

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
LISBON TOWN HALL
TUESDAY, JUNE 7, 2022
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, June 7, 2022:

6:30 p.m. – Application by Town of Lisbon Planning and Zoning Commission to amend the zoning regulations relating to the following sections: Section 1.3 (Purpose); Section 9, Inclusive (Non-conforming Uses and Structures); Section 10.2.4 (Opting Out of the Accessory Apartment Provisions of Public Act 21-29); Section 10.14, inclusive (Accessory Uses and Structures); Section 11.1 inclusive, 11.3, 11.4 (Special Permits); Section 12, 12.1, 12.6.7 (Site Plan Requirements); Section 13, 13.9.4a,z (Parking Ratios for Residential and Accessory Dwelling Units); and Section 13.13 (Opting Out of Certain Parking Provisions of Public Act 21-29).

6:45 p.m. – Application by the Town of Lisbon for special permit approval in accordance with section 4.3.3 and section 11 of the zoning regulations for construction of a 17,000 +/- SF Fire Station on an 8.5 acre +/- parcel at 25 Newent Road, Lisbon CT 06351, Assessor's Map ID 10/107/0000 in the R-60 zoning district.

MEMBERS PRESENT: Robert Adams, Randy Brown, Trevor Danburg, Ron Giroux, Ben Hull, III, Jason Lebel, Veronica Lutzen, Timothy Minor, Kim Sperry
MEMBERS ABSENT: Nathaniel Beardsworth (ALT)
STAFF PRESENT: Michael J. Murphy, AICP, Consultant Planner-SCCOG, Lisbon Town Planner

Chairman Adams read the legal notice into the record.

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

Application by Town of Lisbon Planning and Zoning Commission to amend the zoning regulations relating to the following sections: Section 1.3 (Purpose); Section 9, Inclusive (Non-conforming Uses and Structures); Section 10.2.4 (Opting Out of the Accessory Apartment Provisions of Public Act 21-29); Section 10.14, inclusive (Accessory Uses and Structures); Section 11.1 inclusive, 11.3, 11.4 (Special Permits); Section 12, 12.1, 12.6.7 (Site Plan Requirements); Section 13, 13.9.4a,z (Parking Ratios for Residential and Accessory Dwelling Units); and Section 13.13 (Opting Out of Certain Parking Provisions of Public Act 21-29).

Michael J. Murphy, AICP, Lisbon Town Planner, briefly outlined the amendments, noting that the State adopted legislation which provides stricter and more objective tests for applications. The Commission reviewed the requirements and came up with the amendments with the help of the Town Planner and the Town Attorney. He noted that 1.3 relates to purpose of the regulations, updating the purpose which controls and guides projects. He also noted that a substantial amount of amendments relate to non-conforming use, and used the old "Monarch Building" on Route 12 as an example of non-conforming use, being allowed to continue operating commercially but not being allowed to expand their operations.

Mr. Murphy noted that Section 9 reflects requirements of the State to allow for changes in non-conforming use. A new provision allows for review by the Planning and Zoning Commission, but the use can only be changed to a less intensive use than what is already there (scale down a site under the conditions of 9.6.2). As an example, a non-conforming property currently in Industrial use can only downgrade to a less intensive Commercial use, not the other way around.

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Mr. Murphy stated that Section 10 has been clarified for the Accessory use section. Section 11, 11.1.2 allows the Commission to attach other conditions, as well as upgrading and refining the special permit test. Previously, there was no definition of what "Character" meant. The State requires a physical standard, and the current standard was more subjective. Section 11.3 gives more flexibility to the evaluation of land use. Section 12 addresses site plan criteria regarding physical characteristics of a project. It removed reference to the value of a building or property values, as it gives the perception of devaluing a property.

Mr. Murphy noted that Michael Zizka, the Town Attorney for Planning and Zoning matters, recommended the addition for "opting out" for ADU's and affordable housing. Opting out of statutory restrictions actually protects the Town's ability to retain current regulations and make changes. He then noted for the record that the Town Attorney provided a memo outlining his recommendations and comments regarding the option for opting out. Mr. Murphy then noted for the record that both the Northeastern Connecticut Council of Governments and the Southeastern Connecticut Council of Governments received referral letters from the Commission, and Mr. Sam Alexander of the SECCoG submitted a response dated May 10, 2022 indicating no intermunicipal impact, noting that other communities are utilizing the opt out provisions as well. The NCCOG did not comment.

Mr. Murphy then noted for the record that he submitted his Staff Report to the Commission for review in their packets, and stated that the new amendments are consistent with the comprehensive zoning regulations and Plan of Conservation and Development 2016, in his opinion.

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.

This public hearing was closed at 6:55 PM.

The following public hearing was called to order by Chairman Robert Adams at 6:55 PM.

Application by the Town of Lisbon for special permit approval in accordance with section 4.3.3 and section 11 of the zoning regulations for construction of a 17,000 +/- SF Fire Station on an 8.5 acre +/- parcel at 25 Newent Road, Lisbon CT 06351, Assessor's Map ID 10/107/0000 in the R-60 zoning district.

