

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
LISBON TOWN HALL
TUESDAY, DECEMBER 7, 2021
6:30 P.M.

The Planning and Zoning Commission held the following Public Hearings in the Lisbon Town Hall, 1 Newent Road, Lisbon, Connecticut beginning at 6:30 PM on Tuesday, December 6, 2021:

6:30 p.m. – Application by Sunfox Campground, LLC, 15 Kenyon Road for special permit approval in accordance with Sections 4.3.10, 10.8, and 11 of the zoning regulations to allow for an expansion of the campground to include a total of 53 additional campsites in the eastern portion of the 63.1+/- acres parcel (Assessor's Office Map ID 09/038/0000) in the R-60 zone.

6:45 p.m. – Application by Today's Realty, LLC, 240 Paper Mill Road for special permit approval in accordance with Sections 6.4 and 11, and subject to the standards in section 10.10 of the zoning regulations to allow for the construction of a 9,400 s.f. contractor maintenance and office facility, for material processing and storage of concrete, asphalt, and woody debris into crushed concrete, ground asphalt and wood chips, on a 6.98+/- acres parcel (Assessor's Office Map ID 05/006/0000) in the IP-1 Zone.

MEMBERS PRESENT: Robert Adams, Randy Brown, Trevor Danburg, Ron Giroux, Ben Hull, III, Veronica Lutzen, Timothy Minor, Kim Sperry, Cheryl Blanchard (ALT-Remote)
MEMBERS ABSENT: Jason Lebel, Nathaniel Beardsworth (ALT), Gary Ritacco (ALT)
STAFF PRESENT: Michael J. Murphy, AICP, Consultant Planner-SCCOG, Lisbon Town Planner
Carl Brown, Building Official / Zoning Enforcement officer

Chairman Adams read the legal notice into the record.

The following Public Hearing was called to order by Chairman Robert Adams at 6:32 PM:

Application by Sunfox Campground, LLC, 15 Kenyon Road for special permit approval in accordance with Sections 4.3.10, 10.8, and 11 of the zoning regulations to allow for an expansion of the campground to include a total of 53 additional campsites in the eastern portion of the 63.1+/- acres parcel (Assessor's Office Map ID 09/038/0000) in the R-60 zone.

Michael J. Murphy, AICP, Lisbon Town Planner, noted for the record that the applicant had submitted documents, including comments, via electronic means earlier in the day and he did not have opportunity to review them. Pete Parent of CHA Companies, 101 East River Drive, First Floor, East Hartford, CT 06108, was present to represent the applicant. He noted for the record that Sunfox Campground was situated east of Route 169 and north of I-395, with driveway access off of Kenyon Road. Currently, the campground consists of 86 sites. The plan is to add another 33 sites. He noted that Blissville Brook divides the property which consists of 63 acres, and this brook divides the current camp areas from the proposed sites. An emergency access is proposed at the intersection of Kenyon Road and Strnad Road and is to be gated. The new sites will be served by public water and onsite sewage. Mr. Parent noted that the State Department of Public Health finds the drainage off the lower sites to be acceptable.

Mr. Parent stated that Mr. Murphy is concerned with the flood zone (Zone A). Topographic maps show elevations at 143, with 144 at the lowest, showing no potential impacts on the flood zone. He then noted that the septic for Phase 2 has not been designed yet, as Phase 1 needs to be completed first.

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Mr. David Nowakowski, applicant, stood to address the Commission. He stated that he purchased the campground eight years ago. Before that, the campground was known as Deer Haven, and prior to that, Hill and Dale. The State requires emergency access for campgrounds that have 50 or more camp sites. He noted that the first phase of the expansion will add 32 new campsites, then the second phase will add an additional 21 to make a total of 53 new campsites. He noted that the Town regulations allow for 8 campsites per acre, and that his property consists of 63 acres. The new sites will have 50-amp service and will be deeper to accommodate larger travel trailers and RVs, which, over the years, has become the trend. He also noted that with Covid, the camping industry has experienced a boom; his campground has 100 campers on a waiting list for next season. Fifty of his current campsites accommodate campers for seasonal purposes, and remain year round. The balance is for seasonal and transient campers.

Mr. Hull questioned why the septic is not yet designed, and how often does it get pumped? Mr. Parent stated that Phase 1 septic is designed, Phase 2 is not. Mr. Nowakowski estimates that the septic is pumped two or three times per season. Chairman Adams asked if there is to be a regrading of the property and if fill will be needed? Mr. Parent stated that yes, regrading will take place but that there should not be fill needed.

