

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
LISBON TOWN HALL
TUESDAY, JUNE 5, 2018
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, June 5, 2018.

6:30 P.M.: Application for special permit by Dakota Construction, LLC, of Griswold, CT by Boundaries, LLC in accordance with section 10.6 and section 11 of the zoning regulations for a proposed Rear Lot at 31 Strawberry Street, Lisbon CT 06351, map/block/lot 17/005/0039, lot area 2.95 acres, in the R-40 zoning district.

MEMBERS PRESENT: Robert Adams, Kim Sperry, Ben Hull, III, Garry Ritacco,
John Dempsey, Trevor Danburg, Sharon Gabiga, Timothy Minor (ALT)
MEMBERS ABSENT: Ron Giroux, Cheryl Blanchard
STAFF PRESENT: Michael J. Murphy, AICP, Consultant Planner-SCCOG, Lisbon Town Planner

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

Application for special permit by Dakota Construction, LLC, of Griswold, CT by Boundaries, LLC in accordance with section 10.6 and section 11 of the zoning regulations for a proposed Rear Lot at 31 Strawberry Street, Lisbon CT 06351, map/block/lot 17/005/0039, lot area 2.95 acres, in the R-40 zoning district.

John Faulise, of Boundaries, LLC, 179 Pachaug River Drive, Griswold, CT was present. He stated he submitted 10 copies of the plan originally, and submitted more copies at this public hearing. He also submitted for the record, a handbook dated 5/24/2018, as a response to Staff report. Also submitted was the certified receipts, abutters list and a copy of the letter to abutters previously sent, and photos of Public Hearing signage posted at the property on 4/17/2018, in advance of the May 1 public hearing. He also submitted 3 sheets of the 1987 Subdivision Plans.

Mr. Faulise stated that on May 30, 2018, the Town of Lisbon Conservation Commission approved their application. He also read into the record, section 8-2b.a. of the Lisbon Zoning Regulations, which were in place during the time of submission for the original subdivision application in 1987. He also read section 9.8 Flag Lots of the Zoning Regulations. Mr. Faulise stated that under 9.8.1, a Special Permit is required to obtain building lot status. At the time of the subdivision, Strawberry Street did not exist for Lot #39. Mr. Faulise then submitted the following: Copy of the December 16, 1987 Conveyance of Strawberry Street; copies of 1989 P&Z Meeting Minutes; Uncas Health District Approval dated April 16, 2018; Notice of Decision in favor of the applicant, for the Conservation Commission May 30, 2018 Special Meeting.

Mr. Faulise stated that a curb cut permit had been previously obtained and a driveway was already paved.

Ben Hull, III, asked how the Statute defined an "improved lot"? The answer was, "improved lot" is a lot that has been built on.

Trevor Danburg questioned if there had been an expiration date for the 1987 approval.

Staff Michael Murphy stated that generally it should be completed between 5-9 years from original approval, however it would not be subject to the private aspects of building the house.

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Mr. Murphy explained that Lot #38 (43 Strawberry Street) is using an access driveway that belongs to lot #39. The existing lot is non-conforming to that access.

Mr. Murphy then raised questions about a plan that establishes buildable area. The application to wetlands should have gone first to Conservation, but it had not gone before them first. It would not meet the requirements of the current regulations (10.6).

Mr. Murphy then stated that the Town Attorney suggests there is some merit to the fact that the applicant has some protection under the original subdivision. However, the applicant's legal ad refers to Zoning Regulation 10.6, which is problematic as that regulation was not in effect during the time of the subdivision.

Mr. Murphy recommended that the applicant withdraw the current application, and resubmit and propose to construct under Zoning regulation 9.8. instead of 10.6., then noticed to the abutters as such. He then reiterated, that the safest thing would be for the applicant to withdraw, and resubmit.

Mr. Faulise stated that the submission of the original Subdivision plans of 1987 was their first intent. That was their original submission. Supplemental plans were discussed wit the Planner.

Mr. Murphy stated that this lot does not meet the current regulations for a building lot. He again recommended the applicant withdraw and resubmit, noting potential protection under 8.26.a and 9.8. He stated that resubmitting under different language would protect the public's right to know exactly what is being applied for and requested.

Mr. Faulise submitted a letter of concession to extend the public hearing for 30 days (July 3).

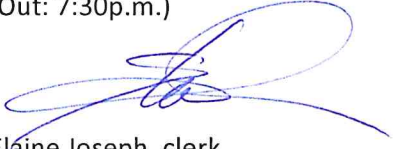
John Dempsey questioned if the applicant could instead apply for a waiver. Mr. Murphy stated that the applicant could apply for a variance; however that is not preferable since this alternative is available.

Mr. Hull asked if the Planning and Zoning Commission would be subject to an appeal if this application was approved as is, and Mr. Murphy answered yes, in his opinion.

Chairman Adams asked if anyone was there to speak in favor of the application, to which there was none. Chairman Adams asked if anyone was there to speak in opposition of the application, to which there was none.

This Public Hearing was continued to July 3, 2018.

(Out: 7:30p.m.)



Elaine Joseph, clerk

Approved: _____
Robert Adams, Chairman

RECEIVED FOR RECORD AT LISBON
CT ON 6/13/18 AT 9:10am
ATTEST. LAURIE TIROCCHI, TOWN CLERK
