

MINUTES  
PUBLIC HEARING  
PLANNING AND ZONING COMMISSION  
LISBON TOWN HALL  
TUESDAY, OCTOBER 1, 2019  
6:30 P.M.

The Planning and Zoning Commission held the continuation of the following Public Hearings in the Lisbon Town Hall, 1 Newent Road, Lisbon, Connecticut beginning at 6:30 PM on Tuesday, October 1, 2019:

6:30 P.M. - Application by Joshua E. Armstrong for special permit approval in accordance with the provisions of section 4.2.22 and 10.28, and section 11 of the zoning regulations to allow Armstrong Chimney and Stoves, LLC as a Contractor's Home Enterprise on a 39.35 +/- parcel at 180 Newent Road Lisbon, CT 06351, map/block/lot 16/078/0000 in the R-40/R-80 zoning districts.

MEMBERS PRESENT: Robert Adams, Ron Giroux, Kim Sperry, Sharon Gabiga, Cheryl Blanchard, Gary Ritacco, Trevor Danburg, Timothy Minor (ALT)

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

The following Public Hearing was called to order by Chairman Robert Adams at 6:33 PM:

Application by Joshua E. Armstrong for special permit approval in accordance with the provisions of section 4.2.22 and 10.28, and section 11 of the zoning regulations to allow Armstrong Chimney and Stoves, LLC as a Contractor's Home Enterprise on a 39.35 +/- parcel at 180 Newent Road Lisbon, CT 06351, map/block/lot 16/078/0000 in the R-40/R-80 zoning districts.

Joshua Armstrong, Applicant and Damien Sorrentino and John Faulise of Boundaries, LLC, 179 Pachaug River Drive, Griswold, CT 06351 were present. Mr. Sorrentino offered the updated sight-line demonstration plans, stating they have revisited the driveway apron issue, which centered around the sight-line facing northwest. He stated that his engineers, Michael Murphy, Lisbon Town Planner, and the applicant met to review the situation on September 20<sup>th</sup>. He stated that Mr. Murphy had brought a plan that was previously reviewed by the Commission submitted by the previous owner, in which Advance Survey located the eye locations differently in 2006: the set-back requirement from the edge of the travel lane was 10 feet, it is now 15. He reminded the Commission that their initial measurement was 424 feet. He stated they took new measurements to simulate a raised driveway elevation: at 3.5' feet eye-height the measurement was 457.1 feet; when raised to 4.5 feet they measured 457.4 feet; at 5-foot eye-height they got 458.7.

Mr. Sorrentino stated that he submitted correspondence and new plans to District 2 DOT and received email from Dan MacBride (Mr. Sorrentino read it into the record). Mr. MacBride recommended putting up a stop sign on the driveway along with a stop bar. He stated it was a legal access and was permitted in 2007 and closed out in 2009.

The tree, Mr. Sorrentino stated, is an obstruction. Mr. Murphy clarified the tree is on State Highway. It is important to understand at that 458 feet distance provision, the tree is a partial obstruction.

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Mr. Sorrentino stated that the speed limit approaching this driveway is actually posted as 25 MPH in both directions (yellow warning). The required sight distance at that speed is 295 feet.

R, Giroux thanked the engineers for doing more readings. It gives the Commission more clarity going forward.

Mr. Murphy stated it was beneficial to establish a base line of what they have there. However, it is important to note what the historic approvals had been. He stated that the Commission reviewed applications by the previous owner in 2006, and again in 2010. On June 6, 2006, the Commission approved a Special Permit for commercial agricultural buildings to be built there, in the back of the property. They were supposed to be built side to side, but obviously were not. He entered into the record documents showing that there were 17 conditions associated with the approval, including two which called for reconstruction of the driveway, moving it 10 – 11 feet easterly, as well as filling and grading further back from the apron. He also entered into the record, the recorded plans showing the what was approved in 2006 and filed in 2008. The conditions also required that \$50,000.00 be held while the driveway was being constructed. He stated that this approval can not be ignored. The previous applicant built two thirds of the project, not completing the driveway. The Town had a letter of credit for the \$50k, but it is unclear if that bond had ever been kept up. The 2010 application was a denial, went to court, and the previous owner lost the court appeal.

K. Sperry inquired about the email response as of today from DOT to the applicant: is it predicated on this approval with conditions? Mr. Murphy stated that we do not know what the previous owner gave DOT to sign off on it and reminded the Commission that this plan wasn't filed until 2008 and that it is possible, he never went to DOT with that plan in 2006, but he should have.

