

MINUTES  
PUBLIC HEARING  
PLANNING AND ZONING COMMISSION  
LISBON TOWN HALL  
TUESDAY, AUGUST 2, 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, August 2, 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.

6:55 p.m. – Application by National Sign FBO Kohl's Department Stores, 160 River Road for special permit approval in accordance with sections 15.3, 15.8 and section 11 of the regulations to remove existing internally illuminated Kohl's sign (195 sf) and replace with new internally illuminated Kohl's + Sephora wall signs (192 sf + 37 sf, respectively) and reface existing Rte 12 pylon sign (Assessor's Office Map ID 20/014/0000) in the IP-1 Zone.

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

Chairman Adams read the continuation notice into the record.

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

Mr. Rossman gave a lengthy explanation of the plan. He noted that the property had been surveyed with wetland areas delineated. The Conservation Commission has given them a wetlands permit, also noting that the original plan submitted to the Planning and Zoning Commission is identical to the plan submitted to the Conservation Commission. He stated that the footprint of the building area has been reduced. He noted that the property is an odd shaped, cut by a property owned by the Federal Paperboard company. He stated that his client would like to reutilize the property as industrial use. Of the nearly seven acres of property, only about two acres are buildable.

MINUTES  
PUBLIC HEARING  
PLANNING AND ZONING COMMISSION  
TUESDAY, AUGUST 2, 2022  
Page 2 (cont)

The applicant received a side-yard setback variance from the Zoning Board of Appeals. He stated their plan reduces impervious pavement to reduce storm-water runoff. When perk-tested with Uncas Health District, it was discovered that the property has layers of sand and gravel that rapidly receives water. Their plan is to leave the southern side vegetated to protect the wetlands from debris.

Mr. Rossman stated that the southerly nib of the land cannot be used; therefore they are proposing a retaining wall. He then noted that the applicant went back to the Zoning Board of Appeals for further setback variances. The Board also granted them variances to limit parking and plantings at the site. It is not the applicant's intent have retail sales to the public, as no retail will be happening at this location. He noted that changes to the plan were made as time went on because of the catch basins on Paper Mill Road. Two catch basins are on the applicant's property. Mr. Rossman noted that the adjacent property has a lot of pavement.

Mr. Rossman stated that they considered how to keep employee and truck travel for in-taking and processing of material, separate. He then noted that all low impact development (L.I.D.) criteria is being considered. The only impervious area is the parking lot and sidewalk next to the building. There are no concentrated discharge points, and they do not want to touch the existing water flow system. He noted that DEEP classifies all solid waste as municipal solid waste. He said the processed material can be used in a number of different ways, and used the example of ground wood chips being used in agriculture. He noted that the file already contains a letter previously submitted to the Building Official / Zoning Enforcement Officer listing the materials for his review. Mr. Rossman stated that the prior application had been withdrawn and when re-evaluating things, they chose to propose grass near the building. There is no capture system planned from the roof runoff, and the water will shed from the roof on the north and south sides. He anticipates the water will go into the ground from there and be absorbed.

Mr. Rossman clarified that from 1970 through 2010, tractor-trailers were being parked on the site. Mechanical scarification would be unnecessary, as the land is all sandy loam. Shrubs obstructed the sight line in the south driveway, but those shrubs are now gone and the sightline distance is now measured at 360 feet, well above the required 250 feet. Plans were highlighted to distinguish between existing and proposed topography. Although Sprague is responsible for the road, 99% of the work is in Lisbon. He noted that although there are many signs in existence on Paper Mill Road warning of trucks, the applicant would like an additional sign installed. He noted that the applicant would not be installing lighting, other than security lights on the building, which will not cause glare.

Mr. Rossman then noted that the retaining wall will have a ½ foot reveal on the inside face. It is at 218 ½ feet elevation from end to end of the wall. It is ½ foot high at terminal end then rises 9 feet, then 18 feet. The high wall visual will be seen from the northbound traffic. It will be a gravity wall constructed of large concrete blocks weighing 4000 to 6000 lbs. A 4-foot chain link fence at the top of the wall can be installed with vinyl slats to limit visibility. The purpose of the wall is to act as visual barrier to activity at the site. Materials will be deposited in bins.

Mr. Rossman then noted that the applicant was in receipt of Staff comments by CLA Engineers, and took the time to go over his answers. These comments included adequacy of sight-lines and grading, which had been demonstrated. He also noted that an additional Detail Page had been added to the plan, per the Engineer's request. He also noted that the wall is considered a structure per Town regulations and they will need to submit plans to the Building Official for approval. He then noted that comments from Uncas Health District were already in the record, and that the applicant will pull a driveway permit with Sprague.

