

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
LISBON TOWN HALL
TUESDAY, SEPTEMBER 7, 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, September 7, 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.

MEMBERS PRESENT: Ronald Giroux, Robert Browne, John Dempsey, Sharon Gabiga, David Gagnon, Kim Sperry, Lawrence Alice. Alternates: Gary Ritacco, Mark Friese, Larry Thibeault

STAFF PRESENT: James D Rabbitt, AICP, Senior Planner-SCCOG, Lisbon Town Planner

The following Public Hearing was called to order by Vice-Chairman Ronald Giroux at 6:35 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 submitted for the record authorization signed by the applicant, John Gwiazdowski, authorizing Attorney Heller's representation for the proceeding.

Attorney Heller reviewed with the board the site plan submitted with the application, which includes the location of the existing stable, arena, 2 outdoor riding areas, and turnouts. The turnouts include moveable shelters. Planned is a 5000 square foot addition attached to the arena, additional turnouts and grading required for more pasture area. The applicant is proposing to divide project into two phases:

- 1) Permit the existing facility and its uses on the property
- 2) New permit application for the construction of the 5000 square foot addition and the grading for pasture and additional turnouts.

Attorney Heller submitted for the record a photograph illustrating the moveable shelters that were placed on the property this spring.

Attorney Heller highlighted the limitations in the original 2006 special permit for the property that does not allow the use of the facility by others, other than the owners. Their goal is to work through the use of the property and end up with a plan that would legitimize the current uses for the property as well as the intended uses for the property, including boarding and events. Attorney Heller has asked to take the future phase off the table and will resubmit that phase in another application.

Attorney Heller states that the property lies in a split zone, R-80 and R-40, then submitted a series of photographs of the property and its structures.

Attorney Heller states that the use is consistent with other properties abutting this property. He states that the site is very secluded and is a low impact industry, appropriate for the Town of Lisbon and the neighborhood in which the facility is located.

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Attorney Heller has prepared and submitted to the record an extension to allow further discourse with the town planner to address any issues with respect to the application. He also encourages the commission to visit the site, either as a special meeting or on an individual basis, in order for the members to have a better understanding of the property and its uses.

Staff Jamie Rabbitt asked for clarification on a couple of conflicting statements made by Attorney Heller. The initial approval was for personal use only. Any other use contrary to the initial approval for the indoor arena is contrary to the regulations. Attorney Heller claims that his understanding is that his client is in compliance with current regulations as adopted by the commission in 2009.

Members had comments and questions. K. Sperry questioned the state building code regarding the smaller structures. J. Dempsey questioned if a structure under 100 square feet did not require a permit. Staff Jamie Rabbitt stated that regardless of its size, there is still a building code that must be adhered to. R. Browne asked about the abutters to the applicant's property with horses. 31 Bayberry Lane is the abutting property with horses. D. Gagnon recalls the original application allowed for the facility to be for personal use only.

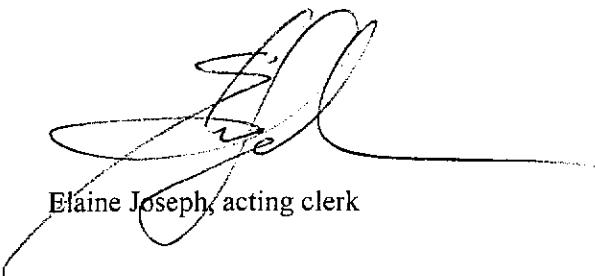
Vice-Chairman R. Giroux asked for public comment.

Ester Benjamine, of 184 Newent Road gave comment. She is against this application, voicing concerns for the wells in the neighborhood. She claims that the applicant originally planned for the barn to be in one location, then changed it to another location. She said that as the facility was being built, load after load of material was removed from the site, creating a very low position of the facility. She is concerned that the low location of the facility will affect the well quality. Her second concern is the Quinebaug River, which abuts the properties. If the bank is allowed to be altered, she has grave concerns for flooding. In respect for flooding, she is concerned that she and others in the neighborhood will also be required to carry flood insurance, which they currently are not required to do. Her next concern was for all the "little buildings" put up by the applicant without special permit. Her concern is that other neighbors and Lisbon residents will feel they can also put up such buildings without permit, and site the applicant as an example.

Vice-Chairman R. Giroux asked for further questions or comments, against or in favor of the application, of which there was none.

Attorney Heller offered a rebuttal to Ester Benjamine's comments. He claims the excavation will have no effect on the wells, as they are bedrock wells, not dug wells. He also states that the site plan engineer had delineated the 100 year flood plain and claims the elevation is up to 40 feet lower than the houses on the road. He believes it will not have any impact on the surrounding properties.

Mr. R. Giroux continued the proceedings on this public hearing to October 5, 2010, at 6:30 PM.



Elaine Joseph, acting clerk

Ronald Giroux, Vice-Chairman

RECEIVED FOR RECORD AT LISBON.
CT ON 9/14/2010 AT 1:05 PM
ATTEST. BETSY M. BARRETT, TOWN CLERK