

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
LISBON TOWN HALL
TUESDAY, FEBRUARY 6, 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, February 6, 2024:

6:30 p.m. – Application by Town of Lisbon Planning and Zoning Commission, 1 Newent Road, for Zoning Regulation Text Changes within Section 16.2, Zoning Board of Appeals – Administration, for additional notice to abutters for variances and appeals.

6:45 p.m. – Application by Nicholas Alletto of River Road I, LLC, Applicant, for Zoning Regulation Text Changes within Section 15.8.2 for free standing signs in multiple use commercial developments in the BV Zones.

MEMBERS PRESENT: Robert Adams, Kelly Clatt, Trevor Danburg, Ron Giroux, Ben Hull, III,
Veronica Lutzen, Timothy Minor, Andrew Gil (ALT), Nathaniel Beardsworth (ALT)
MEMBERS ABSENT: Jason Lebel, Kim Sperry
STAFF PRESENT: Michael J. Murphy, AICP, Consultant Planner- SCCOG, Lisbon Town Planner
Carl Brown, Zoning Enforcement Official / Building Official, Town of Lisbon

Chairman Adams read the public hearing notice into the record.

The following Public Hearing was called to order by Chairman Robert Adams at 6:31 PM:

Application by Town of Lisbon Planning and Zoning Commission, 1 Newent Road, for Zoning Regulation Text Changes within Section 16.2, Zoning Board of Appeals – Administration, for additional notice to abutters for variances and appeals.

Michael J. Murphy, AICP, Lisbon Town Planner 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 this method of requiring applicants of the Zoning Board of Appeals to submit a Certificate of Mailing is a means of additional notification practiced by the Planning and Zoning Commission. This requirement to notify abutters, including across the street, allows for additional notice to the Public Hearing notices that are published on the Town's website and published twice in the local newspaper (the Bulletin), as is required by the State. This gives the neighboring property owners notification of proposed activity that may affect their own properties. Mr. Murphy noted that in considering this proposed text amendment he found that it met with the broad social goals and community engagement as outlined in the 2016 Plan of Conservation and Development. He then noted that this public hearing was advertised as required. Mr. Murphy noted for the record that a referral was submitted to the Northeast Connecticut Council of Governments and Southeastern Connecticut Council of Governments for comment. A copy of a response of no intermunicipal impact from the Southeastern Connecticut Council of Governments was read into the record and is in the file. No other public comment

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was received on this matter.

Ben Hull asked about the basis for this proposed text amendment and would this requirement discourage future applicants from submitting applications to Zoning Board of Appeals? Mr. Giroux clarified the process of Zoning Board of Appeals applications and Chairman Adams noted that it is important to notify abutters of an application being considered in their neighborhood, beyond the Public Notice and legal ads. Mr. Murphy clarified that most applications that go before the Zoning Board of Appeals were not for Planning and Zoning denials but for denials or interpretations made by the Zoning Enforcement Officer for zoning permits. He once again clarified that this method of notifying abutters is similar to that of applicants that come before the Planning and Zoning Commission for a Special Permit application. Mr. Hull then asked if the Zoning Board of Appeals generally vote on an application the same night as the public hearing, to which the answer was, often times yes.

Alternate Andrew Gil asked for the definition of "Abutting Properties". Mr. Murphy noted that what is being proposed here, is existing language within the regulations for Planning and Zoning Commission special permit applicants in regard to requirements for notifying abutters of these applications, including notification to those properties across the street. He once again noted that our regulations require a review of all Zoning Board of Appeals applications by the Planning and Zoning Commission, which is then entered into the record at the Zoning Board of Appeals' public hearing.

Alternate Nathaniel Beardsworth entered at 6:54 PM.

Chairman Adams asked for public comment in favor of the application. Michele Chamberlain of 197 Ross Hill Road asked for further clarification of the process, which was explained to her. She then noted that she experienced a situation where a project happened on an adjacent property whereby she was not notified. She noted that had she been aware of an application before the board or commission, she may have been able to voice her concerns for the project, which she believes caused damage to her leaching fields, well and the foundation of her house.