MINUTES  
PUBLIC HEARING  
PLANNING AND ZONING COMMISSION  
TUESDAY, AUGUST 2, 2022  
Page 3 (cont)

Mr. Rossman noted that they have responded to Town Planner's comments of June 23, 2022, stating that the L.I.D. and plan checklists were submitted today, on August 2, 2022. He repeated some of his prior testimony, noting that storm-water calculations were addressed and that a cost estimate had been submitted at the last hearing but re-introduced this afternoon. He stated that the traffic engineer determined there would be little impact to the road. The northbound driveway would be used to enter the facility and the southbound exit was for exiting.

Mr. Rossman responded to the comment from the Planner regarding irrigation. He is proposing no formal irrigation system as the minimal plantings, trees and grass, could be watered with a hose. He noted that the wall will not be used as advertising space and that a minimal sign near the entrance to the building will be used.

Mr. Rossman stated that the applicant had cut quite a bit of vegetation and is currently stock piled on the property. He stated he got the necessary permits to store some fill on the property.

He added 5-foot square concrete pads to the plans on the north and east side of the man doors as suggested by the Town Planner. These modified plans were submitted on the afternoon of August 2, 2022. He then submitted for the record additional photography of the sight-line, existing hillside and material stockpile as taken on August 2, 2022. He noted that Today's Construction, the applicant, has posted bonds with the towns of Sprague and Lisbon for driveways.

Michael J. Murphy, AICP, SCCOG Consulting Planner and Lisbon town Planner stated that the applicant had previously made notifications to abutters and had installed public hearing signage, as required. He stated that Mr. Rossman addressed Staff comments and has added a substantial amount of information to the original plan of record which has only been received today. The major focus is the traffic impact relative to safety. The sight line profile of record still shows only 220' of visibility. A new sight-line map should have been submitted with shrubs being removed, but noted that the issue has not been properly resolved, as there is no information on how or by whom the bushes were removed or whether the shrubs are permanently removed to eliminate the possible obstruction from recurring. Certification of continuing sight visibility will need to be provided, preferably during an open public hearing.

Mr. Murphy noted that the public hearing would be closed under statutory requirements unless the applicant requests, in writing, that it remain open. The Town's Building Official / Zoning Enforcement Officer should also give his testimony on the suitability of the materials in an open public hearing. He suggested that, if the public hearing were to be closed tonight, that the Commission reserve the ability to receive comments from the Building Official, Town Engineer and Town Planner because revisions to the plans had been received only late in the afternoon today, August 2, 2022. The drainage report was not revised but comments were submitted. Sight-line was not updated but the surveyor could certify it in writing. It is noted for the record that architectural elevations north, south, east and west were submitted at the public hearing. He also notes that signage continues to be an issue as nothing has been submitted.

It was determined by Mr. Mackin that materials would be stockpiled in bins and not in the crushing / processing areas. The machinery is portable and is only eight feet high. Stockpiles will be approximately 20 feet high. Mr. Murphy noted that the decibel level of the crushing material must meet industrial standards for noise emitters. He also noted that the required irrigation measures should be on the plan and cannot be waived. When asked what the hours of operation were, Mr. Mackin stated that operations such as crushing will take place during normal daylight hours, but that materials will be brought in during evening hours as well, seven days a week. Discussion ensued



MINUTES  
PUBLIC HEARING  
PLANNING AND ZONING COMMISSION  
TUESDAY, AUGUST 2, 2022  
Page 4 (cont)

about the design and construction of the block retaining wall, certification of the plans by professional engineer Ferrante, the ownership of trucks accessing the site and the importance of dust control, which should be included in the erosion and sediment control plan.

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

Mr. Rossman submitted for the record, a formal letter granting a 30-day extension of the public hearing. This public hearing was continued to September 6, 2022 at 6:30 PM

This public hearing was out at 8:45 PM

The following Public Hearing was called to order by Chairman Robert Adams at 8:52 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, 1<sup>st</sup> 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 Staff Report and that they are submitting updated traffic information. Mr. Parent noted that Kenyon Road is a total of 24 feet, well over the required 10-foot lane requirements for a moderate density, local road. Traffic has been declining on Route 169, and no accident data is available. The last time an accident occurred on Kenyon Road was in 2010. Mr. Nowakowski suggested that there is now a 33% increase over the 2019 study. Mr. Parent noted that the numbers were given for peak volume of traffic going into the campground on Memorial Day weekend of 2019.

