

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
LISBON TOWN HALL
TUESDAY, March 1, 2011
6:30 P.M.

The Planning and Zoning Commission held the following public hearings in the Town Hall, 1 Newent Road, Lisbon, CT beginning at 6:29 PM on Tuesday, March 1, 2011.

1. 6:29 PM - Application for Special Permit: Lisbon Landing, LLC, 160 River Road, to approve front elevations and site plan of the proposed new Dick's Sporting Goods building adjacent to Cinema.
2. 6:30 PM – Application for Change of Zoning Regulations or Boundries: PSK Realty, LLC, 28 Ethyl Acres, proposed text amendment to Section 10.4.5g of the Zoning Regulations to allow for the construction/excavation of ponds of 2 acres or less.

MEMBERS PRESENT: Robert Adams, Ronald Giroux, Robert Browne, Kim Sperry,
David Gagnon, John Dempsey. Alternates: Garry Ritacco, Mark Frieese
STAFF PRESENT: James D Rabbitt, AICP, Senior Planner-SCCOG, Lisbon Town Planner

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

1. 6:29 PM - Application for Special Permit: Lisbon Landing, LLC, 160 River Road, to approve front elevations and site plan of the proposed new Dick's Sporting Goods building adjacent to Cinema.

David Sourette, Vice President of Construction for WS Development Associates, LLC, 1330 Boylston Street, Chestnut Hill, MA, represented the applicant. Mr. Sourette submitted copies of the site plan now depicting a proposed 8' space and concrete sidewalk between the two buildings, including gates at the front and back. He also submitted a revised elevation and sample boards of the exterior brick and efface colors. There were no questions from the Commission.

Staff J. Rabbitt read his letter dated March 1, 2011, recommending the Commission needed to address the waiver request. The proposed changes now meet the criteria. He also stated that the Walpole fence proposed by the applicant was also reviewed for the Aldi's site and was approved as vinyl. L. Alice questioned the height of the proposed fence, to which the answer was 4'-7'. Staff J. Rabbitt proposes the fence be a minimum of 5'. R. Giroux questioned if there were to be security cameras to be installed in that location. D. Sourette answered that there was only a "one way" exit from the inside and could not be entered from the outside. K. Sperry questioned the size of the letters to the signage, to which the answer was 7'. J. Dempsey questioned if the signage was to be internally illuminated, to which the answer was "yes". Chairman Adams questioned if there were lighting plans, and if the back of the building was to be lit. The answer was that the fixtures and parking lot lights were already installed. Exterior entrances to have lights. The applicant is not proposing any additional parking lot lights. Also, lights to be on loading docks. R. Browne questioned if those lights are to be directed downward, to which the answer was "yes".

Chairman Adams asked for comment from the public in favor of the application, to which there was none. He then asked for comment opposed to the application.

Joseph Doran of 50 Kanahan Road, adjacent to Lisbon Landing, had no objection to the project but had a

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Page 2. Lisbon Landing, LLC (Dick's) (cont.)

problem with the fact that that the applicant sent him a registered notice stating that the Public Hearing was to be held at 6:00 P.M. on March 1, 2011 as to opposed to the hearing being held at 6:29 PM. He feels the regulations should be adhered to. Staff J. Rabbitt stated that because J. Doran was present at the hearing and able to testify, and that he was able to enter the building before 6:00 PM, he did not feel it necessary to recommend to the commission to table the hearing.

This public hearing was closed at 6:54 PM.

The next public hearing was called to order at 6:58 PM.

2. 6:30 PM – Application for Change of Zoning Regulations or Boundries: PSK Realty, LLC, 28 Ethyl Acres, proposed text amendment to Section 10.4.5g of the Zoning Regulations to allow for the construction/excavation of ponds of 2 acres or less.

Norm Thibeault of Killingly Engineers Assoc., 130 Coomer Hill Road, Dayville spoke on behalf of the applicant. He gave a brief history of this application, having spoken with Staff J. Rabbitt, then having brought the application in front of Zoning Board of Appeals and spoken with Town Council, was recommended that the application for text amendment be brought before Planning and Zoning. The applicant is proposing a text amendment to regulation 10.4.5g that would add that the requirements may be waived for the construction of pods with the following conditions: 1) Ponds shall not exceed two acres in area 2) pond construction shall not remove more than 50,000 cubic yards of material 3) pond to be properly engineered with embankment construction and overflow structures 4) pond shall not be constructed to excavate additional earth materials (gravel operations) 5) shall meet all requirements of 10.4 of the regulations, minus any waivers requested in writing.

