

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
LISBON TOWN HALL
TUESDAY, NOVEMBER 9, 2021
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, October 5, 2021:

6:30 - Application by Ceccarelli Properties, LLC for special permit approval in accordance with Sections 2.8 and 11 of the zoning regulations to allow for modifications at a non-conforming use/vacant building as per section 9 of the regulations to operate a used car dealership and auto body repair facility, 363 River Road, a 4.1+/- acres parcel (Assessor's Office Map ID 13/005/0000) in the R-40 and R-80 zones.

MEMBERS PRESENT: Robert Adams, Cheryl Blanchard (Remote), Randy Brown, Trevor Danburg, Ron Giroux, Ben Hull, III, Timothy Minor, Gary Ritacco (Alt – Remote), Kim Sperry
MEMBERS ABSENT: Jason Lebel
STAFF PRESENT: Michael J. Murphy, AICP, Consultant Planner-SCCOG, Lisbon Town Planner
Carl Brown, Building Official / Zoning Enforcement officer

Chairman Adams read the legal notice into the record.

The following Public Hearing was called to order by Chairman Robert Adams at 6:35 PM:

Application by Ceccarelli Properties, LLC for special permit approval in accordance with Sections 2.8 and 11 of the zoning regulations to allow for modifications at a non-conforming use/vacant building as per section 9 of the regulations to operate a used car dealership and auto body repair facility, 363 River Road, a 4.1+/- acres parcel (Assessor's Office Map ID 13/005/0000) in the R-40 and R-80 zones.

Michael J. Murphy, AICP, Lisbon Town Planner, noted for the record that the applicant submitted revisions to the plans on October 4th, which prompted the continuation of the public hearing and subsequent updates to the plan.

William E. McCoy of Heller, Heller & McCoy, 736 Norwich-New London Turnpike, Uncasville, Connecticut 06382, was present to represent the applicant. He stated that the plans had been modified to meet the comments by the Planner. Based on the current plan, the island area at the front of the property has been modified for traffic – one way in and one way out. He noted that this reconfiguration will make parking and existing the property, smoother. All parking is primarily at the front of the building.

Attorney McCoy stated that two wells are to be cut 18" below grade, to protect them from vehicle traffic. He concedes that there will be no vehicle storage outside the building and that wreckers will store vehicles inside. He stated that it has been difficult to determine the location of the right of way that was contested by abutters at a previous public hearing. Historically, it is considered a "cart path". He then stated that those who have legal access to the right of way, will have access.

Attorney McCoy then noted that the plan to sell used cars is not improper, as it is his opinion that it is legal to intensify a non-conforming use, not expand. If the Commission allows for sales, those vehicles ~~will~~**could also** remain indoors.

Mr. Danburg asked how many vehicles will fit inside the building, to which the Attorney answered that the permit the applicant is seeking will allow for five vehicles at a time to be stored inside. He also noted that vehicles brought

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
TUESDAY, NOVEMBER 9, 2021
Page 2 (cont)

in by tow trucks will only be stored at the facility for 24 to 48 hours. Mr. Giroux asked what the 12 parking spots on the side of the building were to be utilized for, to which the Attorney answered that they would mainly be used by employees. Attorney McCoy then noted that, per the Town's regulations, there must be a minimum of 16 parking spaces. Mr. Giroux then commented that he thought it was restrictive to not be able to move cars out of the building.

The applicant, Nicholas Ceccarellio of Ceccarelli Properties, LLC, 60 Pierce Road, Preston, CT 06365, commented that he would have ample room inside the building for the storage of vehicles. Mr. Danburg asked the applicant if he would be turning cars away once the maximum number of vehicles has been reached, to which the applicant answered "yes". Mr. Murphy clarified that it is common to have vehicles moved in and out of the building, from one bay to another, as they were being worked on, but that they were not to be stored outside at the end of the day.

Mr. Hull questioned if the applicant was conceding to these restrictions due to the opinions of the Commission. Attorney McCoy responded, noting that the decisions his client is making are based both on Staff comments, as well as Commission comments at previous public hearings.

Mr. Giroux questioned the right of way, and what, if any research had been done to establish its existence. Attorney McCoy stated that the un-deeded right of way is indicated on a map by a surveyor, Roland Harris, from years ago. The actual location seems speculative, and there is question as to if the right of way was abandoned. Attorney McCoy stated that it would be up to the Superior Court to decide if those claiming to have rights, still have rights to it. The plan shows only one right of way, and there is no survey of record in the Town Hall referencing any other right of way.

Mrs. Sperry asked if Lisbon Brook was indicated on the plan. Mr. Murphy noted that there is nothing evident, and that it is probably piped under and through the property. Attorney McCoy noted that Joseph Theroux, the Town's Conservation Officer, has provided an opinion to the applicant, indicating he has reviewed the revised plan and, due to the overall distance of the proposed activities from the delineated wetlands, no wetlands permit is necessary. A copy of this correspondence is in the file.

