

MINUTES  
PUBLIC HEARING  
PLANNING AND ZONING COMMISSION  
LISBON TOWN HALL  
TUESDAY, JULY 2, 2019  
6:30 P.M.

The Planning and Zoning Commission held the following Public Hearing in the Lisbon Town Hall, 1 Newent Road, Lisbon, Connecticut beginning at 6:30 PM on Tuesday, July 2, 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, Jason Lebel (LT)  
MEMBERS ABSENT: John Dempsey, Trevor Danburg, Timothy Minor (ALT)  
STAFF PRESENT: Michael J. Murphy, AICP, Consultant Planner-SCCOG, Lisbon Town Planner

The Public Hearing was called to order by Chairman Robert Adams at 6:31 PM.

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

Mr. Coon presented an aerial shot of the 86.7 acre property at 397 North Burnham Highway. He said the property is a former gravel pit in operation from 1970-2012. It has been operated by Herb Holden Trucking, which is now K&H Properties.

Mr. Coon stated that the existing gravel driveway site slopes east to west toward wetlands. He presented a map which delineates 2 existing culverts. The current proposal is to reopen excavation of top-soil and overburden soil and to excavate underlying process rock. The process area is to be down at the western end no closer than 1000 feet from the property lines. When complete, it will be seeded and prepared for residential or agricultural use.

Mr. Coon stated that the site will have a scale and scale house, as well as an area to stock pile material for sales. The plan is to widen the existing driveway from twelve feet to twenty four feet, and add a paved apron of 100 feet at the entrance to the driveway to accommodate the trucks.

Also noted by Mr. Coon, was that there is a sediment basin which existed prior to this operation and will be expanded for this new operation. The vegetative buffer on the western area will be expanded to offer additional screening, and the project will be conducted in 8 phases, going east to west.

Phase 1 – Road widening, preparation of staging area.

Phase 2 – Prepare stock pile areas, generate some product for retail sales.

Phases 3-8 – Work to progress east to west, and will take material from subsequent phases to restore previous area.

Mr. Coon stated there will be three mobile processing plants and equipment. The frequency of use will be driven by market demand, but anticipates this to be a 5-10 year project. He said the project calls for 20 triaxle loads a day entering and exiting the site, and the traffic impact report has been submitted by the

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traffic engineers and is in the file. Noise level report has also been submitted as per the recommendation of Town Planner. Appropriate noise levels can be met at the property line and will be well below the allowable maximum level. Mr. Coons also stated that the activity will be surrounded by the walls of the pit. A 100 foot buffer to the wetlands will remain. The slopes will be finished off at 3h-1v and will be vegetated. The site is not really suitable for subdivision – perhaps 2 building lots or agricultural use once completed. He also reminded the Commission that the Conservation Commission gave their approval last year, a copy of which is in the file.

Mr. Coon read the staff report comments of Mr. Murphy, Lisbon Town Planner, into the record. He said the deepest cut is approximately 70 feet from existing grade in center of the property, with a vertical rock face of between 30 -50 feet. It was also stated that there are no worker safety concerns; no public access so no concerns for public safety, and the applicant has agreed to install construction fence with “No Trespassing” signs around the property; and the Fire Marshal has no concerns. An additional anti-tracking pad at Route 169 is to be added. Mr. Coon then added the property’s Class A-2 Survey into the record.

Mr. Coon reported that the site-line distances in the traffic report meets the 700-foot requirement. Vegetation at the right-of-way is to be cleared. A sight-line map was added to the record. Engine brakes (Jake brakes) will be addressed. He stated that Route 169 is a State highway, and trucks utilize it. He said the applicant is proposing 20 loads per day, during business hours. Trucks coming down the hill will be empty and will be easier to stop, but he reminded the Commission that engine braking is a safety device method.

Mr. Coon informed the Commission that the bond estimate was upgraded to \$150,000 per the Town Engineer, and the applicant agrees to it.

Commission member Ben Hull asked if only five trucks a day would be entering the site. The answer was that it would likely be five trucks, four times a day. State regulations allow for the operation to be from 7:00 AM to 10:00 PM, and noise level must be 55 decibels or less. Mr. Hull then asked if there was to be retail on site, to which the answer was that there was the potential for landscapers and other customers to pick up stone.