Town Engineer, Robert Deluca, P.E. of CLA Engineers, Inc. 317 Main St, Norwich, CT 06360 was present to represent the Town of Lisbon. He noted that the property at 25 Newent Road is comprised of a considerable amount of ledge and that there is a big change in grade at the site. He noted 30-40 test pits were conducted to best site the location of the proposed fire station. They were required to mirror the station from its original proposed placement because the soil for the septic required the shift. He noted that he went before the Zoning Board of Appeals and received a variance for the set-back of the corner of the building. He then noted that there are wetlands in the southerly border of the property and an existing well, which belonged to the house that once stood on the property, and that it is technically located in a wetlands area.

Mr. Deluca noted that there is to be perimeter parking on both sides of the building and that the building can also be used for occasional meetings. The plan shows the proposed landscaping, electrical, a proposed perimeter swale to collect stormwater, and a retention pond to protect the wetlands from run-off impacts. The site is being cut into

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the ledge on the east side. The project will be in 2 phases – the first phase is bidding the earth work. He noted that the contractor has not been contracted yet and won't be until an approval is received by the Planning and Zoning Commission. He then noted that they have received approval from the Uncas Health District, the Conservation Commission and the Zoning Board of Appeals. They are still waiting on approval from the CT Department of Transportation, and that the well water approval is still pending from the Department of Health as well.

Mr. Danburg stated that it was originally thought there was room for an addition at a later time – is this still their intention? Mr. Deluca responded that without the architect here, he was not able to answer that question definitively. Mrs. Lutzen asked if the earth moving will add to the cost of the project, and Mr. Deluca noted that it is within the original budget. Dave Croughwell of Ross Hill Road, a representative of the Fire Station Building Committee, stated that they are still below the \$13 million. Mr. Hull asked, when the original cost estimate for the project was done. Chairman Adams noted that the cost of the project had nothing to do with the Special Permit application.

Mr. Murphy noted that he had submitted a Staff Report for Commission review. He noted the project has been through the process of public meetings, bonding, etc. This proposed station abuts the current fire department, school and general Town campus, and is located on a state highway. The Plan of Conservation and Development outlines the desire for a more efficient Town Center and this plan fits in with the community. He then noted that referral letters were sent not only to direct abutters but to those abutters within 500 feet of the property, as a list was provided to Staff by the Assessor's Office. Public Hearing signage was placed on the property as required, and Public Hearing notices were posted in the Town Hall and online, and in a local newspaper. He also noted that the Conservation Commission and the Zoning Board of Appeals approved the Town's applications before them and the variance from the Zoning Board of Appeals has been recorded on the land records.

Mr. Murphy did note that there were some minor landscaping issues, noting that there are two principle residences across the street. However, only one resident has visibility of the parking lot, but only from the street end of his long driveway. He noted that the landscaping plan addresses these issues.

Mr. Murphy addressed stormwater. He noted that the Town adopted significant changes to stormwater policies. The project will be creating a stormwater treatment train to capture run-off and will keep water from channeling into the wetlands and brooks. He stated that he thought it was a sustainable design. Parking spaces – one section is set behind ledge, but in the front west area, landscaping will help to soften the impact to the street and home across the street. The Commission can modify the landscaping requirements as it would benefit the Fire Station to use the parking area for training.

The Town Engineer confirms that the pole near the proposed entrance should not affect sight-line. He noted that if DOT requires a change to the entrance, they would have to come back to the PZC. He also noted that they will be putting in a large scale well and will be required to obtain a Certificate of Public Convenience and Necessity as a public building. He noted it is a three step process to attaining the permit.

Mr. Deluca then outlined the lighting plan. He stated that the electrical engineer designed lighting and that light disbursement will remain on site. The pole lights are pedestrian scale (12-15 feet high); he also added that small security lights will be over the doors.

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Mr. Murphy noted that the plans were referred to the Building Official, Uncas Health District and the Fire Marshal for comment. He noted that the Fire Marshal did not respond with any comments, which the Town Planner interprets to mean the Fire Marshal has no issue with the plan. Mr. Danburg asked if there were radon vapor barriers on the plan, because of the ledge? Mr. Deluca responded that it was a question for the architect, who was not present at the public hearing.

Chairman Adams asked if there was anyone present to speak in favor of or against the application. Mr. Thomas Danieluk, 40 Newent Road, asked if the lights in the parking lot were to be on motion detectors? Dave Croughwell of the Fire Station Building Committee answered in the affirmative. Karen Arremoney of 60 Ross Hill Road asked if the townspeople will be notified before blasting of the ledge occurs? Mr. Murphy responded that blasting is regulated by the Fire Marshal and he will normally require necessary blasting surveys, also noting that blasting is an insurance and fire code issue, not zoning issue. He did note that they are normally would be required to notify property owners within a certain distance of the site.

Mr. Murphy noted for the record that a list of all abutting property owners and a drainage report was submitted by the Engineer.

Chairman Adams again asked for public comment, to which there was none.

This public hearing was closed at 7:33 PM.



Elaine Joseph, Clerk

Approved _____
Robert Adams, Chairman

RECEIVED FOR RECORD AT LISBON
CT ON 6/14/2022 AT 9:38am
ATTEST. LAURIE TIROCCHI, TOWN CLERK
Laurie Tirocchi