

MINUTES  
PUBLIC HEARING  
PLANNING AND ZONING COMMISSION  
LISBON TOWN HALL  
WEDNESDAY, NOVEMBER 3, 2010  
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 6:30 PM on Wednesday, November 3, 2010

1. 6:30 PM – An Application by John Gwiazdowski, 180 Newent Road, for a special permit to permit a horse facility, as well as grading and leveling of property to create pasture.
2. 6:35 PM – An application by Casco (Agent for Kohls) for a Special Permit to modify existing Kohls façade, 160 River Road (Route 12), as shown on Map #20 as Lot #14.
3. 6:40 PM – An application by Joseph DiRoma seeking amendments to the following section of the Zoning Regulations:
  - a. Amend section 5.2 of the zoning regulations to permit a Retail Home and Garden Center in a BV-1 zone;
  - b. Amend section 8.10 of the zoning regulations relating to outdoor sales areas;
  - c. Amend section 10 of the zoning regulations to define standards for a Retail Home and Garden Center;
  - d. Amend section 19 of the zoning regulations to define a Retail Home and Garden Center.

MEMBERS PRESENT: Robert Adams, Ronald Giroux, Robert Browne, Sharon Gabiga, David Gagnon, Kim Sperry, Lawrence Alice, Ruth MacDonald. Alternates: Garry Ritacco, Mark Friese  
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 6:33 PM:

1. 6:30 PM – An Application by John Gwiazdowski, 180 Newent Road, for a special permit to permit a horse facility, as well as grading and leveling of property to create pasture.

Attorney Harry Heller, of Heller, Heller & McCoy, 736 Route 32, Uncasville, CT represented the applicant, John Gwiazdowski. Atty. Heller introduced the following items for the record:

- a. Amended application for Special Permit, delineating that it is a 2-phase project, including surveyor map;
- b. Site plan supplement, including names and addresses of property owners within 500 feet of applicant's parcel
- c. Application supplement describing water supply for proposed horse facility and septic system
- d. Surface/ground water protection plan;
- e. Letter dated November 1, 2010 from Mark Reynolds, design engineer
- f. Copy of permit to discharge for the septic system issue by town of Lisbon Sanitarian
- g. Application for permit to build handicap accessible bathroom to code and design

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- h. Cut sheets from the code delineating what is required for handicap accessible bathrooms
- i. Well drill completion report for water supply well

Atty. Heller stated that the current regulations section 10.21.7 require a set back of 150 feet from neighboring houses and entered into the record a cut sheet from maps.com showing an aerial view. He stated that affect and impact as pertaining to Section 11 of the regulations was presented at the October 5<sup>th</sup> hearing.

Atty Heller believes the applicant complies with section 12.4.2J of the regulations with intent to landscaping. He submitted for the record a revised plan dated November 1, 2010, for a row of arborvitae to provide screening of the facility from Route 138. He then listed numerous regulations to which he feels the applicant is in compliance.

R. Browne questioned if the driveway was to be stone or gravel, to which the answer was yes, aggregate. R. Giroux questioned the size of parking lots, to which the answer was 10' x 20'. He also questioned whether or not there was appropriate parking for horse trailers, to which the answer was that there were overflow and grass areas for the parking and turnaround of horse trailers.

Staff J. Rabbitt stated he did not have a report at that time. He had two primary questions for Atty Heller: one regarding building permits, whether or not CO's were submitted and building permits for the bathrooms had been secured. Atty Heller stated that the CO's were issued for the arena and stable. Staff J. Rabbitt then asked in regard to item # 14: questioned as to why the applicant proposed the text amendment and yet asks for relief from those requirements in regard to size of paddocks. Staff also questioned whether or not the applicant has solicited the appropriate provisions regarding landscaping for a commercial site.

D. Gagnon questioned if the original buildings had permits been obtained , and if appropriate fees had been paid. Staff J. Rabbitt stated that the proper permits were pulled for the stables and indoor arena, but not for the bathrooms in the stables. No plumbing or electrical permits were obtained, nor were they inspected. Likewise, building permits were not pulled for the shelters.

D. Gagnon questioned when the removable shelters were constructed, to which Atty. Heller answered May of 2010. Ron Giroux stated that the applicant stated previously that he put up the shelters because "he could not wait for the building inspector". The applicant denies saying that.

K. Sperry questioned if the satellite map had a date as to when it was taken. Staff J. Rabbitt estimates 2005, Atty. Heller estimates 2007. Chairman R. Adams questioned if Atty. Heller had a map plan.

Chairman Adams asked if anyone wished to speak in favor of the application. The following town residents spoke favorably: Larry Davenport, 189 Newent Road; Rob Grey 95 Newent Road; Kathy Davenport, 189 Newent Road; Terry Lumbard, 64 Kingsman Hill Rod; Kim Whittacker, 16 Kingsman Hill Road; Ellen Jolie, 18 Ross Hill Road Extension; Natalie Cummerford, 64 Sullivan Road; Mike Adams, 192 Newent Road; Lori Meyers, 25 Rocky Hollow Road, David Lumbard, 64 Kingsman Hill Road; M. Burrell, 127 Ross Hill Road; Mike Maynard, 166 Ross Hill Road.

Chairman Adams asked if anyone wished to speak in opposition of the application. Jessie Benjamine, 184

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Newent Road, questioned the Attorney regarding the buffer behind 184 Newent Road as well as the type of fencing to be used to keep horses from leaving the property. Atty Heller stated that the buffer is not applicable to the current application of phase one and the containment is delineated on the site plan.

