

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
LISBON TOWN HALL
TUESDAY, JANUARY 2, 2024
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, December 5, 2023:

6:30 p.m. – Application by Town of Lisbon Planning and Zoning Commission, 1 Newent Road, for Zoning Regulation Text Changes within Sections 4, 5, 10, and 19 for Family and Group Childcare Establishments, to come in to compliance with State mandates.

6:45 p.m. – Application by MSI, LLC, Applicant, for Zoning Regulation Text Changes within Section 5.B.3.1 for Gasoline Pumps in the BVIII Zone.

MEMBERS PRESENT: Robert Adams, Kelly Clatt, Trevor Danburg, Ron Giroux, Ben Hull, III, Jason Lebel, Veronica Lutzen, Kim Sperry, Timothy Minor, Andrew Gil (ALT)

MEMBERS ABSENT: Nathaniel Beardsworth (ALT)

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

Chairman Adams read the public hearing notice into the record.

The following Public Hearing was called to order by Chairman Robert Adams at 6:34 PM:

Application by Town of Lisbon Planning and Zoning Commission, 1 Newent Road, for Zoning Regulation Text Changes within Sections 4, 5, 10, and 19 for Family and Group Childcare Establishments, to come in to compliance with State mandates

Mr. Murphy noted for the record that his report, a copy of which was available on-line for public review, was provided to the Commission members in their packets and is in the file. He noted that Public Act 23-142 permits the operation of a Family Child Care Home or Group Child Care Home business from a single-family home in a residential area without a requirement for a special permit. He noted that these home childcare businesses are licensed by the State. The State now requires that all municipalities bring their zoning regulations into compliance with this. He noted that the First Selectman responded to the State's request for compliance prior to December 1, 2023, acknowledging this requirement and forewarning them of the proposed text amendment.

Mr. Murphy noted that "Family Child Care" consists of no more than six children; "Group Home Child Care" consists of no more than twelve children, but is run from a separate facility. Family and Group Child Care Homes operated out of homes will be added to Section 10.14 as an "accessory use". A permit from the zoning official plus staff agency review is all that is needed. He notes this amendment is consistent with the Plan of Conservation and Development (2016), fitting under "social goals", and addresses the requirement of the public act.

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
TUESDAY, JANUARY 2, 2024
Page 2 (cont)

Mr. Murphy noted for the record that a referral was submitted to the Southeast Connecticut Council of Governments and the Northeast Connecticut Council of Governments. The Town received a written response form SECCoG on December 28, 2023, which was read into the record, noting there is no intermunicipal impact. No other public comment received on the matter. He also noted that the public hearing was advertised as required.

Alternate Andrew Gil asked if these childcare facilities would require an administrative permit, to which Mr. Murphy responded "yes", but stated that municipalities do not always track home childcare facilities. This will allow the Town to have a record of their locations in case there are any complaints.

Mr. Hull asked who determines the cost of the permit? Mr. Murphy responded that it was a question for the Zoning Enforcement Officer, who was not present at the public hearing.

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

This public hearing was closed at 6:48 PM.

The following Public Hearing was called to order by Chairman Robert Adams at 6:48 PM:

Application by MSI, LLC, Applicant, for Zoning Regulation Text Changes within Section 5.B.3.1 for Gasoline Pumps in the BVIII Zone.

Attorney Dory Famiglietti of Kahan, Kerenski and Caposella, LLP, Post Office Box 3811, 45 Hartford Turnpike, Vernon, CT 06066 was present to represent the applicant. It is also noted for the record that Darren Hayward of CLA Engineers, Inc. 317 Main St, Norwich, CT 06360 was present, as were the property owners. Atty. Famiglietti noted that an informational discussion was had at the July 11, 2023 meeting regarding the BV-III zone and the proposed future use of the currently vacant property at 143 South Burnham Highway. The Attorney introduced Darren Hayward and his proposed concept plan for the site, intended to show how the project could meet the revised standard proposed. It was noted that, being at the start of the National Heritage Corridor Scenic Byway, the Town would like something less than typical for any potential project. It was also noted that this property is in a split zone (BV-III in front and residential behind) and eventually, the applicant would consider returning to the Commission for a zone change to strictly BV-III. Mr. Hayward noted that the rear of the site is ledge. It was noted that the Plan of Conservation and Development recognizes that the BV-III zone is underdeveloped, and also noted that there is not a lot of consistency in the area, with BV-I, auto repair and sales shops, and single family homes being in the vicinity. Also noted was that, in order to have pumps on the side of the building, rather than the back, the regulations would need to be changed as proposed.

Mr. Murphy disclosed for the record that Mr. Hayward works for CLA Engineers, Inc., which is our Town Engineer. He noted that Mr. Hayward was currently working in the capacity as the applicants' engineer and planning staff has not referred the plan to CLA (Town's Engineer) for any comments or

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
TUESDAY, JANUARY 2, 2024
Page 3 (cont)

input. He entered into the record his Staff report, noting that a copy was available on-line for public review and was provided to the Commission members in their packets.

Mr. Murphy stated that the text amendment affects only this property, as it is effectively the only one in the BV-III zone, and is a linear extension adjacent to the BV-I zone. He noted that the POCD talks about the village zones in this specific area of Route 169 not working as-is, and standards for this area to be re-evaluated and assessed.

He then noted that the legal ad was noticed as required but that it did not need to be referred to the Council of Governments because of this zone's centralized location, not being within 500 feet of an abutting town. He then noted that other standards, such as the drive-thru window being in the back, would not be affected by the amendment. He also noted that the 2016 Corridor Management Plan for the Scenic Byway was reviewed and staff feels the standards recommended in that report can be met by the applicant if required by the Planning and Zoning Commission at the Special Permit.

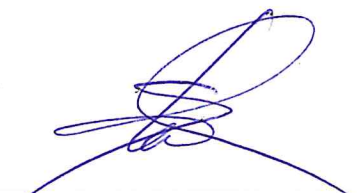
Attorney Famiglietti interjected that this text amendment still allows the Commission to set the character of the building and landscaping. Mr. Murphy noted there have been two plans approved for this site previously, neither of which were ever completed.

Mr. Giroux commented that this application is for text amendment only and feels the language should have been read into the record at the beginning of the public hearing, rather than a discussion and review of a proposed site plan. The Attorney acquiesced and read the proposed language into the record.

Mr. Murphy noted that this application should not be looked at in a vacuum because the BV-III zone is effectively only one parcel in town. He did concur with the applicant's decision about submitting a sample plan and noted that there is a serious design flaw with the current regulations that require that both the drive-thru window and stacking lane, and the gasoline dispensing facilities be at the rear of the building since it creates an unsafe traffic flow situation.

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

This public hearing was closed at 7:42 PM.



Elaine Joseph, Clerk

Approved _____
Robert Adams, Chairman

RECEIVED FOR RECORD AT LISBON, CT
ON 01/08/24 AT 11:39
ATTEST. MICHELLE GRANT, TOWN CLERK
