

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
LISBON TOWN HALL
TUESDAY, AUGUST 6, 2019
6:30 P.M.

The Planning and Zoning Commission held the continuation of the following Public Hearing in the Lisbon Town Hall, 1 Newent Road, Lisbon, Connecticut beginning at 6:30 PM on Tuesday, August 6, 2019:

Application for special permit approval by K & H Properties in accordance with section 10.4 and section 11 of the zoning regulations for earth products removal on an 86.7 +/- parcel at 397 North Burnham Highway, Lisbon CT 06351, map/block/lot 73/018/003 in the R-60 zoning district.

MEMBERS PRESENT: Robert Adams, Ron Giroux, Kim Sperry, Ben Hull, III, Garry Ritacco, Sharon Gabiga, Cheryl Blanchard, John Dempsey, Trevor Danburg
Timothy Minor (ALT), Jason Lebel (LT)

STAFF PRESENT: Michael J. Murphy, AICP, Consultant Planner-SCCOG, Lisbon Town Planner

The Public Hearing was called to order by Chairman Robert Adams at 6:33 PM.

The applicant, Herb Holden of K&H Properties, was present. Also present to represent the applicant was Jay Ussery of J.R. Russo & Associates, 1 Shoham Rd, East Windsor, CT 06088.

Mr. Ussery began by telling the Commission that the original operation ran from the early 1990's until 2004, and has been inactive since 2004. The property was purchased in 1988. This application before the Commission is to re-open the operation.

Mr. Ussery then addressed the safety concerns that the Commission and the public had expressed at the last public hearing. He stated that fencing seemed to be a big concern, and that their plan would be to install orange construction fencing, which is bright and easy to see. No trespassing signs will be posted. He added that the only other earth removal operation site that J.R. Russo is involved in that currently has fencing is the Tilcon Quarry in Newington.

The location for the gate was another concern, and Mr. Ussery stated that they would like to place the gate further into the facility, below the road, so it would not be visible. This location would allow the trucks to sit on the driveway, completely out of sight. The construction entry pad will be 100 feet long with 200 feet of paved driveway.

Mr. Ussery told the Commission that Brooks Acoustic Corporation was hired to report on the noise level. This was determined by evaluating the plan, location of the processing equipment, and where the operation is vertically in relation to the property lines. He stated it would produce a noise level of 48 decibels, which is less than the maximum allowable decibel level of 55. This meets the requirements of Town regulations.

As for property values, Herb Holden submitted a report dated August 6 that indicates there had not been an impact when they were previously in operation, and the report indicates that there should be no impact on property values at this time as well.

Mr. Ussery stated that the Special Permit regulations require them to meet certain criteria. The intent of the

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
TUESDAY, AUGUST 6, 2019
Page 2 (cont)

use must harmonize with the neighborhood. He stated that they have been here for thirty years and no one has complained. The traffic report previously submitted shows that there will be no impact in regards to traffic. The plan indicates that they will preserve the landscape – the operation will not be visible from the road. The plan is also consistent with the Plan of Conservation and Development. There is enough frontage for 2 lots, and the total acreage would allow for the lots to be developed into “gentlemen’s farms”.

Ben Hull asked, “When the property was originally purchased, was it permitted for this use?” Mr. Ussery stated that it had already been permitted for this purpose. It has resources that are easily accessible, with materials for making concrete. Mr. Hull asked if it will be seen from the road, and the answer was “no”. He then asked, “What, typically, is 55 decibels?” Ron Giroux responded by saying that 55 decibels is no louder than an air compressor or generator. He stated that it is his job to monitor the noise levels of this kind of equipment at work.

Michael Murphy, Town Planner, clarified that the reference to the decibels is at the property line, not inside the property where the equipment is in operation.

Trevor Dasburg asked for hours of operation, to which the answer was that the hours are stipulated in the regulations: Monday through Saturday, no Sundays, no Holidays.

Cheryl Blanchard asked about dust control. What would be the next step if water does not handle it? The answer from Mr. Ussery was “I have never seen a situation where the water hasn’t worked”. Mr. Murphy interjected that the site plan, on page 8, mentions non-asphaltic calcium chloride would work similarly to water. Mrs. Blanchard then asked to have the route the trucks will be taking from Windsor into Town clarified. Mr. Ussery answered, “Likely south on 169, the State highway, to Route 395 South.”

Mr. Danburg asked if there is water on the property. Herb Holden stated that there is, and they will be required to follow Federal guidelines regarding dust control. Mr. Giroux then asked if he was referring to EMSHAW, the Federal silica laws that were passed last year, to which the answer was “yes”.