Mr. Murphy asked the engineer if any of the grading is addressing his comments, or if there are changes? Mr. Parent stated there are no grading changes. Water will flow over vegetative areas, and by following the grade, they meet their flow requirements.

Mr. Murphy noted for the record that a letter in support of the application was received on December 6, 2021 from Scott and Jennifer Still of Stilly's Automotive, an abutter. Chairman Adams read the letter into the record. He then asked if there was anyone present to speak in favor or against the application.

Mr. Kenneth Wohlleben of 32 Strnad Road stood to say that he does not object to the expansion, but objects to the traffic, and hopes Sunfox will find a way to add another way in and out of the campground. Kenyon Road is a dead end street and he has noticed an increase in traffic because of the campground, particularly Thursdays through Sundays. He stated that Ross Hill Campground has two egresses whereas Sunfox does not. At Ross Hill, traffic can turn left onto Ross Hill Road to exit onto Route 138, or turn right on Ross Hill Road to exit onto Route 169. Stating he was not an engineer, he noted that an increase of 53 more campsites at Sunfox would increase traffic by 60%, in his opinion.

Christopher Marien of 9 Kenyon Road agreed with Mr. Wohlben's opinion and stated that he had no issue with the expansion but is concerned with the traffic, noting that Kenyon Road was not designed for the newer, larger campers. It was noted that on October 22, 2021, 99 vehicles went into the campground and 45 came out within a six-hour time frame according to his observation. He suggested that fourteen of the 24 residents on Kenyon Road are against this application in this form because of the traffic and submitted an apparent petition.

Natalie White of 11 Strnad Road stood to say that Mr. Nowakowski has a fantastic campground but, in keeping with earlier comments regarding traffic, says it affects the quality of life for residents on that road, and would like to see the applicant investigate the possibility of another entrance.

Mr. Murphy provided the Commission with a Staff Report in their packets, outlining issues based on plans submitted prior to December 7th. He noted the most recent plans have a revision date of December 7th and were consequently not reviewed by the Planner. He stated the flood plain issue is important because the Town's

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regulations allow those campers vehicles to remain on-site. This is an undesignated A-Zone, or 100 year flood plain. He stated that he referred the applicant to DEEP to assist in the review. Mr. Parent noted for the record that he had submitted two full sized set of plans and smaller versions of the plans to the Commission. Mr. Murphy commented that the applicant needs to show the current 86 sites on the plan. It is the eastern portion of the property that is being developed. Emergency and principle access meets the requirements of two access points according to the commission's position taken in a preliminary review of the access proposal. He then asked the applicant if they have conducted any updated traffic report. Mr. Parent admitted that they have not conducted an updated traffic report, but that the traffic report was from Memorial Day 2019. He stated the report shows 42 trips or 51 vehicles per peak hour. He noted that the engineer, at the time, felt the road could handle it.

Mr. Nowakowski testified that he put up a large, 80' x 40', 3200 s.f. tent during Covid to allow for outdoor activities. The size allowed him to spread out tables in accordance with recommend guidelines for social distancing. Mr. Murphy acknowledged that the applicants approach has been apparently been based on Covid. and Mr. Nowakowski stated that a hard roofed structure may be proposed in the future, but at this point, April through October it is the tent that is shown on the current plans. It was also noted that sanitary pump stations are not "dump stations". Mr. Nowakowski noted that they wanted to address some of these items, such as a location for a future house, so that they would not need to come back in the near future. Mr. Nowakowski stated he would be willing to remove the house at this point in time if it should cause any issues with this plan.

Mr. Murphy asked the applicant if they will have approvals from the Department of Health, to which Mr. Parent replied that they will only have it for Phase 1 at this point in time. He noted that the applicant will have five years from the approval date to complete the project but items that remain on the final plan should have approval at this point. Mr. Murphy noted that comments to his questions had been provided to the Commission in their packets, a copy of which is in the file. He also noted that the Fire Marshal had no concerns with the internal design of the roadway, but felt he would need additional grading information to assess the emergency access. Mr. Murphy stated that the emergency access at Strnad Road requires further grading in order to not adversely affect the resident's driveway that is there also.

Mr. Murphy noted for the record that the report from the Town Engineer, dated November 24, 2021, was submitted with the Planner's report to the Commission. The letter from Jewett City Water Company was unclear about what was needed for the project.

From an administrative standpoint, Mr. Murphy noted for the record that two public hearing signs had been placed at the property, photos of which are in the file. He also noted that letters to the abutters had been mailed and that the office received copies of the abutters notices by electronic means, but needs the hard copy as proof.

