

MINUTES  
SPECIAL MEETING  
ZONING BOARD OF APPEALS  
LISBON TOWN HALL  
TUESDAY, FEBRUARY 28, 2011  
7:00 P.M.

Call to Order:

The Special Meeting of the Zoning Board of Appeals was called to order by Ronald Babbitt, Chairman, at 7:00 pm.

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

MEMBERS ABSENT: Michael Lentini

1. Application 11-02, Walter & Valerie Dziengel – Lot Number 071 (102 Kendall Road).  
Chairman Ronald Babbitt briefly explained the reason for the Special Meeting, and stated that were the application to be withdrawn, the fee paid by the applicant would be applied to the new application.

Attorney Harry Heller of Heller, Heller & McCoy, 736 Norwich-New London Turnpike, Uncasville was there to represent the applicant. He stated that the applicant was willing to co-operate with the board. Chairman Babbitt stated that three criteria must be met in order to accept the application: 1) application must be taken in by the Town Clerk 2) payment must be received 3) the application must be signed by the Zoning Officer. He stated that the Zoning Officer did not sign off on the application, and that at the regular meeting held on February 22, he misread the signature on the application, believing it to be Ben Hull's (it was Valerie Dziengel's).

Atty Heller argued that the regulations say that an application must be submitted to the Town Clerk, with nothing indicating the Zoning Officer need sign it. Chairman Babbitt stated that the Zoning Board of Appeals needs a variance if the application has been denied. Atty. Heller does not agree and stated that a professional can make the determination if the property can't be built on based on the regulations, and stated that other towns do not rely on their zoning officers to make that determination. He stated, however, that his client was willing to withdraw the application in order to resubmit with the Zoning Officer's signature. Chairman Babbitt recommend the applicant go to the Zoning Officer to inquire about the order they need to reapply.

Atty Heller stated that the Wetlands Commission must make a determination of environmental impact based on the Zoning Board of Appeals' approval. Chairman Babitt said his commission would not review the application if the Wetland's Commission hasn't approved it. Atty Heller stated that that condition is not in the regulations. B. Chubka questioned if Planning and Zoning has been approached, to which the answer was no. Atty Heller then stated that he will re-submit the application as-is.

L. MacDonald questioned if this was a taxable building lot, to which the answer was yes, since the 1960's.

Chairman Babbitt then interjected that all that was being discussed at this meeting would be revisited at the Public Hearing, and did not apply to this meeting.

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B. Chubka instructed the applicant to put all the particulars on the new application. L. MacDonald re-iterated that the verbiage needed to be directly on the application.

Chairman Babbitt questioned the applicant to be certain they were aware that they can withdraw the application and the town would waive the fee for re-submission. The attorney said that when he re-submits, he will request to waive the fee, and the board should then vote on it when receiving the new application.

L. MacDonald made the motion to accept the withdrawal of the application on the condition that the applicant re-submit the application and not pay a fee, second by B. Chubka.

VOTE: UNANIMOUS MOTION CARRIED


Chairman Babbitt then read for the record a written request by Atty Heller on behalf of the applicant to withdraw the application (signed by Atty Heller).

J. Magnus made the motion to cancel the site walk scheduled for March 5 at 10:00 AM, second by L. MacDonald.

VOTE: UNANIMOUS MOTION CARRIED

Adjournment – Motion to adjourn by L. MacDonald second by R. Strnad - 7:30 PM

VOTE: UNANIMOUS MOTION CARRIED

  
Elaine Joseph, acting clerk

APPROVED: \_\_\_\_\_  
Ronald Babbitt, Chairman

RECEIVED FOR RECORD AT LISBON.  
CT ON 3-7-2011 AT 9:55 AM  
ATTEST. BETSY M. BARRETT, TOWN CLERK