Chairman R. Adams asked if there were any other comments for or against the application, of which there were none. He then asked member Ruth MacDonald, being relation by marriage to the applicant, if she had any conflict of interest to which she stated, "none whatsoever". He then advised the members that if the hearing was to be closed, no further changes or testimony could be made. Atty. Heller submitted revised plans, not signed or sealed, for the record.

This public hearing was closed at 7:32 PM.

Second public hearing was called to order by Chairman R. Adams at 7:33 PM.

2. 6:35 PM – An application by Casco (Agent for Kohls) for a Special Permit to modify existing Kohls façade, 160 River Road (Route 12), as shown on Map #20 as Lot #14.

Mr. Adams stated that the applicant had sent an email requesting an extension of the public hearing.

Mr. Adams continued the proceedings on this public hearing, pending hard copy from applicant of request to continue, to December 7, 2010, at 6:30 PM.

Third public hearing was called to order by Chairman R. Adams at 7:42 PM.

3. 6:40 PM – An application by Joseph DiRoma seeking amendments to the following section of the Zoning Regulations:
  - a. Amend section 5.2 of the zoning regulations to permit a Retail Home and Garden Center in a BV-1 zone;
  - b. Amend section 8.10 of the zoning regulations relating to outdoor sales areas;
  - c. Amend section 10 of the zoning regulations to define standards for a Retail Home and Garden Center;
  - d. Amend section 19 of the zoning regulations to define a Retail Home and Garden Center.

Atty John Fitzgerald, 141 Broadway, Norwich, CT spoke on behalf of applicant Joseph DiRoma. Member Ruth MacDonald was asked to sit out of the proceedings due to her relation to the applicant.

Atty Fitzgerald submitted for the record a map of the property the applicant is considering buying in a BV1 zone. The applicant is proposing a retail garden center to sell garden merchandise, store landscaping vehicles below 25,000 GVW, and utilize upper levels as rental units. They will later return for a special permit application once the text amendment application has been approved. The applicant is under a time constraint, as his option to purchase the property runs out in December 2010. Also submitted for the record a letter from

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J. DiRoma's parents asking for consideration from the commission.

Atty Fitzgerald offered a plan of the proposed retail center. The applicant J. DiRoma outlined his proposal for retail space and professional office space. Staff J. Rabbitt felt strongly about having a representative drawing of the applicant's proposed retail center to help the members better understand the ramifications of the modification of the text.

Staff J. Rabbitt showed concern for the language "Home and Garden Center", and recommends dropping the "Home and". This will affect all businesses in town if the text change were to be approved.

Members had comments and questions. Chairman Adams questioned what 5.2.6 allows for. Staff J. Rabbitt replied that 5.2.6 of the regulations allows for multiple use of buildings and property in that zone with the proper permits.

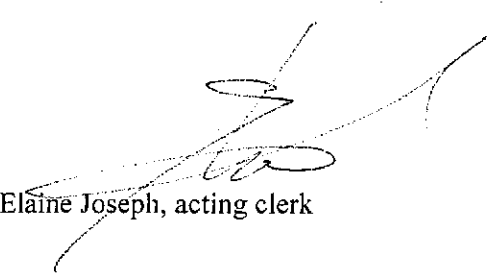
Chairman Adams asked for comment in favor of the application.

Rich Brophy of 3 Penny Lane stated that the applicant had designed marvelous landscaping for him in the past, helping him to design landscaping problems. He feels that J. DiRoma has the talent and the drive to make this town into a jewel. Chairman Adams requested that all additional comments be testimony limited to the amendment and not the applicant himself. Other public support: Chris Wasniack, 22A Autumn View Drive; R. Borden, 22 Barron Drive; R. Burelle, 127 Ross Hill Road; D. Teper, 50 Dogwood Drive, also questioned if the fact that the property had originally been a garden center, would that make the decision to allow for the amendment easier for the board, to which the answer was "no". D. Meyers, 25 Rocky Hollow Road; E. Benjamine, 184 Newent Road, also stated that she agrees to the idea of special permits, but would like to see a family business in town, but she understands what the town is up against in regard to the terminology. Jessica DiRoma, the applicant's daughter, 118 Strawberry Fields, read a statement in favor of the application, describing her father's good qualities as a man and as a professional landscaper. D. Cormier, 34 Strawberry Fields; A. Sambita, 22A Autumn View Drive.

Chairman Adams asked for comment in opposition to the application, of which there was none.

Chairman Adams continued the hearing until December 7<sup>th</sup> at 6:35PM. Atty Fitzgerald replied that it would be too late for the applicant, putting him outside his option to buy the property. Staff said that the commission can set an effective date no sooner than one day after the decision, prior to the closing, and the effective date should be of the most concern for the applicant. K. Sperry suggested a special meeting. Staff recommended continuing the hearing to December 7<sup>th</sup> without special meeting. An effective date may be set then.

Chairman R. Adams continued the proceedings on this public hearing to December 7, 2010, at 6:35 PM.



Elaine Joseph, acting clerk

Robert D. Adams, Chairman

RECEIVED FOR RECORD AT LISBON.  
CT ON 11/10/2010 AT 6:15 PM  
ATTEST. BETSY M. BARRETT, TOWN CLERK