

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
LISBON TOWN HALL
TUESDAY, SEPTEMBER 6, 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, September 6, 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, 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 6:30 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 noted for the record that 3 copies of a Memorandum, signed by the Engineer, was submitted, a copy of which is in the file. He also noted that 3 copies of updated plans had been submitted and a copy is in the file. He then commented on the Town Engineer's comments and questions, a copy of which is in the file.

Mr. Rossman stated that the revised plan shows the sight line changes, which is now 290 feet from the south. He also noted that the revised plan shows site grading and changes to the retaining wall, including the height of the wall. He then stated that the Structural Engineer's plan was submitted to the building official and a permit has been obtained. Mr. Rossman stated that the surface treatment of the ground from the wall to the road has been addressed. Mr. Rossman noted the Town's Engineer wants an engineer to respond to his comments regarding their drainage report. Mr. Rossman stated that their engineer has signed and sealed those comments in the report. With regard to Uncas Health approval, he noted that Uncas Health had submitted "approval" early on and a copy of that

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

approval is in the file. He noted that Sprague has given the applicant a driveway approval and a copy is in the file. Lastly, the applicant has submitted a site cost estimate, noting that Mr. Mackin is a licensed contractor.

Mr. Rossman then noted that he received the Town Planner's comments just that morning. He addressed his comment regarding Low Impact Development Measures. He stated that this was not a complex design, and that the land is impervious and water will infiltrate rather than run off. The downspouts were not depicted on the elevations submitted of the proposed building. The roof ridgeline runs east to west on the building. Any northerly discharge will go into the soil. He stated he will denote additional discharge on the plans. The applicant proposes a grass swale to allow the water to infiltrate.

Kelly Clatt, Alternate, entered at 6:49 PM.

Mr. Rossman stated that aerial photography of the location had been submitted at a previous public hearing, showing that the location has been used as a parking area for tractor-trailers in the past. The soils are compact, and still percolate. They will add a note to the plans regarding the need to prevent compaction and treat the surface when necessary. He then spoke on the subject of noise, noting that the State standards require 70 decibels or less at the property boundary. He noted that the mature tree line, and the proposed building, would help to mediate the noise, also noting that the use of this equipment is just one aspect of the operation. The applicant will take measures to meet State standards.

Mr. Rossman responded to the Town Planner's comment about stormwater not being addressed. Mr. Rossman stated that he feels it has been, and that the engineer signed off on the stormwater report. Regarding landscaping - a note will be added to the plan stating that the property owner will maintain landscaping. He then noted that they will concede to adding a columnar tree to the island, but does not want to plant the type of trees with branches that would grow outward and create a problem for trucks and trailers. With regard to there not being a dumpster pad noted on the plan, Mr. Rossman conceded to adding a detail on the plan for a dumpster. The signage will be removed now that the sight line has improved. There will be no loading of bulk materials at the front and side of the building. Loading is to take place at the bins. Mr. Rossman stated that they will outline a region on the plan for temporary loading/unloading for deliveries from Fedex, etc. There will be no loading in the parking lot. As for specific plantings - a legend will be added to the plan, and a note regarding the lighting on the building will also be added. He noted that there is no proposed lighting for the site in their design.

B. Hull asked why CLA Engineers insists the height of the wall was not addressed, and does the Engineer expect an as-built before the project is completed? Mr. Rossman replied that Stadia Engineering will not be designing the wall. Michael J. Murphy, AICP, SCCOG Consulting Planner and Lisbon Town Planner responded that CLA Engineers wants to be certain that the applicant understands that an as-built will be required upon approval.

K. Sperry noted that the hours of operation needed to be more specific than "daylight hours". Mr. Mackin stated that crushing is to take place during normal daylight hours, seven days a week. Mrs. Sperry recommends quantifying it and making it Monday through Saturday. She also questioned that, if millings were being delivered at midnight, does that change the lighting scheme? And does it change the sight-line requirements? Mr. Rossman answered "no". Mr. Murphy questioned what the lighting situation at night was. Mr. Rossman stated that there is an existing streetlight at the Northeast corner of the parking lot. The traffic would enter at the main entrance, deposit the materials then would exit from the same driveway.

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
TUESDAY, SEPTEMBER 6, 2022
Page 3 (cont)

Attorney Stan Lucas gave an overview of the project. He stated that the project proposed an industrial use in an industrial zone and is an excellent use of this property. He noted that residents previously spoke in favor of the application. The site plan has been reworked various times and drainage issues are not on his client's property. He asked that the Commission not condition the application to modify someone else's property. He noted that after the recent 7 inches of rain the region had, it still does not look bad. Across the street is a 25-foot block wall and the applicant's wall will look similar. It is the town's responsibility to address street problems. Finally, he noted, the applicant will add a tax base and jobs to the Town.

