

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
LISBON TOWN HALL
TUESDAY, MARCH 3, 2020
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, March 3, 2020:

6:30 PM - Application by Stilly Holdings, LLC 117 South Burnham Highway, Lisbon , CT to amend the zoning regulations of the Town of Lisbon to incorporate regulations allowing by special permit the use of an Automotive Dealer Services in the BV-1 zoning district pursuant to the provisions of a new section 5.2.8 and the inclusion of a new section 10.29, inclusive, to address development standards. Additional amendments are proposed to sections 5.2.7 and 8.10 (2) to distinguish the use from new vehicle sales and clarify vehicle display, and section 10.13.4.d to address sidewalk modifications in the BV zones.

6:45 PM - Application by Stilly Holdings, LLC for a change of zoning boundaries to rezone the rear portions of 111 (M/B/L 09/021/0000), 117 (M/B/L 09/020/0000), and 121 (M/B/L 09/020/0001) South Burnham Highway from R-60 to BV-1.

MEMBERS PRESENT: Robert Adams, Ron Giroux, Kim Sperry, Timothy Minor, Jason Lebel,
Cheryl Blanchard (ALT), Gary Ritacco (ALT)
MEMBERS PRESENT: Trevor Danburg, Ben Hull, III, John Dempsey, Randy Brown
STAFF PRESENT: Michael J. Murphy, AICP, Consultant Planner-SCCOG, Lisbon Town Planner

The following Public Hearing was called to order by Chairman Robert Adams at 6:30 PM:

Application by Stilly Holdings, LLC 117 South Burnham Highway, Lisbon , CT to amend the zoning regulations of the Town of Lisbon to incorporate regulations allowing by special permit the use of an Automotive Dealer Services in the BV-1 zoning district pursuant to the provisions of a new section 5.2.8 and the inclusion of a new section 10.29, inclusive, to address development standards. Additional amendments are proposed to sections 5.2.7 and 8.10 (2) to distinguish the use from new vehicle sales and clarify vehicle display, and section 10.13.4.d to address sidewalk modifications in the BV zones.

Attorney William Sweeney of Tobin, Carberry, O'Malley, Riley & Selinger, PC, 43 Broad Street, New London, CT 06320, was present to represent the applicant. Also present were Mr. Scott Still and Mrs. Jennifer Still of Stilly's Holdings, LLC, applicant. Atty. Sweeney stated that the applicant owns several properties on the west side of Route 169. He stated that Scott Still has 34 years of experience as a mechanic, opened a business in Jewett City in 2007, then relocated to Lisbon in 2013. Atty. Sweeney stated that his client is very grateful for the Lisbon community and the loyalty of Stilly's customers. Stilly's currently has 17 employees, which includes those at the Occum satellite shop. Business is growing and they need to expand at their current location or relocate to another. He assured the Commission that the applicants love this community and want to stay in Lisbon.

Atty. Sweeney stated that the current regulations do not allow for "new" auto sales. He met with Town Planner, Michael J. Murphy AICP, to discuss options. He explained that this first hearing is about the text amendments that, if adopted, would allow an expansion of the existing business. Section 5.2.8 would allow for Automotive Dealer Services. Atty. Sweeney also read into the record, Section 10.2.9. The new amendments would dictate minimum lot size, parking calculations, general waste provisions, and other conditions that would need to be met. A business would be required to have been in business as a valid non-conforming use since July 1, 2019, in order to expand under these proposed regulations. No new auto dealer and repair businesses would be able to open. Atty. Sweeney stated that there are only two business that would be able to take advantage of these regulations, both located in

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this portion of the BV-1 zone along Route 169, should they be adopted.

Atty. Sweeney went on to say that Sections 5.2.7 and 8.10.2 will recognize the establishment of a dealership in the BV zone. The applicant would also like to amend sidewalk requirements to allow flexibility in that area. He then stated that other changes were recommended by the Planner in his review of the proposal. The POCD encourages small businesses, and these changes will allow a family-owned business to remain in town.

J. Lebel asked if the applicant is asking the Commission to forego the sidewalks? Atty. Sweeney responded, "No, they would just like to give the Commission the option to choose not to require sidewalks". Mr. Murphy stated that he will be addressing this in his Staff report.

Mrs. Sperry questioned how this would comply with the Plan of Conservation and Development? People wanted an increase in business on Route 12, not on Route 169, which is the gateway to the National Heritage Corridor. Atty. Sweeney stated that it is called the "Route 169 Village District". If the applicant cannot expand, they are likely not to improve the property. He reminded the Commission that the intent is to remain as small developments, not to create shopping centers.

Mr. Giroux stated that the BV zones were implemented there because of the exit ramp and the property in that area was at one time a hot commodity. The concern he has is for the car dealership flags and banners that often accompany these kinds of businesses. He is otherwise happy to have their business there.

