



Town of Lebanon
PLANNING AND ZONING COMMISSION

Regular Meeting

Monday, December 13, 2021

7:00 p.m.

Teleconference Meeting

MINUTES

Members Present: Francis Malozzi (Chair), Robin Chesmer (Secretary), Thomas Benoit, Wayne Budney, Todd Pannone, Karl Weinstein, Julie Chalifoux (Alternate), Allyn Miller (Alternate), Ethan Stearns (Alternate)

Also present: Philip Chester (Town Planner), Bernie Dennler (Zoom Moderator)

I. CALL TO ORDER

The meeting was called to order by F. Malozzi at 7:04 p.m.

II. MEETING MINUTES

a. November 15, 2021.

Motion made by T. Pannone to approve the November 15, 2021 Meeting Minutes. Motion seconded by R. Chesmer and carried with T. Meyer abstaining.

III. PUBLIC HEARING

a. PZ-21-34: Jason Yerke (applicant), Lori Budney (owner), 92 Church Road, Assessor Map 266, Lot 32. Home Occupation application for tree service/landscaping business per Zoning Sec. 7.5b.

Wayne Budney recused himself from PZ-21-34 and F. Malozzi appointed J. Chalifoux as a voting member for PZ-21-34.

Motion by T. Meyer, seconded by T. Pannone to open the public hearing. Motion unanimously approved.

F. Malozzi explained the public hearing process and P. Chester read the public hearing notice and the following items in the application file:

- ☐ Hartford Courant legal notices.
- ☐ Abutters list with certified mail green cards and return receipts.
- ☐ 11/10/21 Home Occupation Permit application with revised site plan dated 11/30/21 and revised narrative dated 12/7/21.
- ☐ 12/7/21 Town Planner report.
- ☐ Ten (10) emails in support of application.

Attorney Meghan Hope from Alter & Pearson, LLC, Glastonbury, CT presented the application. Celeb Yerke and Shelly Yerke also spoke to the application.

Commission members asked about the following and the applicant's responded.

- Will the trucks be registered in Lebanon? Yes.
- Will wood chipping be conducted on the site? Only for personal use.
- Will logs be brought onto site? Only for personal use.
- Will firewood be processed on the site? Only for personal use.
- Who will be the owner of the property? Distinctive Farms LLC.
- Can construction of barn be made prior to occupancy of the house? Yes, agriculture is a permitted as-of-right use in the RA zone and the barn will not be used for the home occupation until after a certificate of occupancy is issued for the house.

The following members of the public spoke:

- Stephen Ohearn, 102 McCall Road. Questioned how the town could enforce limiting number of employees and trucks; if agricultural component of project would take place prior to use of the home occupation permit; and if applicant currently had agricultural equipment. Town could issue enforcement action; agriculture will take place prior to use of home occupation permit; and applicant has agricultural equipment.
- Michelle Gineo, 252 Church Road. How many trucks and employees are permitted under Zoning Sec. 7.5b.? The number of trucks is not specified in Sec. 7.5b. but the number of non-resident employees is limited to two.
- James Martineau, 75 Kingsley Road. Supports application.
- George Duhaime, 263 Randall Road. Concern with truck traffic going onto Randall Road and recommends prohibiting truck traffic on dirt roads as a condition of approval.
- Candis Ohearn, 102 McCall Road. Supports application.
- Ralph Johnston III, 251 Church Road. What will happen with wooded area abutting dirt portion of Church Road? Only dead trees will be removed.
- Jenn Wales, 108 Hoxie Road. Supports application.
- Douglas Morton, 156 Church Road. Will Distinctive Tree Care move into this location? No.

Motion by T. Meyer, seconded by R. Chesmer to close the public hearing. Motion unanimously approved.

IV. OLD BUSINESS

- a. PZ-21-34: Jason Yerke (applicant), Lori Budney (owner), 92 Church Road, Assessor Map 266, Lot 32. Home Occupation application for tree service/landscaping business per Zoning Sec. 7.5b.

Motion by K. Weinstein, seconded by T. Pannone, to approve PZ-21-34 with the following conditions.

- 1. Hours of operation shall be 6:30 a.m. to 5:00 p.m. Monday through Saturday.**
- 2. No more than three (3) trucks associated with the home occupation and 10**

vehicle trips per day are permitted.

3. Maximum number of non-resident employees shall be limited to two (2).
4. Lighting plan in conformance with Zoning Sec. 7.9 shall be submitted prior to operation of home occupation or issuance of a building permit related to home occupation.
5. Signage associated with home occupation is prohibited.
6. Outdoor storage related to the home occupation shall be fully screened from neighbors and road.
7. Compliance with CT-DEEP noise standards regarding the maximum decibel output or 55 dB daytime/45 dB nighttime measured at least one (1) foot beyond the property line on which the emitter is located shall be observed.
8. The home occupation permit is valid subject to a certificate of occupancy issued for 92 Church Road.

Motion unanimously approved.

V. NEW BUSINESS

- a. Sign Review. Market on the Green, 199 West Town Street, Assessors Map 246, Lot 57.

P. Chester stated that the Village Business District Design Review Board had reviewed the proposed freestanding sign for 199 West Town Street and had no objection.

Motion by T. Meyer, seconded by W. Budney, to approve the freestanding sign at 199 West Town Street. Motion unanimously approved.

VI. TOWN PLANNER REPORT

- Several Lebanon farms accepted farmland preservation offers from the Department of Agriculture last week. The town is assisting with three (3) of these farms.
- This Saturday is the next Winter Farmers Market at the Senior Center.

T. Meyer suggested that the Regulation Review Subcommittee meet again to address unfinished business. F. Malozzi noted that he attended the November Subcommittee meeting and asked T. Meyer to resume his role on the Subcommittee. W. Budney stated that he was stepping down from the Subcommittee due to a conflict of interest. F. Malozzi noted that he, T. Meyer, and R. Chesmer would make up the Subcommittee and that P. Chester would notify Commission members of its next meeting.

VII. EXECUTIVE SESSION - The Commission did not go into Executive Session.

VIII. ADJOURNMENT

The Commission adjourned the meeting at 8:50 p.m.

Respectfully submitted,
Philip S. Chester, AICP
Town Planner
12/14/21