Commission member Cheryl Blanchard questioned who conducted noise tests on the applicant’s Windsor site? She noted that there was no reference to noise or concussion for blasting.

The applicant, Herb Holden, answered Ms. Blanchard by saying that he talked with the blaster about the process. He does not have the values of what the noise level is. He said the plan is to blast for only approximately two weeks throughout the course of the year, and will follow a safety protocol. The company will contact abutters prior to blasting and will offer pre-blasting survey tests of wells and foundations. He reminded the Commission that they will be insured and bonded throughout the project. Mr. Holden said that the State has a maximum allowed vibration, but he did not know what that number is. He stated that anyone can be put on a list to be notified of the blasting, and that blasting would occur 9:00 AM – 4:00 PM, Monday through Friday. No operations on Holidays and weekends.

Ms. Blanchard asked, how many blasts were anticipated? Mr. Holden replied that there would be approximately 10 blasts per day, when blasting. Ms. Blanchard then asked what kind of rock was being excavated, to which Mr. Holden replied “granite”.

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Mr. Hull inquired about the size of the area, to which Mr. Holden replied that they expect 10,000 to 15,000 yards per blast. Mr. Hull then questioned if materials fly out from the blast, to which Mr. Holden replied "no".

Commission member R. Giroux asked if there would be sub contractors picking up stone, to which Mr. Holden replied that his company anticipates using most of the material themselves. Mr. Giroux stated that there would likely be more than 20 truckloads a day if the public was allowed. He then stated that in his experience, the noise from the blasting will be minimal, and that the noise concern will be the crusher. Commission member Kim Sperry stated that although this is a State road, neighbors utilize the road for jogging, biking, etc. Could the truck drivers be advised to be mindful of "Jake" braking? This is a completely residential area. Mr. Coon replied that they can certainly ask them to minimize the use of Jake brakes through town.

Michael Murphy, Town Planner, noted for the record the items needed for this public hearing: Hearing postponement; Referral to Town of Canterbury (no comment); Uncas Health District (no comment); Staff Report in file; Applicant made the required abutter notifications; Signage was placed at the location. The Public Hearing signs were placed parallel to the road and Mr. Murphy recommends the Public Hearing remain open until August, allowing the applicant to repost the signs with date of the continued public hearing and post them perpendicular to the road; an additional Staff report as provided to the Commission; Mr. Murphy noted that noise and blasting concerns have been raised and wants to make sure that noise levels are certified by an appropriate engineer; location of site is good to keep noise levels down; traffic studies talk about retail traffic as well. Mr. Murphy also stated that this use is permitted by the town's regulations – Section 11. It must meet the location requirements and the road must be able to handle the truck traffic. He also noted that the applicant does have a permit from the Wetland Commission.

Mr. Murphy then commented on the reuse of the site. He stated it is an 86.7 acre site with limited ability to be subdivided. There is probably a potential for a 2-3 lot subdivision. The application was reviewed for months by the Town Engineer. The major issues are the stabilization of those long slope areas designated on the slope interfaces. He stated that a site-line profile was done on July 1, 2019, and will be reviewed with DOT. Blasting issues are part of the process, not a land-use issue. The Fire Marshal issues the blasting permit. He has asked the applicant to raise the bond estimate and recommends a continuation of the Public Hearing to review information and any concerns raised tonight.

Mr. Giroux asked if the Commission will see the redesign of the entrance before approval. How many feet in will the gate be? The Commission doesn't want to see the traffic lining up on the road. Mr. Holden stated he will move the gate much further down. Mrs. Sperry reminded the applicant that this is a Scenic Byway. Mr. Holden responded that the operation will not be visible from the road. Mr. Murphy stated that everything has been pushed into the site, hidden behind natural buffers. He said the applicant will not be allowed to leave a quarry or rock face and must reclaim the slopes.

Mrs. Sperry asked about the hours of operation, to which the answer was that the town regulations allow trucking from 7:00 AM – 5:00 PM, Monday through Saturday and processing stone 8:00 AM – 5:00 PM Monday through Friday.

