

MINUTES
PUBLIC HEARING
ZONING BOARD OF APPEALS
LISBON TOWN HALL
TUESDAY, MARCH 27, 2012
7:00 P.M.

The Zoning Board of Appeals held the following public hearing in the Town Hall, 1 Newent Road, Lisbon, Connecticut beginning at 7:00 PM on Tuesday, March 27, 2012:

1. 7:00 PM - Application 12-01: Adam C. Thibeault, 16 Blissville Road, Lot #109, Assessor's Map # 01 – Variance Request, front yard set back reduced from 10'10" to 5'0" per section 8.5.1 (c) of the Zoning Regulations, for erection of privacy fence.

MEMBERS PRESENT: Ronald Babbitt, Robert Chubka, Richard Strnad, , John Magness,
Leo MacDonald

MEMBERS ABSENT: Frederick Kral, Steven Beck

The following public hearing was called to order at 7:03 PM:

1. Application 12-01: Adam C. Thibeault, 16 Blissville Road, Lot #109, Assessor's Map # 01 – Variance Request, front yard set back reduced from 10'10" to 5'0" per section 8.5.1 (c) of the Zoning Regulations, for erection of privacy fence.

Adam C. Thibeault, applicant, of 16 Blissville Road stood for comment. He asked that the board allow him to keep the fence where it is currently installed, 5 feet from the road. L. MacDonald asked the applicant for clarification as to its location on the map, and the applicant showed him its location and stated that it sits behind the guardrail.

Chairman Babbitt asked the applicant for the reason for installing the fence. The applicant answered that the family has many issues with passing motorists littering the yard and brook with dangerous litter, including broken glass, whisky bottles, and even needles. Mr. Thibeault stated that he has series concerns for his daughter and even his dogs.

B. Hull, Town of Lisbon Zoning Enforcement Officer, stood to give testimony. He stated that there are three areas in Lisbon that were developed prior to the adoption of the regulations, and Blissville Road is one of those areas. He stated that safety should be the number one concern, including health and sanitary procedures. He stated that new areas of development have little trouble meeting the requirements of the regulations because they were designed to meet those requirements. He believes that concessions from the town are needed for these properties developed prior to the regulations.

B. Hull stated that fences have long been a problem. He stated that any fence over 6 feet tall are considered structures, and are required to have the same setbacks as other structures. Site lines are another issue.

Chairman Babbitt said he was surprised that a stockade fence is allowable on a front yard. He said that a scenic Road such as 169 would be nothing with stockades going up. Blissville Pond is being blocked by this fence. They also go into disrepair easily, he said. He stated that Arborvitae could be planted instead in this instance.

B. Hull stated that a complaint came in through Greg Bouchard, the road crew foreman. He was concerned that the piling of snow against the fence during the winter would cause damage to the fence and did not want

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the town to be responsible. Chairman Babbitt then asked what recourse did the town have in regards to any repair?

Mr. Thibeault, the applicant, stood to give comment. He stated that the main concern of the foreman was that he did not want the town to pay in the event of damage to the fence. He stated that the town would not incur the expense, as Mr. Thibeault agreed to take that responsibility. He then addressed the issue regarding the view of the pond, and stated that once the bushes in his yard bloomed, the pond could not be seen anyway.

B. Hull submitted a packet to the Board. Chairman Babbitt read the letter into the record.

Chairman Babbitt again suggested Arborvitae as a substitute and asked B. Hull to give argument against this. B. Hull agreed it was an option, but does not think it is appropriate to this particular slope, which is substantial.

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

R. Chubka questioned if this was an R-40 zone, to which the answer was "yes". He then asked if the property line was known. B. Hull stated this is why he gave the dimensions in the packet. It is being figured that the edge of the road is the property line.

Chairman Babbitt asked for any other comment. The applicant then stated that the guardrail is 5' in front of the fence and will take the brunt of the snow.

Chairman Babbitt asked if there was anyone to speak in denial of the application. T. Sparkman, First Selectman, spoke on behalf of the road crew foreman. He stated he does not expect that the applicant, Mr. Thibeault, would live there forever. He asked the Board to consider what will happen with the next family. Will the next family be willing to hold the town harmless? He stated that the town should think beyond this family. He appreciates the Thibeault's gesture to the town, however it could be damaged in a severe storm and any future family would not be beholden to that same gesture. He stated that there is no caveat for the land records. The next family could make the town liable for damage.

L. MacDonald stated the variance goes into the record, and the future homeowner would have to follow it. T. Sparkman questioned if the stipulation would go into the land records? J. Magness stated that he does not know if those stipulations would go into the land records. R. Chubka stated that the stipulations apply to the property, not the owner. T. Sparkman then replied that the variance follows the property, not the stipulations to the variance.

R. Chubka then made reference to the site walk, and questioned the white picket fence in front of the house, which does not apply here as it is under 6 feet high.

Chairman Babbitt asked for any comment in favor or against the application, to which there was none.

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This public hearing was closed at 7:50 PM.



Elaine Joseph, acting clerk

APPROVED: _____
Ronald Babbitt, Chairman

RECEIVED FOR RECORD AT LISBON
CT ON 3/29/2012 AT 9:20am
ATTEST. LAURIE TIROCCHI, TOWN CLERK