Philip Kinslow, 63 Kinsman Hill Road, asked for clarification of the process of an appeal. Mr. Murphy explained the process of an appeal, stating that the Zoning Board of Appeals can overturn the decision of the Zoning Enforcement Officer if they have good reason. An appeal is a challenge to the Zoning Enforcement Officer's decision, such as a cease and desist order. Mr. Kinslow then asked, what does the Commission do to notify the public of a meeting? Mr. Giroux responded that notice of public hearings are published in the Norwich Bulletin newspaper, twice; the notices for public hearings and agendas for all other meetings are put up on the Town website; and furthermore, people have the option to subscribe to any and all boards, commissions and committees of the Town, which, when an agenda is published on the website, will send an automatic email notification of the agenda to subscribers. Mr. Kinslow then asked why the Planning and Zoning Commission never sends a report to the Zoning Board of Appeals, explaining why an application was not passed? Chairman Adams responded that per our regulations, the Zoning

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Board of Appeals must send a referral to the Commission for each application before them, and the Commission then responds with their opinion on the application, generally based on Staff review and recommendation. Mr. Kinslow asked why notifying the neighbor across the street is relevant as, in his opinion, a project across the street has no effect on them. The response from the Planner was that whether or not activity across the street from a neighbor has an effect on that neighbor is subjective, and that the activity could very well affect that property. He also clarified that the Planning and Zoning Commission handles bigger projects, such as large housing developments and commercial operations, not the often smaller, accessory buildings requesting zoning/ building permits.

Brandi Larkin, 202 Preston Allen Road, asked how this text amendment will increase community engagement, and has the Commission considered the burden this puts on the applicant? Why doesn't the Town notify the abutters instead, adding the cost of doing so to the filing fee? Mr. Giroux noted that this was never considered by the Commission. Mr. Murphy noted that State Statutes require the newspaper notice, the cost of which is intended to be covered by the application fee, although prices have risen exponentially since the inception of the fee ordinance. Should the Town be required to notify the applicant's abutters, it would become cumbersome administratively, because each individual application would have different mailing cost requirements. He then noted that the requirement for applicants to notify abutters is a common practice in towns and cities throughout the State of Connecticut, and Staff did not consider the Town taking on the applicant's responsibility with this proposed text amendment. Mrs. Larkin stated that she believes there are things in place that are not working and are not necessarily the best way to meet "community engagement". Chairman Adams stated that it is the Commission's belief that there is no better way to notify an abutter of an application than to have a letter with all the pertinent information mailed to them directly. Mr. Murphy noted that the process by the Commission to have their applicants mail notifications to abutters has worked masterfully and consistently.

Chairman Adams asked for public comment opposed to the application. Leo MacDonald, 332 South Burnham Highway identified himself as the Vice Chairman of the Zoning Board of Appeals. He stated that the vast majority of the applicants that come before the Board live on small lots and want to build a small shed or garage and use their lot to its best advantage. He noted that 90 plus times out of a 100, the Zoning Board of Appeals gives the property owner the variance. Most of these people that come to the Zoning Board of Appeals, in his opinion, are of low to medium income and do not have the money to purchase bigger lots, and so the Board gives them the variance. He stated that the Zoning Board of Appeals recommends, not requires, that the applicants talk to their abutters and get letters that indicate their support or concerns for the variance. He noted that the Zoning Board of Appeals is required by State law to put costly notices in the paper. He noted that a State Senator tried to pass legislation that would negate this requirement and require towns to put the notices up on their websites instead, but this bill was withdrawn for political reasons. He then explained the process by the Zoning Board of Appeals when an application is submitted. He thinks that as a commission, the Planning and Zoning Commission should be more concerned with the State requirements for newspaper ads and actively petition the State to change

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the law, rather than adding another layer of bureaucracy to the application process. He stated that the average homeowner does not understand government, bureaucracy and the paperwork involved. In conclusion, he stated that he has done extensive traveling throughout the State of Connecticut and he has never seen a board that harassed its citizens as much as this Commission has.

