

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
LISBON TOWN HALL
TUESDAY, DECEMBER 6, 2011
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, 2011.

1. 6:30 P.M. – Application for a Special Permit for façade renovations (Kohl's), located at 160 River Road (Route 12) on a parcel of land owned by Lisbon Landing, LLC, Map 20 Lot 14. Applicant, Jack Reynolds, Casco, Agent of Owner.
2. 6:35 PM – An application by Tessa Bernstein, c/o McDonalds Corporation for a Special Permit to expand drive thru from one lane with two order points to two lanes (side by side) including associated pavement, landscaping and parking modifications. Property is located at 95 River Road (Route 12), as shown on Map #15 as Lot #31-A
3. 6:40 PM – An application by Alan J Micale, P.E., Ayoub Engineering, Inc, (Agent for McDonalds Corporation) for a Zoning Permit to make modifications to the existing restaurant with a drive-thru. Modification to include upgrading existing building façade, remodel interior of dining room/restroom areas insuring full ADA compliance, and install a new side-by-side ordering system, reconfigure existing parking, curbing and landscaped area resulting in full ADA compliant access. Property is located at 95 River Road (Route 12), as shown on Map #15 as Lot #31-A
4. 6:45 P.M. – Application for a Special Permit for a Construction and Demolition Recycling Facility, located at 425 South Burnham Highway (Route 169) on a parcel of land owned by Philip C. Armetta, L.P., Map #2 Lot #11. Applicant, Lisbon Industrial Park, L.P.

MEMBERS PRESENT: Robert Adams, Ronald Giroux, Kim Sperry, Garry Ritacco, Sharon Gabiga,
John Dempsey
Alternates: NONE

STAFF PRESENT: James D Rabbitt, AICP, Senior Planner-SCCOG, Lisbon Town Planner

The following Public Hearing was called to order by Chairman Robert Adams at 6:40 PM:

1. 6:30 P.M. – Application for a Special Permit for façade renovations (Kohl's), located at 160 River Road (Route 12) on a parcel of land owned by Lisbon Landing, LLC, Map 20 Lot 14. Applicant, Jack Reynolds, Casco, Agent of Owner.

Representation for the applicant was not present at the opening of this public hearing. Staff J. Rabbitt recommended the public hearing be suspended until after the remaining three public hearings were heard. A motion was made by G. Ritacco second by R. Giroux to suspend the public hearing for Kohls until later in the evening.

VOTE: UNANIMOUS MOTION CARRIED

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
TUESDAY, DECEMBER 6, 2011
page 2 (cont)

The following Public Hearing was called to order by Chairman Robert Adams at 6:45 PM:

2. 6:35 PM – An application by Tessa Bernstein, c/o McDonalds Corporation for a Special Permit to expand drive thru from one lane with two order points to two lanes (side by side) including associated pavement, landscaping and parking modifications. Property is located at 95 River Road (Route 12), as shown on Map #15 as Lot #31-A

Representative for the McDonalds application, Alan J. Micale, P.E., LEED AP of Ayoub Engineering, 414 Benefit Street, Pawtucket, RI, was present to give testimony. Staff J. Rabbitt interjected and stated that the abutters to the applicant were not notified, and he recommended that after a brief presentation by the applicant for the commission that the public hearing be continued to January 3, 2012.

Micale gave a brief presentation and requested a continuance to January 3, 2012. He showed an existing queuing plan and stated they were looking at a program for modifying the drive through of McDonalds. He stated that the corporation was introducing a side-by-side ordering point, to keep the lane going forward, which is a more efficient drive through ordering system.

R. Giroux stated that it looked like they will lose some parking spaces, to which the response was yes. K. Sperry asked if there is enough space for delivery trucks, and the answer was yes. Staff J. Rabbitt stated that the delivery truck flow would not change. A. Micale then showed an illustration of the proposed façade. He stated McDonalds is trying to remove some of the current, more garish red & yellow elements, to make it more aesthetically appealing. He also stated that ADA compliance is a priority for McDonalds and will be conducted in three stages: the side-by-side drive through; the exterior; and the interior.

G. Ritacco asked if the changes will be similar to those at the East Great Plains location in Norwich, to which the answer was yes, but that the result will be even more unique.

Staff J. Rabbitt interjected that the hearing needed to be continued and that the notices needed to be sent by the applicant. He welcomed any comments by the commission so that the applicant could have everything addressed regarding treatment, molding, columns, brickwork (Quickbrick), and other treatments. He also submitted a summary of the status of the application to the members and for the record.

Chairman R. Adams asked for public comment, to which there was none.

