

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
LISBON TOWN HALL
TUESDAY, JANUARY 3, 2023
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, October 4, 2022:

6:30 p.m. – Application by Town of Lisbon Planning and Zoning Commission, 1 Newent Road, for Zoning Regulation Amendment to Section 2.3.4 (Prohibitions) to add a subsection “o”, proposing an interim prohibition of cannabis establishments in the Town of Lisbon.

6:45 p.m. – Special Permit Application by River Road 1, LLC (Nicholas Allello), 143 River Road, for proposed 10,096 +/- s.f. multi-tenant restaurant/retail building and associated site improvements including 79 parking spaces, two one-way curb cut driveways and traffic operations improvements, landscaping, pedestrian sidewalks, site utilities & lighting, dumpster enclosures and a stormwater management system, on a 6.54 acres parcel (Assessor’s Map ID 14/045/0000) in the BV-II zoning district.

MEMBERS PRESENT: Ron Giroux, Randy Brown, Trevor Danburg, Ben Hull, III, Jason Lebel, Veronica Lutzen, Kim Sperry, Timothy Minor, Nathaniel Beardsworth (ALT), Kelly Clatt (ALT)

MEMBERS ABSENT: Robert Adams

STAFF PRESENT: Michael J. Murphy, AICP, Consultant Planner-SCCOG, Lisbon Town Planner

Vice-Chairman Giroux read the public hearing notice into the record.

The following Public Hearing was called to order by Vice-Chairman Ron Giroux at 6:40 PM:

Application by Town of Lisbon Planning and Zoning Commission, 1 Newent Road, for Zoning Regulation Amendment to Section 2.3.4 (Prohibitions) to add a subsection “o”, proposing an interim prohibition of cannabis establishments in the Town of Lisbon.

Michael J. Murphy, AICP, Lisbon Town Planner noted that the proposed regulation is designed as an interim prohibition to limit cannabis sales until the Commission adopts more in-depth regulations. The proposed regulation adds subsection “o” to Section 2.3.4 Prohibitions. He noted for the record that the Commission’s proposed regulation was referred to the Northeast Connecticut Counsel of Governments and the Southeast Connecticut Counsel of Governments; Nicole Haggerty, AICP, Planner II of the SECCoG responded with a letter of no inter-municipal impact, a copy of which is in the file and was read by Mr. Murphy into the record. Mr. Murphy noted that the Land Use Attorney recommended options, including the establishment of an “extinguish date” which would give the Commission time to establish regulations. Mr. Murphy also noted that cannabis use in the State of Connecticut is now discretionary and not just for medical use. Without regulations addressing cannabis, an application before the Commission would have to be considered as any other similar use. Mr. Murphy stated that the proposed regulation is in keeping with the Commission’s 2016 Plan of Conservation and Development in terms of protecting the general welfare.

Vice-Chairman Giroux asked for comment from the Commission, to which there was none. He then asked for public comment in favor of or against the application, to which there was none.

This public hearing was closed at 6:50 PM.

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The following Public Hearing was called to order by Vice-Chairman Ron Giroux at 6:50 PM:

Special Permit Application by River Road 1, LLC (Nicholas Allello), 143 River Road, for proposed 10,096 +/- s.f. multi-tenant restaurant/retail building and associated site improvements including 79 parking spaces, two one-way curb cut driveways and traffic operations improvements, landscaping, pedestrian sidewalks, site utilities & lighting, dumpster enclosures and a stormwater management system, on a 6.54 acres parcel (Assessor's Map ID 14/045/0000) in the BV-II zoning district.

Mr. Kevin Hixson, Senior Project Manager / Principal of BL Companies, 355 Research Parkway, Meriden, CT 06450 was present. He submitted the return receipts from the abutters' notifications and a copy of the abutter's notification for the record. He noted that all receipts but two had been returned to him, noting that Home Depot USA Inc. and Jenny B Realty, LLC had not yet been received. Mr. Murphy requested that Mr. Hixson submit copies of the remaining receipts as proof of having sent them.

Mr. Hixson outlined areas on the plan, stating that there is a considerable elevation difference in the back of the property. He noted that the applicant has other plans for the rear parcel, which will eventually require a separate application. He noted that CONNDOT District II Traffic Engineer has signed off on a preliminary design on Route 12. His architectural elevation shows that the project will allow for four tenants, including a proposed Starbucks with drive-thru lane. He noted on the plan where the dumpsters and propane tanks locations are detailed. He then noted that the underground storm-water detention system is outlined on the plan. He noted that the applicant will be considering the reduction in parking spaces, and that they are in receipt of comments from the Water Pollution Control Authority, which is in the file.

Mr. Hixson noted that there will be substantial landscaping on the north and south sides, which will incorporate a one foot high berm in the front along Route 12 as recommended by the planner. He then noted that the light poles are to be 19 feet high, in compliance with the Town's regulations. It was then noted for the record that the applicant submitted an Erosion Control Plan, which is in the file and on the Town's website for review by the public.

