

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
LISBON TOWN HALL
TUESDAY, OCTOBER 2, 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, October 2, 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, Ron Giroux, Kim Sperry, Ben Hull, III, Garry Ritacco, Trevor Danburg, Sharon Gabiga, , 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 Vice-Chairman Ron Giroux at 6:38 PM:

The applicant, Nadeem Khalid, was present at this public hearing.
Also present were Demian Sorrentino, AICP, C.S.S. of Boundaries, Inc., 179 Pachaug River Drive, Jewett City, CT 06351 and Attorney Christopher Smith of Shipman & Goodwin, LLP, One Constitution Plaza, Hartford, CT 06103, representing the applicant.

Chairman Robert Adams entered at 6:40 P.M.

Mr. Smith stood and reported that he had met with Michael Murphy, Town Planner on September 24, 2018, and minor modifications to the plans were discussed.

Mr. Sorrentino was present on behalf of John Faulise. He went over modifications made to the plans. He stated that the Lisbon WPC had been contacted but that there had been no response. The grease traps on the property were investigated. He went over landscaping details, as well as the request from the Town Planner to move the sidewalk and increase it from 5 feet to 6 feet. The canopy was decreased in size to 23' x 72'. The plans reflect a total of 18 parking spaces plus one ADA compliant space.

Ben Hull asked if there was a change in square footage to the canopy. Attorney Smith answered that the canopy will maintain approximately the same square footage that currently exists (1664 sq. ft.).

Chairman Adams asked if indoor seating was being proposed, to which the answer was that the applicant intends to keep 2 tables as per the original, prior approval from 1996. He said that what the applicant proposes is consistent with the prior Special Permit. He also noted and submitted for the record, a letter dated September 27, 2018 that he had sent via electronic format, as a response to attorney Jon Chase's August 31, 2018 letter. Also submitted for the record were the following: ZBA Notice of Public Hearing filed 9/23/1991; ZBA Public Hearing Minutes dated 10/10/1991; ZBA Regular Minutes dated 10/10/1991; and the ZBA Notice of Decision dated 10/15/1991.

MINUTES
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page 2 (cont)

Attorney Smith concluded that the applicant is proposing substantial improvements that will not pose any health impact to the public or abutters. He also reminded the Commission that the proposed plans comply with the Town's Special Permit Regulations.

Chairman Adams asked if there was any present to speak in favor of the application, to which there was none.

Chairman Adams asked if there was anyone present to speak in opposition of the application. Attorney Jon Chase stood and reminded the Commission of the letter he had submitted last month. He maintained that the proposed canopy will be longer than what is currently there, and reminded the Commission of the 1991 Variance. Attorney Chase submitted a new letter of opposition and raised issues citing lack of compliance with section 8.5.1. He also submitted for the record the ZBA application (Exhibit A) and the sketch (Exhibit B). Also at issue, he stated, is the fact that the pump islands are proposed for "east to west" when they are currently "north to south". All gas traffic will be required to pass through the pump lane and Route 12 boundary.

Ron Giroux commented that what Attorney Chase is suggesting, is exactly what his client, Hendel's, has built across the street. Attorney Chase reminded the Commission that the 1991 ZBA Variance was granted for a specific purpose.

Mark McKinney of 8 Totem Lane, Griswold, CT stood to comment. He stated that he built all three gas stations on Route 12, and that all were laid out that way.

Mr. Khalid commented that he has tried to do what the Town Planner and the Board wanted. He sacrificed signage and number of pumps. He would appreciate an approval as he is just trying to do something with the site to make it pleasing.

Mr. Murphy cited the three issues he discussed with the applicant on September 24th. He stated that the Plan of Conservation and Development suggests a sidewalk on both sides of Route 12 and that only sidewalks in the Industrial Park zone may be waived. An easement will be necessary. The landscape requirements are necessary because trees cannot be planted because of utility poles. As for the canopy design, it is recommended that the applicant stay within the same size and scale as what was there previously. The planner addressed the interpretation and application of section 8.5.1, noting that the section applies in cases where the Business Village District zone borders or is contiguous to a residential district where buffers are required, which is not the case here.

Mr. Hull asked what was the reason for sidewalks on both sides of Route 12, to which Mr. Murphy answered that the Town Regulations require the sidewalks.

This Public Hearing was closed at 8:02 P.M.

Approved: _____
Robert Adams, Chairman

Elaine Joseph, clerk

RECEIVED FOR RECORD AT LISBON
CT ON 10/10/2018 AT 9:00am
ATTEST. LAURIE TIROCCHI, TOWN CLERK
Marjorie Wakely, Asst