Micale asked if the commission would need to approve the signage, to which the answer was yes and that it would be included as a part of the application. It was stated that only 10% of window space is allowed by current regulation. K. Sperry asked about outdoor seating. Staff J. Rabbitt replied that the current outdoor tables will be removed in order to make it ADA compliant. The dumpster will be completely redone as well. K. Sperry then made comment regarding the "screening" between the veterinarian facility and McDonalds. It is currently uncertain who owns it. It was also then stated that the playground would remain. Chairman R. Adams asked if the windows would later look more "colonial" in style, with mullions, and stated that it would be preferable on the part of the commission.

This Public Hearing was continued to January 3, 2012 at 6:30 PM.

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
TUESDAY, DECEMBER 6, 2011
page 3 (cont)

The following Public Hearing was called to order by Chairman Robert Adams at 7:06 PM:

3. 6:40 PM – An application by Alan J Micale, P.E., Ayoub Engineering, Inc, (Agent for McDonalds Corporation) for a Zoning Permit to make modifications to the existing restaurant with a drive-thru. Modification to include upgrading existing building façade, remodel interior of dining room/restroom areas insuring full ADA compliance, and install a new side-by-side ordering system, reconfigure existing parking, curbing and landscaped area resulting in full ADA compliant access. Property is located at 95 River Road (Route 12), as shown on Map #15 as Lot #31-A

Representative for the McDonalds application, Alan J. Micale, P.E., LEED AP of Ayoub Engineering, 414 Benefit Street, Pawtucket, RI, requested that the previous testimony by applied to this hearing.

This Public Hearing was continued to January 3, 2012 at 6:40 PM.

The following Public Hearing was called to order by Chairman Robert Adams at 7:07 PM:

4. 6:45 P.M. – Application for a Special Permit for a Construction and Demolition Recycling Facility, located at 425 South Burnham Highway (Route 169) on a parcel of land owned by Philip C. Armetta, L.P., Map #2 Lot #11. Applicant, Lisbon Industrial Park, L.P.

Attorney Hugh Manke of Updike, Kelly & Spellacy P.C., 265 Church St # 1001, New Haven, was present to represent the applicant. Also present was Philip C. Armetta of Lisbon Industrial Park, L.P. (applicant); Adam Fox, of HRP Engineering; Shane Carpenter, recycling expert; Sam Cocopar, of Copar Industries; Luke McCoy, Fryer Associates.

Copies of the receipts for the abutters' notifications were presented into the record. Proof that notices were sent to the three abutters that did not pick up their notifications was also entered into the record.

Atty. Manke stated that the D.E.E.P (CT Department of Energy & Environmental Protection) has the ultimate authority in the permitting process and feels they will show favor. He stated The Connecticut State Solid Waste Management Plan is currently 49th of 50 in terms of capacity of its landfills. This recycle plant will be one of several in the state and he feels it will be well received by the state. He stated that currently, material is being shipped out of state and to Ohio. Having this facility in Connecticut would be a boon to the area. He stated that they will likely be hiring twenty people.

The preparation for the pad site will require the removal of 670,000 cubic yards, Atty. Manke stated. He also stated that the site has the potential to add \$6m to the grand list.

Atty. Manke stated that 13.4 acres will comprise the recycling project area. The temporary area is 5.2 acres to the north. Rock crushing and filtering equipment will be located there. He estimates the excavation to take 2 years to complete. He feels that the applicant will properly address the town's regulations: Sections 6; 6.4.15 (allowing for recycling facilities); 8 (dimensional requirements); 10 (excavation); 10.4.5 (states he believes they adhere to the regulations); 12 (site plan requirements); 13 (parking); 14 (landscaping).

Atty. Manke stated that the town's Inlands-Wetlands Commission gave permission for the location of the

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
TUESDAY, DECEMBER 6, 2011
page 4 (Lisbon Industrial Park, L.P. cont)

building and the project area. He stated the applicant agrees to address easements along the property line by way of landscaping. He submitted into the record, copies of draft easements to the Commission.

Adam Fox, of HRP Associates, Inc. 197 Scott Swamp Road, Farmington, CT, called on the Commission for questions. R. Giroux asked where they speculated the material from the excavation would go to. A. Fox stated that he and Shane Carpenter would address that question once he explains the process. He then presented the site plans and floor plan drawings into the record.

He stated that there would be two entrances, and explained the process. Trucks would report to the scale house for weighing. They would then proceed to the truck turn-around area to the tipping floor. Once unloaded, the trucks would be re-weighed at the scale house and checked out, then would proceed to exit to the road. Larger trailers for loading will go to the back of the building. The northern entrance is slated to be the primary access for workers. He anticipates 20 to 40 workers and currently 40 parking spaces are planned for. He also stated that visitors will be directed to this area.