In reference to the Attorney's comments regarding wells, Mr. Brown asked how many wells are on the property. Attorney McCoy stated that there are three wells, but that two are capped and not being used. They will not, however, be left abandoned.

Chairman Adams asked for public comment in favor of the application, to which there was none.

Chairman Adams asked for public comment in opposition to the application, to which there was none.

Chairman Adams then asked the public if there were questions for the applicant. Ellie Grant of Blueberry Lane, Donald J. Grant InterVivos Trust trustee of the of the property at 41 Blueberry Lane affected by the right of way, asked where the gate at the back of the property was located. The Attorney pointed it out for her on the plan, and it was noted that the front gate is the access point to the right of way.

MINUTES
PUBLIC HEARING

Betsey Barrett of 14 Bundy Hill Road, stood to say that the gate at the woodlot used by her father, Charles Palmer, needs to be accessible to them so that they have access to that woodlot. The Attorney assured her that they would have access to the right of way through the front gate.

Mr. Murphy noted for the record that his Staff Report has been received by the Commission and a copy is in the file. He also noted that the public hearing signage had been updated and properly re-installed at the site to give public notice. He then stated that he recommended against any outside sales of used cars. He noted that the applicant agreed to move any sales vehicles indoors. The commission now needs to consider whether to allow that use or not allow it based on an evaluation of the provisions of section 9.

Chairman Adams asked the Commission members if they had any further questions, to which there were none.

Mr. Murphy then made a few points regarding the site. He stated that historically, his research seems to indicate that the outside of the building was utilized as parking spaces for people and employees at the site. Uncas Health looked at the septic system and has considered it a continuation of historical use. The applicant will have a maximum of five employees, probably less than previous uses, and that no living quarters will be permitted. The A-2 Survey has eliminated pavement from the site. He then noted that administratively, the Commission is at the end of the public hearing process and should close the public hearing.

Attorney McCoy stated that the applicant had submitted a waiver request for the A-2 survey, but later decided it was in their best interest to submit one. Therefore, the A-2 Survey waiver request is being withdrawn. Mr. Murphy noted that the applicant has not proposed to do enough to the site to require an engineer.

Mr. Murphy then summarized the following key recommendations, which should be considered. These would be detailed and articulated in a motion during deliberations:

1. Eliminate outdoor car sales from the plan
2. Coordinate access changes with CONNDOT
3. One way exit and entry points for safety, with an 18-foot exit apron to allow for the larger trucks to safely circulate.
4. Eliminate the northern most parking space shown on the plan for reasons of access to the front bay door.
5. Minimize lighting and shield any glare.
6. The applicant should specify hours of operation to be considered by the commission.
7. An encroachment permit from the State will be required. Should DOT change the access, the applicant must return to the Commission.
8. The cost estimate has been submitted at \$17,500.00, but it is recommended that it be raised an additional \$2,500.00 to cover additional costs.
9. Monitored wells should be protected but not capped off.
10. Signage is to be displayed on the building only at this time.
11. Landscaping height and spacing to be clarified and old pavement removed from millings area.
12. A Certificate of Location will be needed, pending approval of this special permit application.

The planner also suggested hours of operation be confirmed during the hearing. Attorney McCoy stated they are

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
TUESDAY, NOVEMBER 9, 2021
Page 4 (cont)

to be Monday through Saturday, from 8:00 AM to 5:00 PM. He also noted that there will be sporadic use of the facility by tow trucks after hours.

Mr. Giroux noted that the existing spray booth inside the building should be considered illegal, and he wants it noted for the record that it should be torn down or brought up to code.

Mr. Hull questioned the Planner, asking if the elimination of used car sales was because the Commission didn't want to see the expansion of the nonconforming use of the site. Mr. Murphy responded that in order to protect the integrity of the Town's regulations, the Commission must be cautious of the expansion of historical use of the site. Chairman Adams asked the Planner if the applicant could later petition the Zoning Board of Appeals for an expansion, to which Mr. Murphy answered that the applicant does have the right to petition the Zoning Board of Appeals. He also noted that, with the approval of this special permit, the Town will be able to establish a use on this site and will be able to better handle any alteration of its use in the future.

Carl Brown, Building Official / Zoning Enforcement Officer, noted that any potential change of use (building use) at this site would require an applicant to bring the building up to current building code.

This public hearing was closed at 7:37 PM.

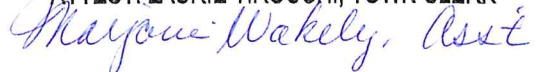

Elaine Joseph, Clerk

Approved _____
Robert Adams, Chairman

RECEIVED FOR RECORD AT LISBON

CT ON 11/15/2021 AT 10:45am

ATTEST: LAURIE TIROCCHI, TOWN CLERK

 Laurie Tirocchi, Asst. Clerk