Mr. Murphy noted that traffic related comments were emailed to the Commission members on Monday and hard copies were distributed to them today. Mr. Murphy noted that the new traffic information does not address what the daily traffic on Strnad and Kenyon is. Mr. Murphy stated that the traffic report needs clarification – volume, peak traffic comparisons of campground traffic vs. existing residential traffic. Mr. Giroux noted that the new information does not give the Commission the actual number of vehicles turning in to Strnad Road.

Mr. Murphy stated that the Department of Energy and Environmental Protection is in receipt of the plan regarding the estimated flood plain elevations but have not yet responded. Mr. Parent noted that their plans have been revised but they have not yet submitted them. Mr. Murphy suggested that the applicant should grant a 30-day extension to allow for their submission and receipt of agency comments. Mr. Parent submitted a hand-written 30-day extension request for the record.

Mr. Nowakowski asked the Commission whether or not the volleyball court should be on this application. Mr. Murphy suggested that it is not currently shown on the plan and in the application and that it should not be added now because wetlands was approved after this application was submitted. This application would therefore have to be withdrawn in order to add it. The volleyball court did not go through the review process with the Commission (like that of the swimming pool application a few years ago). In addition, parking has been added, the court is near

MINUTES  
PUBLIC HEARING  
PLANNING AND ZONING COMMISSION  
TUESDAY, AUGUST 2, 2022  
Page 5 (cont)

the border of existing residences, and the extent of the disturbance may require certification of an erosion and sediment control plan. And, technically, it should not be used because it has no zoning authorization. Mr. Giroux noted that these types of larger improvements should be brought to the Building Official / Zoning Enforcement Officer for review or to defer it to the Planner and/or the Commission to confirm a permitting process. Mr. Murphy then stated that the issue with the volleyball court should not be held against the applicant with regard to the current application before the Commission.

In reference to the comment that traffic is beginning to decline on Route 169, Mr. Hull asked if campground volume was declining. Mr. Nowakowski stated that most campgrounds are seeing an increase in overall occupancy, post Covid.

Chairman Adams asked if there was anyone to speak in favor of or against the application. Chris Maren of 9 Kenyon Road submitted a report he prepared showing that on July 4<sup>th</sup> weekend, 1009 trips by vehicles was counted by him. He also noted that the distance from curb to curb on Kenyon Road is 22 feet, not 24 feet as Mr. Parent testified to. Mr. Brown noted that traffic volume in the last two years has doubled, in his opinion. Most campers are seasonal. Campers will park their campers but their vehicles will go in and out. In relation to the subject of activities, including volleyball, the activities encroach on the buffer zones. Wildlife is forced to move into the residential areas.

Chairman Adams asked if there was any other public comment, to which there was none.

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

This public hearing was out at 9:35 PM.

The following Public Hearing was called to order by Chairman Robert Adams at 8:52 PM:

6:55 p.m. – Application by National Sign FBO Kohl's Department Stores, 160 River Road for special permit approval in accordance with sections 15.3, 15.8 and section 11 of the regulations to remove existing internally illuminated Kohl's sign (195 sf) and replace with new internally illuminated Kohl's + Sephora wall signs (192 sf + 37 sf, respectively) and reface existing Rte 12 pylon sign (Assessor's Office Map ID 20/014/0000) in the IP-1Zone.

Darcie Roy of National Sign, 780 Four Rood Road, Berlin, CT 02467, was present. She submitted samples of the channel letter materials for the record. She clarified that Sephora is not a subtenant, but a vendor. She also clarified that the LED lighting in the sign is dimmable, and the new "Kohl's + Sephora" sign will replace the old "Kohl's" sign.

Mrs. Sperry noted that the elevations called for removing shrubbery, which would go against the original special permit requirements. Ms. Roy clarified that shrubbery and plantings were not going to be removed, and that the note to do so will be stricken from the elevations. Mr. Murphy noted that the contractor had painted the front of the building black but it has been repainted white again. The pylon sign out front will just be adding "+Sephora" and will remain the same size.

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

MINUTES  
PUBLIC HEARING  
PLANNING AND ZONING COMMISSION  
TUESDAY, AUGUST 2, 2022  
Page 6 (cont)

This public hearing was closed at 9:48 PM.

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

Elaine Joseph, Clerk

RECEIVED FOR RECORD AT LISBON, CT  
ON 8/10/22 AT 10:55 am  
ATTEST. MICHELLE GRANT, TOWN CLERK  