Atty Sweeney stated 8.10.2 will allow the Commission the right to allow vehicle storage with landscaping. First property off the highway is BV III zoned. Mr. Giroux questioned if the section is for "used cars" not "new cars" to which the attorney answered "correct, it will be separate usage in the language". He then reminded the Commission, should they approve these amendments, the applicant will still need to come back to them with a Special Permit application, where the Commission will hear the details of their proposed activity.

Chairman Adams asked why the "New Dealerships" regulations are needed at all? Mr. Murphy responded the Commission may eliminate that section, if they wanted to in a separate action. He noted that the reference to the new car dealerships would remain as is and the auto dealer regulations would be added as a separate use.

Chairman Adams asked if anyone was present to speak in favor of the application. The following stood to speak in favor: David Nowakowski, 15 Kenyon Road, is strongly in favor of the application, as it will encourage this quality, family run business to remain in Lisbon. Tom Clancy of 8 Sullivan Road is in favor of the application as he feels the applicants are excellent community partners and would like to see them expand.

Chairman Adams asked if anyone was present to speak in opposition to the application, to which there was none.

Mr. Murphy stated that he met with Mr. Still and his team after the applicant contacted the commission to pursue options for expanding the business. After a preliminary review, it was determined that the applicant needs the additional standards to allow for expansion, along with a zone change for the rear of the property.

Mr. Murphy stated that the new standard won't allow the applicant to hide behind non-conformities to any great degree. He suggested that Section 14 will allow up to a 100-foot buffer to property lines abutting residential zones. There is a provision to allow modification of the buffer requirement. The planner then clarified his recommendation

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regarding the amendment to the sidewalk provisions in section 10.13 d; This amendment is needed to make the section consistent with the uniformity provisions of the statutes and eliminate the "waiver" provision, which should not apply to substantive development standards. Staff has no issue with the text amendments. He then noted for the record that referrals were made to the Councils of Government, and that Sam Alexander of the SECCoG responded to the Town's referral letter, stating that they find that this application is not likely to have intermunicipal impact.

This Public Hearing was closed at 7:26 PM.

The following Public Hearing was called to order by Chairman Robert Adams at 6:30 PM:

Application by Stilly Holdings, LLC for a change of zoning boundaries to rezone the rear portions of 111 (M/B/L 09/021/0000), 117 (M/B/L 09/020/0000), and 121 (M/B/L 09/020/0001) South Burnham Highway from R-60 to BV-1.

Attorney Sweeney asked that the record of the first hearing be incorporated into this hearing. He then noted for the record that abutters were notified via certified letters. He entered a map dated March 3, 2020 into the record that was obtained through a Google satellite image.

He noted that 111 South Burnham Highway is the northmost parcel with 1.3 acres and contains a residential home; 117 South Burnham Highway is central with approximately 2 acres and is the site of Stilly's Automotive. 121 is a vacant, wooded lot west of Stilly's with approximately .9 acre. These parcels are zoned BV 1 in the front portion and split with R-60 in the back portion. BV 1 is only 300 feet in from the road, and the remaining acreage is in R-60 residential.

Mr. Murphy stated that split zone parcels such as these are hard to own and use. The uses on one side can be incompatible with the other side. Many towns are doing away with these split zones for this reason. The applicant wants to expand their business and make all parcels BV 1. These changes would be needed to move forward with business expansion. Any expansion will need to come back for a public hearing.

The applicant would be required to provide an adequate buffer in back to neighbors on Strnad Road. The zone change would just shift the boundary between BV 1 and R-60, eliminating split zoning on these properties. The Plan of Conservation and Development designates these as business areas that the commission should review to determine how they should remain in the future. This will encourage economic development in a designated commercial area.

Attorney Sweeney entered into the record a response to the notice to abutters by Kenneth Wohllben of 32 Strnad Road, who is in favor of these zone changes.

Mr. Lebel questioned the property lines. Atty. Sweeney stated that the photos are distorted, and that the map is for illustrative purposes.

Chairman Adams asked if there was anyone to speak in favor of or in opposition to the application, to which Warren White of 11 Strnad Road stated that he was neither speaking for nor against but had concerns about the buffer zone. Mr. Murphy replied that section 14 of the regs allow for up to 100 feet although this may conflict with provisions

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in section 8 as noted by Attorney Sweeney but reminded the gentleman that this is not a site development application but an application for change in zoning. He recommended the gentleman come back during the special permit process. Atty. Sweeney interjected that the applicant would not likely be doing any development in the area adjacent to the abutter.

Mr. Murphy entered his Staff report into the record. The Plan of Conservation and Development asks to look at standards. No technical notification needed to be made to the Council of Governments. BV III is really a gateway portion of Route 169. He then stated that this is not spot zoning and is not inconsistent with the Plan of Conservation and Development.

This Public Hearing was closed at 7:49 PM.



Elaine Joseph, clerk

Approved: _____
Robert Adams, Chairman

RECEIVED FOR RECORD AT LISBON
CT ON 3/10/2020 AT 10:35am
ATTEST. LAURIE TIROCCHI, TOWN CLERK
Laurie Tirocchi