

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
LISBON TOWN HALL
TUESDAY, JULY 5, 2022
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, July 5, 2022:

6:30 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 10,000 +/- 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 6.857 +/- acres parcel (Assessor's Office Map ID 05/006/0000) in the IP-1 Zone.

6:45 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 29 additional campsites and related improvements on a 63.1 +/- acres parcel (Assessor's Office Map ID 09/038/0000) in the R-60 zone.

MEMBERS PRESENT: Robert Adams, Ben Hull, III, Jason Lebel, Timothy Minor, Kim Sperry
MEMBERS ABSENT: Randy Brown, Trevor Danburg, Ron Giroux, Veronica Lutzen,
Nathanial Beardsworth (ALT)
STAFF PRESENT: Michael J. Murphy, AICP, Consultant Planner-SCCOG, Lisbon Town Planner

Chairman Adams read the legal notice into the record.

The following Public Hearing was called to order by Chairman Robert Adams at 6:33 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 10,000 +/- 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 6.857 +/- acres parcel (Assessor's Office Map ID 05/006/0000) in the IP-1 Zone.

Jim Rossman of Stadia Engineering Associates, Inc., 516 Vauxhall Street, Suite 103, New London, CT 06320 and Keith Mackin, applicant, of Today's Realty, LLC, 185 Old Canterbury Turnpike, Norwich, CT 06360, were present. Also present was Attorney Stanley Lucas of Lucas Law, PC, 116 Sachem St, Norwich, CT 06360. Atty. Lucas noted that Michael J. Murphy, AICP, Lisbon Town Planner, provided a list of 29 items that are of concern. Atty. Lucas believes these items were addressed in previous documents with the prior application. The Attorney is concerned the meeting held between the Town Planner, the Town of Sprague officials, and the Town Engineer held on June 20, 2022 at the site constituted an illegal meeting, as no notice of a meeting was published and they did not have permission of the landowner to enter the site. He asks that, in the future, if anyone wants to go on the property in the future, that they ask permission of the applicant first.

Mr. Murphy addressed administrative issues, and stated that signage for the public hearing had been posted at the property and that proof of abutter's notices had been provided by the applicant, although it still needs to be confirmed that all abutters were notified properly. He then noted that he does not concur with Atty. Lucas' characterization of the "meeting" as illegal or improper that was held with the Town Planner, Town Engineer and representatives of Sprague. He stated that Sprague, the abutter, requested the meeting. He clarified that Sprague

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representatives did not enter the property itself. He also noted for the record that the applicant, by making an application, signed an agreement to let Staff or the Commission on the property. Mr. Murphy also noted that the meeting was not a "site walk" as it relates to review by the Commission, but was to review Staff concerns and recognize the concerns of Sprague's staff. No Commission members were present. Sprague developed a letter to the Commission independently of Lisbon Town Staff, and noted that Sprague is responsible for the road, drainage, etc.

Mr. Murphy noted for the record that the Commission received agency comments in their packets, attached to his Planner's Report. In response to Atty. Lucas' comment about documents having been previously submitted with a prior application, those documents need to be resubmitted for the record. He noted that the Town adopted new regulations with an effective date of September 1, 2021 that relate to storm-water management and low impact development. Mr. Murphy noted that the site has a high level of impervious coverage and requires additional standards to be met since it affects a storm-water Priority Area. The drainage study focused on raw calculations, but not on water quality issues and other issues outlined in his Staff report.

Mr. Murphy noted that the plan shows two architectural elevations, and that all four elevations need to be submitted with the application.

Mr. Murphy noted the Sprague Planning and Zoning Commission's letter into the record. He noted that Sprague has asked for a \$25,000.00 performance bond, as well as limiting operations to daylight hours only. Mr. Murphy again reiterated that there had been no illegal or improper access to the site, again noting that the applicant gave permission with the signed application to allow Staff to enter the property.

Mr. Murphy noted that the wall construction and details will need to be added to the plans. He noted that the wall will apparently be backfilled. The applicant needs to clarify what will be behind the wall and what the finished elevations are. He noted that there will also be a fence at the top and the applicant should clarify what, exactly, the wall is. Mr. Murphy also asked for clarification on the nature of the office space.