Mr. Murphy stated he asked the Town Engineer to review the project. He entered into the record, a letter from CLA Engineers. The engineers reiterate the facts and confirmed the 450-foot sight-line visibility distance. Mr. Murphy then stated that Mr. Sorrentino provided a rough grade of 7% - ideally it should be 1% to 3% so extra time isn't being taken to accelerate on a steep grade. He stated that in the real world, DOT will base their calculations on the actual speed of the vehicles, not the posted speed limit. Based on the DOT figures, the interpretation requires a distance of 475 feet. The problem is, full removal of the tree is ideal, but its location puts it out of the control of the applicant. He also added that there isn't a complete obstruction. Therefore, Staff needed to recommend changes to the apron, to get it to 4% for the first 25 feet from the white stripe on the travel lane. Modification to the apron and a revised bond estimate, as well as revision to the driveway beyond the 25 feet apron, to maintain the driveway at 22 feet wide, will also be recommended by Staff. He also recommends eliminating any of the landscaping around the dumpster in the back as there is no need for it based on its hidden location.

J. Dempsey asked if the Planner realizes what the filling will do on the back end to get the extra percent?

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Chairman Adams asked if the Contractors Home Enterprise Special Permit will go with the land if approved? The Planner said approval goes with the property in the case of a Special Permit. Chairman Adams then asked if in the future another owner had heavier equipment, would that be allowed? Mr. Murphy stated that the new regulations limits the size of the trucks. The new owner would have to comply with the conditions.

Chairman Adams asked the Commission if the had any further questions of the applicant, to which there was none.

Chairman Adams asked if there was Public Comment in favor of the application, to which the following statements were given:

Jessie Benjamin of 184 Newent Road thanked the Town Planner for looking up the old information to bring to the Commission tonight. Frank Gladczuk, 176 Newent Road, said he and his wife have been on Newent Road since 1987, and has no problem with the Armstrong business and would like to see them have their way. Bill McAvoy of 8 Clubhouse Road said that in 2008, if DOT signed off on the driveway, was that \$50,000.00 bond ever released back to the previous owners? Robert Murphy, 122 Kinsman Hill Road, wants the Armstrong family to succeed, and is in favor of him opening his business here in his home. Robert Murphy of 50 Sullivan Road feels the Armstrongs have invested a considerable amount already and asking the applicant to change the driveway is too much. Shawn Russel of 7 Penny Lane hopes the Commission will rule in favor of the Armstrong application. Helen Gladczuk of 176 Newent Road is in support of the Armstrong application, but is showing concern that there is talk about cutting down the tree on her property that is involved in the sight-line issue. Victor Iannone of 85 Lisbon Heights is a bus driver and for 25 years his observation is that any problem on that road stems from speeding. George Basset of 307 Ross Hill Road doesn't see a need for changing the grade on the driveway. Joseph Doran of 50 Kanahan Road said that the Armstrong family are quality neighbors and own a quality business.

Mr. Murphy responded to the comments stating that the application is a change from residential to commercial use. The change in use makes the traffic situation more dangerous. Site planning and public safety is the concern. CT DOT does not control land-use – the Planning and Zoning Commission does. He also noted for the record that it isn't just the Town Planner making these recommendations, but the Town Engineer as well. He is not recommending taking down the tree that is involved in the sight-line issue, but by improving the driveway apron, it improves public safety.

Mr. Armstrong asked about the previous \$50,000.00 bond, and if that is what is expected of him as well. Mr. Murphy responded that his current bond estimate is \$12,000.00 and would recommend upgrading that bond and requiring an as-built before the bond is released. He did not suggest, however, that it would be as much as \$50,000.00. In response to Mr. McAvoy's question as to what happened to the previous bond, Mr. Murphy stated that it had probably expired, but more research would be needed to determine what exactly happened to it.

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Chairman Adams asked if there was anyone present to speak in opposition to the application, to which there was none.

This public hearing was closed at 7:37 PM.



Elaine Joseph, clerk

Approved: \_\_\_\_\_  
Robert Adams, Chairman

RECEIVED FOR RECORD AT LISBON  
CT ON 10/08/2019 AT 9:20am  
ATTEST. LAURIE TIROCCHI, TOWN CLERK  