Mr. Parent then noted that wetlands and a steep cliff at the 77 Kendall Road property won't allow them to create an entrance at that location and, although they would have preferred to go in that way, it would be physically difficult to accomplish that. Mr. Murphy had advised the applicants to discuss this with the wetlands agency and should provide that agency's feedback.

Robert Browne of Preston Allen Road stated that he is concerned for this kind of development in a residential area, and how it would affect the wildlife and wonders what kind of buffer zone will be implemented. Mr. Murphy responded that Section 10 of the zoning regulations do address distances to residential areas and that they were

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written to allow campgrounds in residential zones. But the comments are duly noted and the matters reviewed.

Mr. Wohlleben of 32 Strnad Road once again commented, asking the Commission what changes had been made to the regulations to allow for year round camping. Mr. Nowakoski responded that the campground has six, pre-existing year-round sites. He also stated that anyone keeping a camper 3 months or more in a year, in a town other than their resident town, must pay property tax to that town where the camper is housed. Mrs. Sperry asked the applicant if they will be allowing for year round camping with the new sites. The applicant stated that they would not be allowed to. Mr. Murphy noted that seasonal campgrounds as defined are to provide short term use between April and October 31st, not on a permanent, year round basis. Any storage of campers on site requires they be disconnected from utilities after November 1st, but the flood plain needs to be determined to protect property. He then noted that, based on the zoning regulations, it is unclear if the applicant could move the six non-conforming sites or not, and will need to research further.

This public hearing was continued to January 4, 2022 at 6:30 PM.

This public hearing was out at 7:46 PM.

The following Public Hearing was called to order by Chairman Robert Adams at 7:46 PM:

Application by Today's Realty, LLC, 240 Paper Mill Road for special permit approval in accordance with Sections 6.4 and 11, and subject to the standards in section 10.10 of the zoning regulations to allow for the construction of a 9,400 s.f. contractor maintenance and office facility, for material processing and storage of concrete, asphalt, and woody debris into crushed concrete, ground asphalt and wood chips, on a 6.98+/- acres parcel (Assessor's Office Map ID 05/006/0000) in the IP-1 Zone.

James Rossman, professional surveyor, of Stadia Engineering, LLC, 516 Vauxhall Street, New London, CT 06320 was present to represent the applicant. It was noted for the record that Keith Mackin of Today's Realty, 185 Old Canterbury Turnpike, Norwich, CT 06360 was also present. Mr. Rossman noted that he just submitted 2 full sized copies of the amended plan, copies of the receipts from the abutters' notices, a narrative, a response to Planner's comments, cost estimate, hazardous waste, storm water report, sightline demo, suitability of the septic system from Uncas Health, and details about the proposed retaining wall. He noted that the plan was modified in response to comments from the Planner and Town Engineer. He noted that there should be no detrimental impact to the carrying capacity of Paper Mill Road, and that the applicant has already been granted approvals through the Town's wetlands agency and Zoning Board of Appeals. It has been confirmed that electric service will be installed underground, and the bulk storage area (at the rear of the Sprague Paperboard site) is acceptable to the Planner. Because the southerly entrance is 25 feet short, they have added a warning sign to caution vehicles. Mr. Rossman noted that the northerly landscape is an 8' island and that notes have been added to the plan regarding sidewalk placements. He also added additional construction details such as tree installation. Mr. Rossman noted that comments by CLA Engineers did not offer a substantive critique or comment. He then noted that the comment by the Planner in regard to the retaining wall suggested the retaining wall would need to be five feet tall, or set back. He stated that the property consists of seven acres and to set the wall back would use up $\frac{3}{4}$ of an acre. Mr. Rossman stated that he would ask the Commission to vary the setback requirement for the retaining wall. The wall would provide additional screening and would enhance the view of the southerly corner. Mr. Rossman also indicated that the traffic opinion is based on the company's internal engineer and they stand on it.

Mr. Murphy stated that he provided the Commission with an extensive Staff report. It was noted that the original

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Zoning Permit application was withdrawn, and that the applicant provided a new Special Permit application. He noted that although copies of the abutters' notices receipts were received, it is important that the applicant provide the original mailings. He also stated that the Special Permit use is also subject to industrial standards in section 10.10, and it seems that storm-water calculations have now been submitted by a professional engineer. But a professional traffic report must also be submitted by a traffic engineer to address the issues in section 11, noting that Mr. Rossman is a land surveyor, not a traffic engineer. He also noted that the issue of the wall setback is a central issue that is not variable by the commission, and noted that the applicant still has it planned for a height of 18' at 10' off the front lot line and about 20' off the travel-way of Paper Mill Road. The regulations require that the wall be reduced to 5' high at the proposed location, or set it back to the setback lines if the the height exceeds 5'.