Mr. Murphy noted that the hearing has to be closed tonight. He also noted that his Staff comments submitted today were merely re-iterations of previous comments from the last three months. The planner noted Mr. Rossman, the surveyor, has done the majority of the talking for the engineers, but does not have professional engineering credentials. Staff comments should be addressed by those experts, noting that estimates are normally prepared by the professional engineer, not the contractor. He also noted that he is focusing on recent stormwater amendments adopted in 2021. The applicant has not addressed these regulations to protect MS4 water quality and systems in Sprague. Mr. Mackin is minimizing asphalt, but it is not enough to meet the regulations. Mr. Murphy stated that the applicant has not been willing to deal with the stormwater quality from the site. Sprague can also require them to analyze storm systems in the right of way. He reiterated that the applicant's engineer has not addressed the issues of LID Regulations and sight visibility. Furthermore, without professional testimony, there is no way to establish that the noise level will remain below 70 decibels at the property line. Stormwater, drainage and noise are the main issues remaining.

Mr. Murphy entered into the record and read a letter from the Town of Sprague, dated September 5, 2022. A copy of the letter is in the file.

Mr. Murphy stated that the Commission will have the option to mandate conditions upon approval to attempt to assure the applicant meets all the requirements, but this is risky if you are unsure of what will result. Mr. Rossman asked to correct a statement made by Mr. Murphy. He stated that he is a licensed surveyor, and that a professional engineer signed and sealed the plans, comments, and other documents presented; Mr. Ferrante could not attend tonight. Mr. Murphy then noted that the Town Engineer has asked the engineer for a direct response but has not received one, and there are other ways for the engineer to respond. Mr. Rossman also noted that the drainage on the road is maintained by the town of Sprague, and it is not the responsibility of the applicant to change that drainage system.

Chairman Adams asked for public comment. Cheryl Blanchard, First Selectwoman of the town of Sprague stood to say that although she thinks this is a great use of the property, she has great concerns for runoff from the property. Sprague is responsible for water on the road but not for water coming from the property. Her final comment was that stormwater has not been adequately addressed.

This public hearing was closed at 7:47 PM.

The following Public Hearing was called to order by Chairman Robert Adams at 7:53 PM:

Application by Sunfox Campground, LLC, 15 Kenyon Road for special permit approval in accordance with Sections

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
TUESDAY, SEPTEMBER 6, 2022
Page 4 (cont)

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.

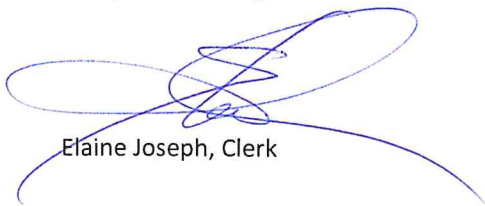
It is noted for the record that Pete Parent, professional engineer, of CHA Consulting, 101 East River Drive, 1st floor, East Hartford, CT 06108 and David Nowakowski of Sunfox Campground, 15 Kenyon Road, Lisbon, were present. Mr. Parent provided a preliminary cost estimate for the record, as well as a further analysis on flood areas. The flood plain is 10 feet lower than any of the campsites from their analysis. He also had the traffic engineer responded to Mr. Murphy's questions about traffic and its effect on residential use and intersections. Mr. Parent noted that the new traffic study looked at traffic volumes and compared Route 169 and the side roads. He stated that there is a 12-second delay but that the level of service remains at a "B" at the street system's intersection with Route 169. The roadway has the capacity to handle the additional traffic.

Mr. Murphy reported that he submitted his Staff report on August 30th. He also noted that the public hearing must be closed tonight. He also noted that the Fire Marshal has given his OK for the emergency access road and plan. The Town's Engineer is satisfied with flooding and stormwater reports, and DEEP has reviewed the plan. Mr. Nowakowski stated that any camper that is there for 180 days or less is readily moveable. None of the proposed campsites are for fulltime, seasonal occupation. Mr. Parent noted that FEMA shows some of the campsites to be in the flood plain as depicted on FEMA maps but that their analysis shows the flood plain to be further away. Mr. Murphy noted that the traffic analysis was added to the website for public review. The drainage report has been stamped by the engineer. Only minor design issues remain. He noted that the issue with the volleyball court will require separate E & S certification but is outside of the current application process and should not have bearing on the Commission's decision regarding this application, one way or the other.

Mr. Nowakowski summarized the process. He noted that seasonal campers pay personal property taxes to the Town.

Chairman Adams asked for public comment. Mr. Robert Browne of Preston Allen Road noted that by removing the buffer zone, it will increase the smoke and noise coming from the site and affecting residential areas further. Chris Marien of Kenyon Road maintains that he believes that the added traffic will be excessive.

This public hearing closed at 8:17 PM.



Elaine Joseph, Clerk

Approved _____
Robert Adams, Chairman

RECEIVED FOR RECORD AT LISBON, CT
ON 9/12/22 AT 12:38pm
ATTEST: MICHELLE GRANT, TOWN CLERK