Mr. Rossman stated that the chain link fence will be added to the detail. Mr. Murphy responded that the wall is 18 feet higher than road grade, and asked how much will be filled behind it? Mr. Rossman responded that the grade at the top is 218 ½; outside the retained area, the grade varies. Mr. Murphy noted that the hilltop is about 38 feet higher than the road and is being cut down 20' or so, and there will be fill to the 218-foot mark. Operations will apparently take place on top of that but the extent of fill and storage needs to be clear to the Commission.

Mr. Murphy noted for the record that the applicant submitted an email, asking the Commission to continue the public hearing. A copy of this email is in the file. He also noted for the record that the following documents are in the file: Staff Report; Town Engineer Comments; and Uncas Health Comments. Extending the hearing to August 2nd is within the statutory time period for continuing the public hearing.

Chairman Adams asked for public comment in favor of or against the application, to which there was none.

This public hearing was continued to August 2, 2022 at 6:30 PM.

This public hearing was out at 7:02 PM.

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The following Public Hearing was called to order by Chairman Robert Adams at 7:02 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 29 additional campsites and related improvements on a 63.1+/- acres parcel (Assessor's Office Map ID 09/038/0000) in the R-60 zone.

It is noted for the record that Pete Parent of CHA Consulting, 101 East River Drive, 1st floor, East Hartford, CT 06108 and David Nowakowski of Sunfox Campground, 15 Newent Road, Lisbon, were present. Mr. Parent stated that they had received the Town Planner's comments, and they have since provided their response to the Planner, a copy of which was placed in the file and copies of which were submitted to the Commission. He then gave an overview of sanitary flows and drainage information. He noted on the plan that the red lines are delineated flood plain areas as delineated on the FEMA Flood Plain Maps. They have identified restricted areas to meet the flood plain regulations. He commented on the Planner's concerns about the previous traffic analysis from 2019. He noted that Sunfox wanted 80 sites at the time. Based on the review, they got peak (Labor Day) of 40 vehicles per hour. Based on 80 additional spots, the traffic engineer felt the road was sufficient to handle that number. Mr. Parent noted that in order to utilize Kenyon Road as an access point would mean considerable impact on the wetlands. As for water supply, Mr. Parent noted that the Jewett City Water Supply Company said that water is available, and that there is sufficient capacity.

Michael J. Murphy, AICP, Lisbon Town Planner clarified for the record that the issue with the volleyball court location was pointed out by the Commission to the Conservation Commission, but that it is not a part of this application. He questions whether or not it constitutes an activity like a swimming pool, and does it need to be addressed as a separate application.

David Nowakowski, applicant, asked to address the flood plain issue. He noted that camp sites can be placed in flood plains but they are restricted to the amount of time they can be occupied. Mr. Murphy noted that FEMA is concerned about activity in the flood plains here in town and that the new FEMA maps should be reviewed before July 20th.

Mr. Murphy asked the applicant to supplement the traffic analysis. The traffic study was done when the total design was not complete. Twenty-nine sites are now being proposed. The traffic engineer should clarify with 29 sites and what the impact is to the road when only that road is being used. Chairman Adams noted that this is a new application, and newly updated documents must be submitted.

Mr. Parent spoke about sewage disposal, noting that the CT Department of Public Health approved a gravity system in 2021. He also noted that all sanitary facilities are at least 60 feet away from residential properties. The pump system was removed from the plan. Mr. Murphy stated that a new approval must be submitted for this application.

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Mr. Nowakoski clarified that the sites are 2000 s.f. He then noted that the largest RV is a maximum of 400 s.f. Mr. Murphy asked to have parking details added to the plans. He then asked for clarification on the pavilion. Mr. Parent responded that currently, a seasonal tent is being used in the location where the pavilion is being proposed for, but that the applicant will return with an application specifically for the pavilion when he is ready to do so. He also noted that garbage collection is spotted around the grounds and that the main collection site is closer to the entrance. He then noted that no structure would be closer than 160 feet from residential property, and that there is a minimum of 150 feet of wooded area at the property line. Also noted was that vehicle negotiation is not an issue as there is a 50-foot radius.