Mr. Fox then described the process from an operations standpoint. He described the process on the tipping floor, stating there would be a front-end loader and operator to sort debris. A shredder will get material down to size and will go up a conveyor, where commodities will be picked out and separated.

Fox stated that there is a similar operation in Stratford, albeit with a smaller footprint. It is planned that this operation will keep the materials inside the facility, and that it is projected to sort 70% - 80% recycled materials — other facilities currently only allow up to 40%. He stated that this will allow debris to be handled at a local level, L.E.A.D. System, US Supreme Building Council states that "All waste materials must be handled within 500 miles of construction site".

Shane Carpenter stated that the Continental Bio Mass Industries is to manufacture the equipment and engineering, and that they have been in the business for 25 years. He stated that the construction waste plan dictates that industrial waste not go to landfills anymore.

He then submitted into the record and played a 3-minute video, which elaborates how the equipment works, and the process of recycling the various products. He stated that 65% - 80% of material will be recycled. The video presented is of the current Stratford Baling Facility (Garfield Road), installed one and a half years ago. It also illustrates three-year-old facility in Massachusetts. Mr. Carpenter offered to give a tour of the facilities to the commission. He verbally explained the process as the video showed the operations.

K. Sperry questioned what the decibel levels for noise would be, to which the answer was an estimated 40 db less than 50 feet from the building. R. Giroux asked if there would be more than one grinder, to which the answer was yes, likely a primary and a secondary grinder. He also asked if the equipment would be cooled by water to which the answer was "no"—no major water use except a misting system to keep materials wet down, as well as for fire protection.

Adam Fox explained more about the site plans. He stated there will be a 50 foot, landscaped buffer/conservation easement (only 100 feet is required). Rock is to be cut around the entire perimeter to make the facility low-lying. He stated that the building won't be seen from neighboring properties and this will also help to buffer the noise. He explained that the storm water run-off flows off of site and paved areas,

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
TUESDAY, DECEMBER 6, 2011
page 5 (Lisbon Industrial Park, L.P. cont)

and that it is designed for a 25 year storm event. He also stated that they will be providing an "Option B" in the event that the soil is not stable. A Chain link fence will be installed with warning signs to warn people about the slope. The building is planned as a manufacturing-type building, constructed of sheet metal, with a barn-like façade. It will be barn red. Minimal overhead doors in front are planned. They will be co-ordinating with CL&P and Norwich Public Utilities, and there will be appropriate lighting for the site

The temporary site preparation area will require blasting about once every 20 days, and will be conducted between the hours of 8AM and 5PM, and materials are to be processed on site. There will be no on-site storage of oil for fueling vehicles. Material is to be processed Monday through Friday, and the applicant would like a waiver for 5PM to Midnight to take materials off site. G. Ritacco asked if all trucks were to go up Route 97, and that they would not be going through town? Mr. Fox stated that all trucks will be required to go up Route 97 to I395, and that there will be signs instructing them to do so. He also stated that there will be penalties if the truckers do not follow these directions.

He then spoke on erosion and sediment control. He stated that with the D.E.E.P. permitting, they plan to take care of it on-site. R. Giroux asked about snow plowing. Mr. Fox responded that snow will be piled on the inner islands of the parking areas as shown on the site plan, to keep the piles from interfering with traffic patterns. Staff J. Rabbitt interjected his concerns that such a plan will affect the landscaping on the islands.

Mr. Fox stated that the site was to be gated so as to prevent access after hours. He stated the hours of operations are to be from 6 AM to 5 PM, Monday through Saturday.

Luke McCoy of Fryer Associates submitted landscaping plans. He also stated that the plan was to keep a 150 foot landscaped buffer between them and the abutters. He showed concern that they keep as much of the original vegetation as possible. He stated that the landscaping is per the town's regulations. He also stated that plantings will help to break up the façade and screen it from the neighbors. Storm water treatment areas to also have landscaping, per Mr. McCoy.

Mr. Fox spoke again. He stated that the site was to be over excavated by six feet to get adequate depth for planting of trees. As for equipment storage, a designated area for empty, covered bins is provided. He stated that per the D.E.E.P., they are required to provide excess storage area for bins, and they are also required to have extra bins on-site, as well as extra truck bodies.

K. Sperry asked for a repeat of the number of acres, to which the answer was that the overall property is 202 acres. The Recycling Facility is to be on 13.4 acres. R. Giroux asked if the applicant will be able to achieve the proper site-line for trucks with the corner on the road, to which the answer was "yes".

A summary comment was made by Atty. Hugh. He asked the Commission to keep the hearing open to allow them to make a couple of changes, such as the acreage stated on the application. It was also stated that no jake brakes would be allowed to be used by the truckers and that penalties would be charged for violations.

