vast bulk of any significant work has been completed noting that at this point anything found needing remedial work is going to be extraordinarily isolated.

Mr. Adams called for anyone to speak in favor, against or with comments.

There were no further comments.

He then called for questions from the Commission. There were none.

Mr. Adams closed the public hearing at 7:54 p.m.



Marlene LePine, Clerk

APPROVED: _____
Robert D. Adams, Chairman

RECEIVED FOR RECORD AT LISBON,
CT ON 4/13/2010 AT 2:40pm
ATTEST: BETSY M. BARRETT, TOWN CLERK