Staff J. Rabbitt showed concern for item # 4. Norm Thibeault agreed that it should fall under town ordinances, and should be taken on a case-by-case basis. K. Sperry questioned that if if the proposed text amendment is not to exceed two acres, how does it prevent a three acre lot from becoming a two acre pond? She also feels that the regulations should say who should properly engineer the ponds. Staff J. Rabbitt says there should be a minimum of regulations for pond design. K. Sperry also showed concern about potential health and safety hazards. R. Browne stated his biggest concern was the monitoring of the aquifer in the area. K. Sperry still has concerns that it would be a big hole in the ground, and L. Alice stated he felt that each pond will be its own unique entity. K. Sperry stated that she was in conflict with the regulations already in place. Staff J. Rabbitt stated that he considers N. Thibeault to be a competent engineer and that the Commission must rely on general standards. K. Sperry believes there is a contradiction in the current regulations.

G. Ritacco stated that the text amendment as proposed by the applicant is not "all there" as of yet. He suggests the applicant sit down with Staff J. Rabbitt, then create the text amendment. As is he will not "sell" it to the board at this time.

K. Sperry questioned what the rational was for the "two acre"? Is the intent to excavate material? L. Alice says he is in favor of ponds, but believes the ponds need to be a percentage of the property based on the size of the property. R. Browne showed concern about drainage problems. M. Friese said that guidelines need to be in the text amendment based on guidelines by the Army Corps of Engineers.

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Page 3. Text Amendment, PSK Realty, LLC (cont.)

L. Alice asked if other towns have a standard for ponds, to which the answer was that a the Town of Sterling, for example, does not allow for excavation within four feet of the water table unless it can be demonstrated that there will be no adverse affects. J. Dempsey asked if the applicant could bring in drafts from people that oversea pond development. Chairman Adams is concerned about the excavation of gravel and the removal of the material.

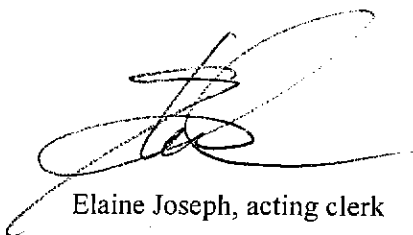
Chairman Adams asked for public comment. Tom LaRose, 10 Meadow Brook Circle, questioned if this amendment was being discussed just to allow for an application. He feels that all the questions being asked have nothing to do with anything until an application is in place. Staff J. Rabbitt explained that tonight's application is to modify the existing regulations to allow someone to apply for a special permit, for the commission to possibly allow them to build a pond. He stated that the commission is requesting that the applicant set specific standards that would apply to every parcel in town. Tom LaRose asked when a pond was last built in this town. K. Sperry stated she thought it was 30 or 40 years ago. Tom LaRose said this was not true, and that his neighbor said he built a pond approximately twelve years ago. Staff J. Rabbitt questioned if he had come before Planning and Zoning Commission, to which the reply was no, but that the Wetlands Commission gave him permission. Staff J. Rabbitt stated that there has been no application for special permit for a pond post 1996 when he came on board as town planner.

Esther Benjamine, 184 Newent Road, made the suggestion that the applications for the twon should have more specific questions on the application saying how much dirt is to be moved, what color things are to be, and whatever else is necessary so that those questions should already be answered, so that she, as a neighbor, already knows what is being proposed, and the ground points will be laid out. That way the answers will already be there for the Commission.

No other comments were made on the application.

Public hearing continued to April 5, 2011 at 6:30PM.

This public hearing was closed at 7:42 PM.



Elaine Joseph, acting clerk

Approved: _____
Robert D. Adams, Chairman

RECEIVED FOR RECORD AT LISBON.
CT ON 3/11/2011 AT 2:35pm
ATTEST. BETSY M. BARRETT, TOWN CLERK