R. Giroux asked that if a waiver was being sought for night hauling during excavation, how many loads and how many trucks were being estimated? How will they be monitored? S. Cocopar responded that it was estimated to be one truck every nine minutes for the excavation phase, which is estimated to last 20 months.

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
TUESDAY, DECEMBER 6, 2011
page 6 (Lisbon Industrial Park, L.P. cont)

He stated that a dispatcher will be on site and will give out penalties. He also stated that the majority of the trucks will be Copar Industries' trucks. He then stated that they will not be hauling on Saturday nights.

Adam Fox clarified that the moving of so much material, per town regulations, is a heavy operation. The night hauling will be hauling only, and they will be hauling in two shifts (7 AM to Midnight). It is estimated to employ 30 people.

K. Sperry asked if there was a Phase 1, archeological survey being done. She wants to be sure archeological questions are being taken care of.

Atty Hugh stated that he believes that they will, and will file a report. He stated that he feels such a condition would be an appropriate one. He stated they will deal with the state archeologist.

J. Dempsey asked to where the material was being hauled? The answer was that it will be hauled to markets out of the area — New York and Rhode Island. Most of the jobs will be given to Lisbon and other area residents.

Staff J. Rabbitt submitted a letter addressed to the Commission, dated December 6, 2011. He paraphrased the letter:

Giving the number of regulatory issues the applicant is seeking to address, Staff recommends continuing the public hearing to January 3, 2012, in order for the applicant to meet the requirements and to give Staff time to review. He stated that the revised plans were just received on Friday afternoon before the public hearing — he stated that this was not unusual for a project of this size, as a considerable amount of time is required.

Staff clarified hours of operation. One shift for processing (8AM – 5PM, Monday through Friday) with limited Saturday processing and no second shift processing. Second shift would be limited to removal only.

Staff stated that there was no proposal for potential lighting. Atty Hugh interjected that this is a use allowed by Special Permit in this zoning area, and the Commission has the right to attach conditions.

Staff J. Rabbitt addressed the outdoor storage area at the NW corner of the building, saying it is strictly prohibited by the regulations. He also stated that some parking needs modification and that there were some minor drainage and landscaping conflicts. He hopes that by next month the applicant will address all these points.

Chairman R. Adams asked for public comment.

R. Browne of 84 Preston Allen Road asked if they will monitor area wells. E. Benjamine of 184 Newent Road asked how long this facility will hold up in this area.

Chairman R. Adams asked for opposing comments, to which there was none.

Atty Hugh addressed Mrs. Benjamine's question, stating that the plans for the facility call for a "large box" with the possibility to be used as a warehouse or manufacturing facility in the future.

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
TUESDAY, DECEMBER 6, 2011
page 7 (Lisbon Industrial Park, L.P. cont)

Adam Fox interjected that their insurance requires a pre-blast survey of area homes before blasting, so that the insurance company will be able to handle claims appropriately, if necessary. In answer to R. Browne's question, he does not believe up-land aquifers will be disturbed. He stated that the contractor for this phase is Maine Drilling and Blasting and has the proper insurance coverage.

Philip Armetta (applicant) stood up and gave testimony. He stated that he is trying to create jobs here. He claims that the longer hours will mean more people can work. He wants to develop an industrial park in the future, which will again mean more jobs. He stated that he lowered the taxes by 6 mils before and he will lower them again. He asked the Commission to please make this the number one priority.

Chairman R. Adams asked the Commission for questions for the applicant, to which there was none. Staff J. Rabbitt recognized that plans dated December 2, 2011, as well as the addendum, were just received on Friday. He stated that the proposed signage needed to be submitted at the next hearing. R. Giroux stated for the record, fees had been submitted by the applicant.

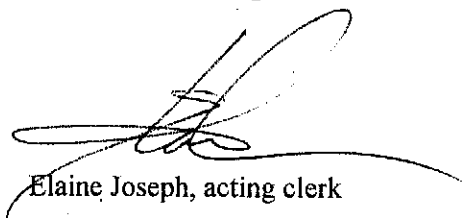
This Public Hearing was continued to January 3, 2012 at 6:50 PM.

The following Public Hearing was called to reconvene by Chairman Robert Adams at 8:42 PM:

1. 6:30 P.M. – Application for a Special Permit for façade renovations (Kohl's), located at 160 River Road (Route 12) on a parcel of land owned by Lisbon Landing, LLC, Map 20 Lot 14. Applicant, Jack Reynolds, Casco, Agent of Owner.

No representative for the applicant was present.

This Public Hearing was closed at 8:43 PM.



Elaine Joseph, acting clerk

Approved: _____
Robert D. Adams, Chairman

RECEIVED FOR RECORD AT LISBON.
CT ON 12-13-2011 AT 1:10 PM
ATTEST. BETSY M. BARRETT, TOWN CLERK