

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
LISBON TOWN HALL
TUESDAY, SEPTEMBER 4, 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, September 4, 2018.

6:30 P.M.: Application for special permit approval by Nadeem Khalid in accordance with section 5C.2.1 and section 11 for installation of a drive-through and other commercial site improvements such as tank and pump installations, at 102 River Road, Lisbon CT 06351, map/block/lot 20/009/0000 in the BV- IV zoning district.

MEMBERS PRESENT: Robert Adams, Kim Sperry, Ben Hull, III, Garry Ritacco, Trevor Danburg,
Sharon Gabiga, Ron Giroux, Cheryl Blanchard, John Dempsey
Timothy Minor (ALT)

STAFF PRESENT: Michael J. Murphy, AICP, Consultant Planner-SCCOG, Lisbon Town Planner

The Public Hearing was called to order by Chairman Robert Adams at 6:37 PM:

The applicant, Nadeem Khalid, was present at this public hearing.

Also present were John Faulise of Boundaries, Inc., 179 Pachaug River Drive, Jewett City, CT 06351 and Attorney Matthew Ranelli of Shipman & Goodwin, LLP, One Constitution Plaza, Hartford, CT 06103, representing the applicant.

Mr. Faulise stood and reported that plans were just submitted to Michael Murphy, Lisbon Town Planner, this evening. He stated that an extension has been provided to the Commission.

Mr. Faulise distributed plans and a storm water narrative to the Commission members and for the record. He stated that the application was filed in July, continued to August with an extension to September. He then went on to say that the property, 5.2 acres, is in the BV-IV zone. Currently just .4 acre is developed. A special permit was granted December 3, 1996, for a drive through. Therefore, stated Mr. Faulise, it already exists and has been filed on the land records.

Mr. Faulise went through the plan set and addressed existing curb cuts and entrance/exit patterns, reductions in curb cut widths to 36', movement of parking stalls to accommodate the new drive-thru design, sidewalks in front of the building, removal of the large 85' high pylon sign, plans for propane and natural gas service, a new loading space, and site grading to accommodate positive storm drainage.

Sheet 4 shows the project narrative, construction sequence, signage, landscaping, sidewalk and parking. Bollards are required due to the necessity of at-grade sidewalks. A stone veneer is proposed for the building. A sign is proposed at right of the building, attached to the building. The back door will be designated as delivery or emergency only. Mr. Faulise stated that the last sheet of the architectural plan is building notes and columns.

Commission member Ben Hull asked, "how far does the entry extend?" To which the answer was 5 feet.

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
TUESDAY, SEPTEMBER 4, 2018
page 2 (cont)

Commission member Kim Sperry asked if the picnic tables were staying. Mr. Khalid stated that they will be taken out. Mr. Faulise stated that the removal of the picnic tables will be noted on the plan. Mr. Ranelli suggested it could be a condition of approval to have the picnic tables removed.

Commission member Ron Giroux questioned if there would be enough room for the fuel trucks, with just 30' from the edge of the curb line. Mr. Khalid said that the fuel delivery schedule would be between 12:00 AM and 4:00 AM.

Mrs. Sperry asked if the canopy would be flat, or would it mirror the pitch of the building? Mr. Faulise stated that it will be similar to the current canopy. He also stated that canopy signage will be reduced by about 50%.

Attorney Ranelli stood to say that an extension letter had been submitted for the record, allowing the Commission to extend their decision making until October 2. He stated that the Special Permit application is really a modification of the existing special permit. He suggested the Commission look at the special permit criteria for the modifications.

Commission member Trevor Danburg noted that McDonald's was required to put a sidewalk in, and that should be addressed. Mr. Faulise replied that sidewalks are currently on the west side of Route 12 and there is nowhere for a sidewalk to go on this side.

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. Attorney Jon Chase, 34 Church Street, Mystic, CT 06355 prepared a written statement for the record, which summarizes the legal issues he raises. He asked if there were any changes to the pump island location. Mr. Faulise stated that the location would be similar. Attorney Chase submitted copies of the ZBA minutes from 1992. He suggests that the present canopy islands extend about 11 feet from route 12 (the variance from 1992). Being proposed today is a pump canopy about 24 feet deep and 75 feet long. He stated that the distance from route 12 is less than what was granted by the Zoning Board of Appeals in 1992. His legal position is that the variance was in connection with a 50-foot long x 34-foot wide canopy. The encroachment to the 40-foot setback was granted in 1992, but as proposed today, the overall distance is more as proposed than what currently exists. The area at the north and south ends are not within the area that was specifically granted as what is demonstrated in the minutes of the 1992 Zoning Board of Appeals. He again stated that he was entering into the record his written statement that demonstrates this. He summed up by saying he is representing Hendel's Lisbon, LLC, owner of the property at 114 River Road.

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

Attorney Ranelli offered a rebuttal to Atty. Chase's comments. He stated that he believes that what they have provided is indeed compliant, that it does not increase any nonconformity, and the variance itself does not indicate a restriction of the square footage of the canopy. The applicant will provide a written response from his legal team.

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
TUESDAY, SEPTEMBER 4, 2018
page 3 (cont)

Chairman Adams once again asked for public comment. Atty. Chase responded that the concern is whether the proposed dimensions of the canopy as shown on the plans creates encroachment issues.

Michael Murphy, Lisbon Town Planner, stated that John Faulise met with him in June and discussed all the issues that the applicant was trying to address tonight. He did provide a copy of the special permit for the file, and the variance from the Zoning Board of Appeals. It was determined that it was prudent to ask for a new Special Permit. The extensions have been provided by the applicant, and it covers the extension of the Hearing to October 2, as well as the decision by the Commission. Mr. Murphy stated he will take these issues as provided by Atty. Chase into consideration as he writes his Staff Report in advance of the next meeting. As for sign issues, there are non-conforming signs and the signage package as proposed is more of an improvement. Noted for the record: They do have non-conforming rights to those signs, but they indicate that they are not abandoning those rights by submitting the proposed signage package.

As for the sidewalk issue, Mr. Murphy stated that he spoke with both John Faulise and Atty. Chris Smith. The sidewalk issue really focuses on the west side of Route 12 from a policy standpoint, but regulations call for a provision of a 6' sidewalk along the public highway in the BV zones with limited waiver provisions..

As for the issue of variance: Mr. Murphy stated it does need to be reviewed against the variance issued, as well as subsequent analysis by the applicant's attorney, and possibly the Town Attorney.

Mr. Giroux stated that DOT would need to be involved if sidewalks were to be put in, due to the location of the bridge.

Chairman Adams read into the record, the letter from Shipman & Goodwin, LLP, the applicant's attorney, dated September 4, 2018 allowing for an extension of time for the completion of the public hearing for the Special Permit, as well as an extension for the Zoning Permit application before the Commission.

This Public Hearing was continued to October 2, 2018, at 6:30 P.M.



Elaine Joseph, clerk

Approved: _____
Robert Adams, Chairman

RECEIVED FOR RECORD AT LISBON
CT ON 09/11/2018 AT 2:45pm
ATTEST, LAURIE TIROCCHI, TOWN CLERK
Laurie Tirocchi