It was noted for the record that updated plans with changes made addressing comments by Staff were submitted on December 20, 2022 and are in the file. An architectural element, a metal band feature, remains up for discussion, as it may not comply with regulations. Mr. Hixson noted that the rooftop units will be screened, keeping in mind future plans for development in the back area.

Mr. Hull asked what the distance was from the property line to the highway, to which the answer was 100 feet. He then asked the engineer if the completion of this project was contingent on the ability for future development in the back of the property, to which the answer was "no".

Mr. Giroux noted that there should be striping and/or a sidewalk from the parking spots to the other stores, showing concern for the foot traffic that will be required to cross through the drive thru lane. He also questioned where the snow piles will be, noting that as snow melts, ice forms and snow management is a concern.

Mrs. Sperry asked if there is 2-way traffic on the east side of the development; Mr. Hixson replied that they will be re-looking at the area. They are proposing stop signs to ensure safety. Mrs. Sperry asked if out-door dining is planned, to which Mr. Hixson indicated a seasonal outdoor patio area will be fenced in.

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Mr. Murphy gave his report noting that the plans were submitted both in 20-scale and 40-scale, to give the Commission a better ability for understanding the layout of the building, parking areas, drive-thru, grading, and rain gardens. Mr. Brown asked why the landscaping elements by the drive thru lane were three sided. Mr. Hixson noted that they are to be used as rain gardens. Mr. Clatt questioned the logistics of north traveling traffic turning left into the parking lot. Mr. Hixson noted there will be a left turn lane.

Mr. Murphy stated for the record that he provided a detailed Staff report to the Commission. He noted that the applicant provided the mail receipts and that it will be reviewed by staff. The public hearing signage was installed within the required time frame. He also noted that the plan was referred to more agencies than the Commission normally does, including sewer and water agencies and CONNDOT District II. Water Pollution Control Authority provided comments and the applicant's responses were put up on the website for public review. Mr. Murphy noted that the architectural plans were very representative of detail, but not totally accurate.

Jason Lebel left the public hearing at 7:17 PM.

Mr. Murphy noted that title commitments had been submitted. Information related to property agreements and stipulations are in the file. These items are still in review. He notes the applicant has done a tremendous amount of work and has been very responsive to Staff comments. Mr. Murphy believes sewer capacity should not be an issue, but noted that the Jewett City Water Company has yet to respond to the referral. Water will be an important aspect. He also noted that the Town is considering a LOTCIP Grant for sidewalks and the applicant is being asked to consider extending the sidewalk further along the property frontage and coordinating with the Town's plan.

He reiterated that the applicant will likely consider another development behind this project, and property access was referred to CONNDOT. The District traffic engineer agrees that a median is needed to make the one-way traffic scheme work. The planner noted that a 2020 letter denying purchase or lease of land for access easements to the traffic signal from CONNDOT was part of the record. Also, a stipulation between Phillip Price (Winner Ford) and Crossing at Lisbon laid the groundwork for allowing access in the back of the project behind Chili's. After considering the smaller scale of this project, along with lengthy discussions with CONNDOT Rights of Way and the District Traffic Engineer, Murphy recommended that the applicant provide access as necessary to the light and/or to the access road at Crossing at Lisbon, with any future development at the site.

He then noted that the applicant inquired about erecting a SEAT bus shelter at the site. Mr. Hixson noted that the applicant had not heard back from SEAT at that point.

Mr. Murphy noted that the applicant was conservative on parking spaces, in keeping with low-impact development. He does not recommend the reduction of rain garden areas due to storm-water retention. He also noted that the entrance is 20' wide to accommodate trucks. He noted that the applicant should come back with an application for signage in the future. The architectural detail of the proposed textured metal may be prohibited by 10.13 of the regulations (prohibition of pre-fab steel panels). Mr. Hixson noted he will submit building material samples.

Mr. Murphy noted the following correspondence for the record:

CLA Engineers comments relative to drainage, dated Dec 29, 2022; CONNDOT District 2 Traffic engineer comments; Planner's email to CONNDOT regarding access rights of way, dated December 30, 2022; Planner's Staff report;

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Correspondence with Amy Martinez regarding subject State land, dated January 24, 2020; Receipt of the applicant's \$2500.00 supplemental fee; Letter from WPCA, dated December 16, 2022; photographs of the public hearing signage as installed; Email to the applicant, dated December 8, 2022, to provide correspondence to CONNDOT; Uncas Health District Comments dated December 14, 2022.

Vice-Chairman Giroux asked for public comment. Bill Krauss of Ross Hill Road stated that DOT controls all four corners of the ramps on Route 12/I-395, and doubts they will give up their rights to the access points mentioned.

Vice-Chairman Giroux asked if there was any other public comment, for or against the application, to which there was none.

This public hearing was continued to February 7, 2023 at 6:30 PM.
This public hearing was out at 8:01 PM.



Elaine Joseph, Clerk

Approved _____
Ronald Giroux, Vice-Chairman

RECEIVED FOR RECORD AT LISBON, CT
ON 01/10/2023 AT 11:46 am
ATTEST. MICHELLE GRANT, TOWN CLERK