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Chairman Adams asked if there was anyone to speak in favor of or against the application. The following people had the following comments during the course of the public hearing:

Wayne Laput of 32 Kimball Road asked what happens to aquifers and wells with the blasting. Will the slopes be steep? What happens if children are injured? The immediate area is all residential – how will people lead a normal life? He also asked if there will be water trucks to keep the dust down. Sandra Laput, of the same address, asked about the noise requirements for the State and mentioned the noise from the paper mill.

Joscelyn McPherson of 27 Phillips Road commented on the testing of well water. She has an issue with a third party hired by the company doing it rather than the Town of Lisbon. Her second issue is that, as a real-estate agent, she has a fiduciary responsibility to inform clients of the operation in the neighborhood, otherwise she would lose her license. She asked if the company would guarantee that water will not be polluted and that property values would not go down.

Jess Benjamin of 182 Newent Road stated that there is no stopping the Jake brakes, and sited the blasting in Central Village having shaken the buildings there.

Suzanne Phillips of 416 North Burnham Highway has concerns with air quality. She said the regulations do not specify retail sale of material in that zoning area.

Gerry Whitford of 398 North Burnham Highway lives directly across the street from the property and is frightened to think of all the trucks entering.

Terry Powell of 423-425 North Burnham Highway wanted to know how deep they would be going, and were they using hydraulic fracking or blasting? He asked if the construction will go into existing wetlands. He stated he never had any problem with them in the past. He did say he lost water for 6 days, however it came back eventually.

Caroline Bucco of 2 Pleasant View Cove wanted to know who would monitor the use of the roads on 169 and Phillips, as the sight-lines are not good. She also questioned what the process is for renewing the permit in the future.

Peter Petruniw of 631 South Canterbury Road, Canterbury, stood to say he was opposed to the operation, and wonders if anyone in the neighborhood is in favor of it? He is concerned with wetland and spring pollution, and is concerned the company will work outside of permitted hours. The Planner stated that if the application is approved, and the applicant failed to stay within the conditions of approval, the Town could file an injunction, go to court, and will win. Mr. Murphy then addressed the permit duration. The plan is based on law and must be followed. The Town will enforce the regulations. A two year permit could be granted for the initial phase, as structured in the regulations and the plan. There will be a request for review after two years. Provisions in the regulations to revoke the permit is there if there are any problems. Bond money would be used for restoration if the company does not do it. There could be three different renewals before the last phase. He asked if blasting notifications will be done, as he is concerned for his animals. Mr. Holden responded that it is not a fireworks kind of blast, and does not make that kind of noise.

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Laurie Underwood of 23 Oak Drive asked what the hours of operation would be, and will the trucks be required to cover their loads? Mr. Holden responded that the State requires covers, and Town regulations allow for Saturday operation but they expect to only operate Monday – Friday.

Mr. Giroux asked the applicant if 2012 was the last time the permit was renewed. Mr. Holden answered that they actively extracted materials from 1989 through 2004, and there were no issues during those active years. They were doing rock crushing at that time and had very few complaints. He also stated that his company provides driver training and that as loud as the “Jake” brakes can be, they are there for safety reasons.

Mr. Coon answered that CT Valley Artesian Wells demonstrated that they will not be below water table, and all work is above the wetland areas. A water truck will be onsite to keep dust down. The Planner reiterated that the Town will enforce these points as well. He also stated that the regulations allow the product to be removed from the site by special permit in residential zones. When The Planner asked how close the nearest resident is to the blasting area, Mr. Coon answered “800 feet”. Mr. Coon reminded the Commission that no quarry is being made, that there will not be a big hole in the ground.

Chairman Adams ended this Public Hearing at 8:15 PM.

This Public Hearing was continued to August 6, 2019 at 6:30 PM.

  
Elaine Joseph, clerk

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

RECEIVED FOR RECORD AT LISBON  
CT ON 7/19/2019 AT 2:05pm  
ATTEST. LAURIE TIROCCHI, TOWN CLERK  