Mr. Murphy then noted that the applicant previously went before the Zoning Board of Appeals and received a side yard variance for the building, but never asked for, or received, a variance for the wall. The Zoning Board of Appeals clarified the Board's decision at its November 23, 2021 meeting, noting for the record that they did not grant a variance for a wall structure. This clarification is noted in their minutes, a copy of which is in the file.

Mr. Murphy stated that Industrial Park standards also require two layers of trees in the landscaping, and noted that he has given the applicant instruction as to what is needed. He then questioned the applicant regarding sight-line profiles which had been provided. He also noted additional requirements regarding concrete curbing and setbacks for outside storage of materials.

Mrs. Sperry stated that Paper Mill Road is actually owned by the Town of Sprague and asked if the sight-line reports had been submitted to and reviewed by them. Mr. Murphy said that his comments had been included in his referral letter to the Sprague planner. He noted that the Town of Lisbon does not maintain Paper Mill Road and Sprague should have been notified of the application before the Zoning Board of Appeals also, noting that the Planning and Zoning Commission notified the town, but the Zoning Board of Appeals had not. He then read into the record a letter from Sandor Bitman, Chair in Sprague, dated December 1, 2021, which noted that the application before the Zoning Board of Appeals should have been referred to them as well. Mr. Murphy also noted, however, that the Board's variance did not allow the building to encroach on the front yard setback.

Mr. Murphy entered into the record a letter from Thomas W. Sparkman, First Selectman, notifying the Commission of a permit bond (basic surety bond) for \$10,000.00, submitted to him on December 7, 2021 by the applicant. This was submitted independent of a cost estimate. Mr. Mackin clarified that the bond had been provided because of an issue with the apron for the driveway. He then stated that one had been sent to Sprague, as well. Mr. Murphy noted that the applicant is not yet in the road permit process but when he is, it would need to be taken up with the Town of Sprague, not Lisbon. That process is separate from the surety process for site improvements the commission governs. He then stated that he will review the plans submitted tonight by the applicant, and create a follow-up report that will be provided to the Commission prior to the next meeting.

Mr. Rossman interjected that, with regard to the traffic report, he is a licensed surveyor and his internal engineer is a licensed engineer. Mr. Murphy responded to the Chair that the applicant needs a formal traffic impact report, not merely the stamp of the engineer on the site plan. He then noted that the Town of Sprague has asked him for information submitted to date with this application. This is a Special Permit use, not a "use by right". The applicant must meet the higher criteria of Section 11 of the Town of Lisbon regulations.

Robert Browne of Preston Allen Road questioned if the fact that the Zoning Board of Appeals failed to notify the

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Town of Sprague of this application before they made their decision, makes their decision null and void. Mr. Murphy noted that relative to this land use, while procedurally affected he feels Sprague's rights were not materially affected, and also noted that the Zoning Board of Appeals has limited staff – he does not do professional work for them. Although they should have notified Sprague, there was not front yard variance granted. They granted a side-yard setback variance for the building affecting adjacent property in Lisbon. Regardless, Sprague should have been notified, but they have been now and they do have concerns about the proposed wall height. The planner recommended that the hearing be continued.

Joy Passmore of 246 Paper Mill Road stood to say that her property abuts this property. She has lived there for 49 years, and that the paper mill itself had been much worse. She is in support of this application. Heidi Passmore stated that her father built their house in 1954 and asks that the row of trees that separates the properties remain as a buffer. She then stated that the Town of Sprague never asked her if she wanted Willimantic Waste across the street from her; she believes the applicant's operation will be a big improvement over the vacant property that has been used as a dumping ground for debris and garbage. She also noted that Sprague Paper Board owns adjacent property and that they are currently in bankruptcy.

Chairman Adams asked for any other comments, to which there was none.

This public hearing was continued to January 4, 2022 at 6:45 PM.
This public hearing was out at 8:34 PM.



Elaine Joseph, Clerk

Approved _____
Robert Adams, Chairman

RECEIVED FOR RECORD AT LISBON
CT ON 12/13/2021 AT 12:53pm
ATTEST. LAURIE TIROCCHI, TOWN CLERK
Maryanne Wakely, Atst