Chairman Adams asked if there was anyone else to speak in opposition to the application, to which there was none. Michele Chamberlain asked about the process of obtaining building permits. The Town Planner explained that the Zoning Enforcement Officer could not issue a building permit if the project did not meet regulation requirements, and so the Zoning Board of Appeals would have to issue a variance before a building permit could be issued in cases where a project does not meet regulations. The cost for the building permit and/or zoning permit would be incurred once the variance is granted, not prior to it being granted. He also noted that the process of obtaining building permits has nothing to do with this Commission's responsibilities.

Mr. Murphy noted for the record that State Statute 8-11 governs and limits participation by Zoning Board of Appeals members in front of other zoning commissions, and respectfully asked that the gentleman from the Zoning Board of Appeals clarify his position as to who he represented while speaking – the Zoning Board of Appeals, or himself personally. Mr. MacDonald replied that he spoke and gave comment as a resident, not as a member of the Zoning Board of Appeals.

Ben Hull asked Mr. Murphy to clarify a comment in his Staff Report about lack of clarity in some ZBA applications. He also asked whether requiring notification to abutters goes over and above the State requirements for notification? Mr. Murphy stated that one recent application asked for two locations for a shed variance. He also noted that requiring these letters to abutters goes over and above State notification requirements and this text amendment, if adopted, will make the regulations for notification requirements for both the Zoning Board of Appeals and Planning and Zoning Commission consistent with each other.

This public hearing was closed at 7:41 PM.

The following Public Hearing was called to order by Chairman Robert Adams at 7:41 PM:

Application by Nicholas Alletto of River Road I, LLC, Applicant, for Zoning Regulation Text Changes within Section 15.8.2 for free standing signs in multiple use commercial developments in the BV Zones.

The applicant, Nicholas Alletto of River Road I, LLC, 10 Park Row West #416, Providence, RI 02903 was present. He noted that he is the developer of the multi-use retail development presently in construction at 143 River Road, and noted that this is the first multiple use retail development outside the IP-I zone. He noted that it is his vision to begin with four businesses at that location but this may possibly increase

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it to six in the future. He stated that his proposed text amendment will allow for an intermediate sized sign, similar to what the larger retail developments have but more proportional to the size of his development. He then submitted a sample rendering as an example of what could potentially be proposed in the future, should the proposed text amendments be adopted. He noted that the size of the sign would allow drivers to read the sign without struggling to do so as they drive by. Mr. Giroux noted that these renderings are not relevant to this text amendment application, and questions regarding the rendering should be avoided at this public hearing. Mrs. Lutzen asked why this is not something that should have gone to the Zoning Board of Appeals instead of creating a regulation change? Mr. Murphy noted that it is the intent of the applicant to propose a text regulation amendment that would affect any multi-use retail development in the BV zones, not just this particular property. This alternative was suggested as more appropriate than obtaining relief from the ZBA. The current regulation allows for signage of only 16 square feet in the BV zones. This amendment, should it be approved, will allow for a larger, and what the applicant believes to be, more appropriately sized sign for these retail developments in the BV zones. Mr. Giroux noted that the applicant consulted with the Town Planner ahead of time and his request for signage dimensions is not arbitrary.

Chairman Adams asked for public comment in favor of or against the application.

Philip Kinslow, 63 Kinsman Hill Road, stood to say that he thinks the Commission needs to be more favorable of the businesses in town to help with our tax revenue.

Mr. Murphy noted for the record that his Staff Report is in the file and that the application was referred as a courtesy to the Council of Governments, noting that the Southeastern Connecticut Council of Governments replied with a comment of no intermunicipal impact. He noted that our regulations allow for the larger retail building signs to be internally illuminated and it is within the purview of the Commission to decide if this intermediate signage should be internally illuminated or externally lit.

This public hearing was closed at 8:22 PM.



Elaine Joseph, Clerk

Approved _____
Robert Adams, Chairman

FEB 12 '24 AM 11:47
RCV LISBON TOWN CLERK
Janet Hefner ASST.