

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
LISBON TOWN HALL
TUESDAY, OCTOBER 5, 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 Tuesday, October 5, 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. 6:45 PM – A Special Permit Application by Ken Washburn, Chairman Lisbon Recreational Commission for the proposed construction of 200 meter track adjacent to the Lisbon Central School, 15 Newent Road (Route 138) shown on Map #10 as Lot #2.
3. 6:50 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.

MEMBERS PRESENT: Robert Adams, Ronald Giroux, Robert Browne, John Dempsey, Sharon Gabiga, David Gagnon, Kim Sperry, Lawrence Alice, Ruth MacDonald. Alternates: Larry Thibeault
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 6:34 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 stated the applicant is revising his application at this time to request approval of the horse facility for the southwesterly portion of the property, which includes the indoor arena, stable, horse pens and turnout areas with their removable shelters. No revised plan was submitted. However, at the September 7, 2010 meeting a red line was drawn on the plan that was submitted into the record, delineating the division.

Chairman Adams questioned if a traffic study had been done. Atty. Heller stated he did not have a traffic study for the location done at this time. He stated that a copy of the encroachment permit granted by District 2 of the Department of Transportation had been previously submitted for the record, as well as a copy of the letter from the Lisbon Conservation Commission, stating that the proposal as constituted does not involve any regulated activities.

Atty. Heller read into the record an excerpt from a Connecticut Appellate Court Case called "Irwin vs. Planning & Zoning Commission". He then cited section 10.21 of the regulations, adopted August 14, 2009 by the Lisbon P&Z Commission. He stated that the current phase of the application contemplates 16 horses to occupy the facility. He also stated he believes the applicant to be in compliance with regulations regarding bathroom facilities, as well as parking (sheet 2 of 4 of the site plan), and the arena and stable. A manure management plan was submitted with the application (sheets 3 & 4 of site plan), as well as a contract for manure removal submitted into the record at the August 3, 2010 hearing. He stated the applicant understands that an audit of all activity is required in the current regulations.

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Atty. Heller stated that the location of the site is significantly lower than any adjoining properties, based on elevation change (sited sheet 3 of site plan). Sheet 2 delineates access road from Route 138 and demonstrates the topography. He also submitted into the record photographs of the two closest abutting properties, taken on October 5, 2010. He also stated that in 2006, a site plan prepared by Advanced Surveys, LLC, was entered into the record in conjunction with that application, showing the access drive from Route 138, with a site-line of 450 feet to the west and 650 feet to the east. Town Planner Jamie Rabbitt questioned if the plan was an "as built", and if the applicant had an "as built", to which the answer was "no". Atty. Heller stated that this special permit application seeks approval under the regulations adopted in 2009. In regards to traffic, he stated that there currently exist 4300 vehicle trips per day (Route 138, between Ross Hill Road and Route 12), as per the Department of Transportation. Atty. Heller then cited Public Act 490, and introduced into record a copy of the assessor's map of the property, a portion of which he says is in forestry, and protected under farmland classification.

Chairman R. Adams questioned the excavation area – Atty. Heller stated it would be in Phase 2 not Phase 1.

Member R. Browne questioned if historical studies for Indian artifacts had been done on the site, to which Atty. Heller stated he was not aware of any. R. Browne also questioned if the notices sent out by the applicant explained the change from residential to commercial use. Atty. Heller stated he was not involved in that aspect of the application at the time and had no knowledge of it. J. Rabbitt stated that a copy of the letter was not submitted, just the return receipts. R. Browne also questioned the location of wells on the property. Chairman R. Adams questioned the term "Clinic". Applicant J. Gwiazdowski stated that the clinics would be for topics such as horsemanship and horse care, not horse shows.

Atty. Heller submitted for the record a copy of the letter that was sent out by the applicant to abutting property owners.

J. Rabbitt submitted for the record his letter dated Oct 5, 2010. Within this letter, staff outlined his recommendations to the commission in regard to the current application.

At this time, Staff submitted for the record, Item 11-Section 12.6.7 (architectural character/building code), that a 2009 amendment to the building code changed the 2005 code originally cited by the applicant. The 2009 amendment eliminated the exemption for sheds and small buildings. A copy was handed to Atty. Heller.

Staff J. Rabbitt also questioned Atty. Heller on a few points. He questioned the photographs submitted and sought clarification of photograph 1, on Bayberry Road. He also questioned whether the Department of Transportation approved the driveway for commercial or public use. Applicant J. Gwiazdowski stated that it was originally approved for tri-axle use, and is wider than DOT requirements, and that paperwork was submitted to the town. J. Rabbitt questioned Atty. Heller on the data submitted regarding traffic on Route 138. Atty. Heller stated the numbers were from 2008 traffic data.

Chairman Adams questioned if there was a landscape proposal for the Newent Road side of the property. Atty. Heller stated there was no proposal with this application.