Mr. Murphy noted for the record that the applicant’s engineer provided a report of land values as well as a noise report. It is the applicant’s responsibility to prove a project will have no impact on property values. With regard to retail sales on site, Mr. Murphy stated that there are 10 items addressed in his Staff report. He will recommend fencing. He has no final recommendation on blasting at this point. The Fire Marshal controls the blasting. He stated that the revised bond estimate has been approved. The site line profile is in excess of 700 feet, addresses any traffic issues, and needs approval from DOT as well. Mr. Murphy also reported that the public notice signage was properly installed and gave due notice. Mr. Murphy then asked what the vertical slopes ratio is for blasting, 1-2? 1-1? Lastly, in reference to the property cards submitted, he asked who the appraiser was.

Mr. Holden answered that Bob Stewart of Stewart Appraisal Services in Tolland, reviewed the report with him.

Mr. Murphy stated that the regulations allow for certain hours of operation, and asked if the applicant was conceding to not work on weekends? Mr. Holden stated they will not be processing on weekends, but would

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
TUESDAY, AUGUST 6, 2019
Page 3 (cont)

like to be open for sales on Saturdays.

Mr. Hull commented that in the Staff report, it says the applicant is to prove no impact to property values. Mr. Holden stated that he is willing to provide pre-blast surveys to the abutters. He then stated that drilling will be done at a 1-1 angle, and that the recommendation of Staff for fencing is warranted. Mr. Hull asked if 1-1 is a 45 degree angle, to which the answer was "yes".

Mr. Murphy asked Fire Marshal, Richard Hamel, who was seated in the public, if he had any questions or comments. Mr. Hamel asked the applicant if there will be a magazine on site for explosions, and Mr. Holden responded that nothing will be stored on-site, that it will be trucked in. Mr. Hamel then wanted it to be clear that he is not requiring notices for blasting, and that he cannot enforce how deep the cuts are. Mr. Holden stated that the plan calls for a 30 foot bench (cut blast). Mr. Murphy stated that this will reduce erosion and public safety issues.

Chairman Adams asked for Public Comment in Support of the application, to which there was none. He then asked for Public Comment in opposition to the application. The following people had the following comments during the course of the public hearing:

John Favello of 17 Phillips Road stood to say that he was able to hear drilling when the property was previously in operation. Has the Commission talked to the State department about traffic on 169? He is worried about trucks pulling out on the State highway. Will police monitor speeders? He is worried about the school busses and trucks. He stated that the Commission rejected the quarry on Fitch Road two years ago.

John Cingranelli of Blissville Road stated that he has a real-estate business and that it is naïve to say there will be no impact on property values.

Debbie Leblanc of 40 Phillips Road commented that she almost got hit by a truck today coming out of Phillips Road, and that it is a very dangerous area.

Laurie Underwood of 23 Oak Drive stood to ask what the company is offering to the Community and to the Town? What is the positive that will come of this?

David Gernhard of 299 N. Burnham Highway is concerned about trucks causing accidents.

Wayne Laput of 32 Kimball Road had questions about the size of the trucks. He is concerned that trucks will be required to cross over the line when exiting the driveway.

Mr. Holden responded that his company has been a tax payer in Town since 1988. Their equipment is taxed in town. What the company sells is needed to install sewers, etc. The company creates jobs, and will employ two or three full time employees and four or five truck drivers during the years of operation.

Mr. Ussery responded to the traffic and safety concerns. He said a traffic report was submitted, showing a daily average of 3900 vehicle trips. Information is available through the DOT. Safety and turning movements are also included in the report. As for real-estate values, he does not believe it had any impact on real-estate values in the past and the report shows that.

MINUTES
PUBLIC HEARING
PLANNING AND ZONING COMMISSION
TUESDAY, AUGUST 6, 2019
Page 4 (cont)

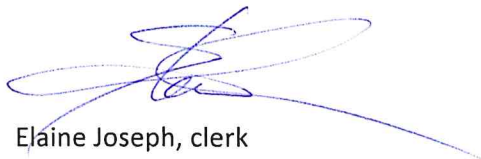
Mr. Ussery then commented on blasting. He said the blasting and drilling phases do not last long, and will last only about a three week period over the course of a year. He estimates the project to last between five to ten years.

In response to the size of the trucks being utilized during the operation, Mr. Holden stated that they are mostly dump trucks, and will not likely be utilizing dump trailers, due to safety issues. Most trucks will be in the 29-35 foot range.

Chairman Adams asked how many trucks a day are expected to be utilized. Mr. Holden responded that their busiest years were 1995-1996, and they utilized 15 -20 trucks at that time. Current sales indicate that there will only be about five trucks on the road each day.

Mr. Murphy stated that the applicant is going to make improvements in order to improve the turning radius at the apron. Ultimately, the CT DOT must approve the apron design and sight visibility after the Town approves the application. DOT may require additional signage. There is information in the application that supports this. Mr. Ussery responded that there is a whole other layer of review that will take place with the CT DOT, should the Commission approve this application.

Chairman Adams closed this Public Hearing at 7:44 PM.



Elaine Joseph, clerk

Approved: _____
Robert Adams, Chairman

RECEIVED FOR RECORD AT LISBON
CT ON 8/13/2019 AT 2:20pm
ATTEST, LAURIE TIROCCHI, TOWN CLERK