Mr. Murphy noted for the record that a letter had been submitted to the Commission from an abutter, Mr. & Mrs. Robert Browne of Preston Allen Road, who received an abutter's notice. The Browne's claim that the abutters' notices had not been properly sent out per Town regulations, as they were not mailed certified-return mail. This letter is in the file. Mr. Murphy noted that this would not prohibit the Commission from voting. Current State Statutes only require a certificate of mailing. The Town Attorney stated that CT Statute over-rules local regulations.

Ben Hull asked if the traffic study was based on adding 80 sites, were both roads analyzed? Mr. Parent stated that the second entrance is for emergency access only. He then asked if at any time, traffic is backed up into the road, to which the answer was "no". Mr. Parent noted that at most, 30 cars would be lined up on the driveway and even with that many cars, they still would not be backed up onto the road.

Chairman Adams asked if anyone was present to speak in favor of the application. Lindsey Martell of 25 Nora Street stood to say she was a seasonal camper at Sunfox and has never seen more than three campers in line. She is in favor of the expansion. Jennifer Still, owner of Stilly's Auto on South Burnham Highway, is also in favor of the application.

Chairman Adams asked if there was anyone to speak in opposition to the application. M. Courier of 29 Strand Road stated that there is less than 3/20th of a mile from Strnad Road to Kenyon. He noted that the campground has had four owners since its inception. Mr. Nowakowski has made changes to the campground but there have been no changes to the roads and there are no signs that warn traffic of steep hills and sharp curves. Chris Marien of 9 Kenyon Road agrees with Mr. Courier, saying that the traffic study was done in 2019, and that Mr. Nowakowski has gone on record to say that camping activity has greatly increased since Covid began. He noted that his Ring camera caught 670 vehicles going past his house on Kenyon Road this Memorial Day weekend, and 1007 vehicles on July 4th weekend. He is concerned that a 35% increase in campsites would add an additional 1300 vehicles each weekend. He also brought up the issue with the volleyball court being in the wetlands, and complained that public hearing signage was not visible to anyone who did not go down to the campground property. Mr. Murphy responded that the public hearing signage had been observed by him, and that they are adequate and in line with the requirements in our Town regulations.

Mr. Nowakowski asked if the public hearing could be continued, and possibly in another location, as many of his campers would like to come and speak in favor of the application. Mr. Murphy stated that an alternate location is not out of the question, but that those who would like to speak may also do so via letter to the Commission.

Jason lebel commented that the concern he has with a Kendall Road exit is the impact it would have on the wetlands there. Mr. Parent noted that there is a 100-foot stretch of road that allows for just 20 feet width until it drops into

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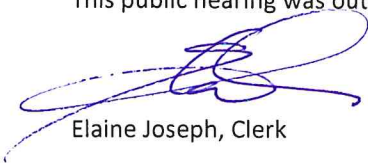
Blissville Brook. He stated that Wetlands Commission said it is not possible to come in that way. He realizes it is a dead end on Kenyon Road but the structure and nature of the road is what should be considered. There are no extra statutes of protection for dead end streets.

In response to Mr. Nowakowski's comment about his campers giving testimony, Mr. Hull asked if it is ethical for a non-resident to give comment? Mr. Marien suggested that those that use the campground and do not live on the road should not be commenting on traffic conditions.

Mr. Murphy stated that the emergency access met the standards when the Commission received it at an earlier date. The important thing is the impact of traffic on the road. The width of the road helps the road in terms of capacity. Mr. Nowakowski also responded that although he has been busier once Covid hit, they can never be at "fuller than full" capacity. He suggested that Memorial Day weekend gives the maximum values for traffic impact. Mr. Marien stated that when the campground is at capacity, there are still visitors coming in, which just increases the amount of traffic. When questioned about parking, Mr. Nowakowski noted that he has parking for the visitors at the old volleyball court location.

This public hearing was continued to August 2, 2022 at 6:45 PM.

This public hearing was out at 8:04 PM.



Elaine Joseph, Clerk

Approved _____
Robert Adams, Chairman

RECEIVED FOR RECORD AT LISBON
CT ON 7/13/22 AT 9:17 am
ATTEST. LAURIE TIROCCHI, TOWN CLERK

Janetha Fure Asst.