Chairman Adams asked Atty. Heller if he was willing to have an extension, to which the answer was "yes". Chairman Adams then asked for comment in favor of the application, of which there was none. He then asked

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for comment opposed to the application. Esther Benjamine, 184 Newent Road spoke in opposition of the application. She wanted it to be noted that the buffer that was mentioned between her property and the applicant's was a fence put up by the applicant, and that the applicant put it up wrong, with the "bad side of the fence" facing her property.

Atty. Heller submitted for the record a letter dated October 5, 2010 from Heller, Heller and McCoy, in regards to the application, stating that the applicant consented to an extension to November 9, 2010.

Chairman Adams continued the proceedings on this public hearing to November 3, 2010, at 6:30 PM.

Second public hearing was called to order by Chairman R. Adams at 7:55 PM.

2. 6:45 PM – A Special Permit Application by Ken Washburn, Chairman Lisbon Recreational Commission for the proposed construction of 200 meter track adjacent to the Lisbon Central School, 15 Newent Road (Route 138) shown on Map #10 as Lot #2.

James McNally, Project Engineer, of Boundaries, LLC, 179 Pachaug River Drive, Griswold, CT spoke for the applicant. Submitted for the record a copy of the letter and return receipts from the abutters. Also submitted, a project description and site development plans for the 200 meter (1/2 size) track. A terrace walkway and wall will also be constructed as part of the project. The grade will come up just a foot and curtain drains will be utilized. A portion of the line for one of two wells utilized by the school will be relocated away from the corner of the proposed track.

Member R. MacDonald questioned if this proposed track would take away the existing playground. It was noted that the Board of Education had already approved the plan at their last meeting. Swing sets will be relocated and woodchip play area, basketball courts and other areas will still be used. Mr. McNally noted that the track surface may be tennis court material or another synthetic material.

Member R. Browne questioned if the retention area will be connected to drainage. Mr. McNally stated they would be connected to drainage.

Member L. Alice questioned why lights would not be implemented; to which the answer was the cost was very expensive.

Staff J. Rabbitt submitted his report dated October 5, 2010, outlining his recommendations to the commission.

Chairman Adams asked for comment in favor of the application. Ken Washburn, 19 Penny Lane stated that it would be a win-win situation for the town of Lisbon and the school. The Selectmen are in the process of securing the grant money for the project, at no cost to the town, and K. Washburn has met with the Senior Citizen coordinator, J. Jencks, who is also excited about the project. Currently, the track coach is required to paint lines on the grass each time they hold a track meet.

Joe DiRoma, of 118 Strawberry Street also spoke in favor of the application. He supports the project 100%, stating that he has a son who goes to Lisbon Central School that is involved in track. He knows his family will get a lot of personal use out of it and feels it is a win-win situation for everyone. Esther Benjamine, 184

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Newent Road also supports the application. She feels it will benefit the residents of the town who enjoy walking or running, as it afford them a place to do this off narrow roads.

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

R. MacDonald questioned why the track wasn't being located in the back field. Ken Washburn stated that the softball field would be located in the back field, where it was originally.

Chairman R. Adams closed this public at 8:22 PM.

Third public hearing was called to order by Chairman R. Adams at 8:23 PM.

3. 6:50 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.

John Ginocchio, Project Leader for Casco, proposed the new faceade for Kohls, which includes sliding doors. He claims it is a corporate move by Kohls. Similar store renovations are in Brookfield, Trumbull, West Norwalk and Plainville.

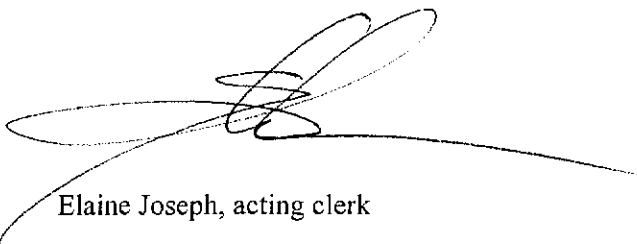
R. Browne questioned the existing foliage and landscaping. J. Ginocchio stated there is no intention of changing landscaping at this time. Chairman R. Adams questioned if an alternative has been considered to make the façade more attractive. The answer was that this new look was part of Kohls new corporate identity.

Staff J. Rabbitt submitted his report, dated October 5, 2010. He also submitted photographs of other Kohls façade treatments in other states, not currently utilizing this proposed façade. He stated for the record that the initial façade proposed by Kohls ten years ago, which was considered a corporate prototype, had been rejected by the commission.

Member K. Sperry sited concerns for the "relief" features of this proposed façade. J. Rabbitt also showed concern about the removal of other architectural details. Member L. Alice stated that this proposed façade lacks any beauty or appeal. The commission offered that if a change to the façade similar to the Arizona store as illustrated in the photograph submitted by J. Rabbitt was proposed, they would find it more favorable.

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

Chairman R. Adams continued the proceedings on this public hearing to November 3, 2010, at 6:35 PM.



Robert D. Adams, Chairman

Elaine Joseph, acting clerk

RECEIVED FOR RECORD AT LISBON.
CT ON 10/12/2010 AT 11:35 AM
ATTEST. BETSY M. BARRETT, TOWN CLERK