



Town of Lebanon  
**PLANNING AND ZONING COMMISSION**

**Regular Meeting**

Monday, October 17, 2022

7:00 p.m.

Lebanon Town Hall  
579 Exeter Road, Downstairs Meeting Room

**MINUTES**

Members Present: Francis Malozzi (Chair), Robin Chesmer (Secretary), Thomas Benoit, Wayne Budney, Tom Meyer, Todd Pannone, Karl Weinsteiger, Julie Chalifoux (Alternate), Allyn Miller (Alternate), Ethan Stearns (Alternate)  
Also present: Philip Chester (Town Planner), Kevin Cwikla (First Selectman), Catherine McCall (minutes)

**I. CALL TO ORDER**

The meeting was called to order by Chairman Malozzi at 7:05 p.m.

**II. PUBLIC HEARING**

- a. PZ-22-34: Wayne Budney, Church Road, Assessors Map 266, Lot 31. Special permit for rear lot per Zoning Sec. 8.11.

W. Budney recused himself and J. Chalifoux was made a voting member.

Mark Reynolds, PE, Reynolds Engineering Services spoke to the application. The property meets the criteria of a rear lot and will be 13-acres in size. It has been farmed for a long time so that little to no clearing is needed.

The Chairman opened the hearing to public comment:

- Kim Klikowicz, 242 East Hebron Turnpike asked if this was a 6-lot subdivision. Mark Reynolds said it is a 1-lot subdivision.
- Carolyn Allen, 252 McCall Road asked for clarification on the location and distances from existing lots and wetlands.
- Chris Leidermer, 174 McCall Road asked if this was the only lot that will be subdivided out of the parcel. Mark Reynolds said it was, but that others lots could be created in the future.

**A Motion was made by T. Meyer and seconded by K. Weinsteiger to close the meeting. The motion passed unanimously.**

Wayne Budney resumed his place on the Commission.

- b. PZ-22-37: Angela Mia Colasuonno, Conservation and Agriculture Commission. Scenic road application for Randall and Sisson Roads.

Ms. Colasuonno explained that she is a member of the Conservation and Agriculture Commission and that Lebanon's Plan of Conservation and Development (POCD) calls for Randall and Sisson Roads, among others, be considered for scenic road designation. The POCD recommends that the Conservation and Agriculture Commission assist property owners with this process which is why she put together a petition and followed the procedures outlined in the Town Ordinance for Scenic Roads.

Mr. Chester reviewed his 10/17/22 town planner report and noted that State Statute and Town Ordinance gives the Commission the authority to designate scenic roads; that the last three Plans of Conservation and Development (2000, 2010, 2020) recommend these roads for scenic road designation; and that in his opinion the roads meet the criteria identified as necessary for scenic road designation in State Statute and Town Ordinance.

A. Miller asked how this would affect the two commercial properties located at the end of Sisson Road and Mr. Chester said it should have no effect as scenic road designation should have no impact to the Zoning Regulations.

K. Weinstein asked for a definition of 'excess traffic.' Mr. Chester said it is not defined in the State Statute. K. Weinstein asked Ms. Colasuonno what her reasoning was for pursuing this designation and she said she was looking to add a layer of protection to insure no change to the current nature of the roads. He then asked Mr. Chester who was responsible for the maintenance of the roads going forward. Mr. Chester answered that nothing really changes as far as that is concerned, but it would give the Planning and Zoning Commission authority over changes to the roads.

A. Miller asked if there were any large tracts of land on these roads that could someday be developed and Mr. Chester said yes. He asked if this would preclude development or a subdivision and Mr. Chester said it should not.

The Chairman opened the hearing to public comment:

- Hank Beltrum, 275 Randall Road, asked Mr. Chester if this would turn perspective buyers away from currently approved building lots, and if they would not be able to move driveway locations that were previously set. Mr. Chester said it should not impede developments. Mr. Beltrum also asked if the town wanted to widen the road if it could be done. Mr. Chester said they would have to bring it before Planning and Zoning Commission before such action and that the Commission could hold a public hearing to gain citizen input. (T. Pannone asked what would happen if it were not a scenic road and was told by Mr. Chester that the town would not have to come before Planning and Zoning Commission for approval.)
- Mark Reynolds, 68 Bogg Lane is in favor of the designation but wanted to note that in a nearby town had an application to rescind the designation as the town no longer took good care of the road. He would suggest that the Commission should ensure that the Selectman and Public Works be clear that the town is still responsible for road maintenance. Mr. Chester noted that it is in the Town Ordinance that scenic roads "be maintained by the town in good and sufficient repair and in passable condition" and that by the Commission designating a road scenic it would provide another government body to assure they are maintained.

- Dave Stygar, 97 Sisson Road is in favor of the designation and told the Commission that he had tried to get this designation in the past. He noted that Lebanon's public works takes particularly good care of dirt roads in town and believes that this designation will help ensure homeowners on them will help to keep the current flavor of the streets.
- Jeff Drucker, 88 Sisson Road, Kristen's Country Greenhouses is not in favor of the designation as he feels the road is not good, safe, or passible. He believes the road sees a great deal of traffic as his retail nursery business has at least 1,000 cars coming to his business in May and June as well as numerous deliveries to his property. He does not believe the road qualifies as a scenic road as it is too steep, it frequently gullies out, and the width is inadequate. He believes that something should be done to the hill to make it safer.
- Jay Doubleday, 340 Randall Road believes there is conflicting information heard in this meeting and thinks that if it passes the fact that it will be governed by two town bodies adds confusion and difficulty.
- Kevin Cwikla, 419 Levita Road thanked Ms. Colasuonno for her hard work in putting together the application and spoke to the some of the concerns that were brought forward at the hearing.
- Chris Leidermer, 174 McCall Road stated that he wishes McCall Road were a dirt road as it limits the speed of the traffic which is of concern on his street.
- Kim Klikowicz, 242 East Hebron Turnpike wanted to verify that the safety concerns of the road would have nothing to do with the scenic designation. Mr. Chester said that was true.
- Mark Lang, 555 Waterman Road, Chairman of Conservation and Agriculture Commission stated that he and the Commission are in favor of the designation.

E. Stearns noted that this change is not meant to restrict anyone's property rights, but rather provide a check and balance to the Selectmen if they want to pave, widen or otherwise change the character of these roads. The change would restrict government, not the property owners.

K. Weinstein stated that he appreciates all sides of the discussion. He asked if it would affect road setbacks and Mr. Chester said no. He noted that according to State Statute the designation could be for a 'portion' of the road -- not all of it -- and understands Mr. Drucker's concern regarding the hill on Sisson Road.

Ms. Colasuonno apologized for missing anyone in the notification and told the Commission how she got the 62% approval.

**Motion made by T. Pannone and seconded by K. Weinstein to close public hearing. Motion passed unanimously.**

### **III. OLD BUSINESS**

- a. PZ-22-34: Wayne Budney, Church Road, Assessors Map 266, Lot 31. Special permit for rear lot per Zoning Sec. 8.11.

Wayne Budney recused himself and Julie Chalifoux was made a voting member.

**Motion made by R. Chesmer and seconded by T. Meyer to approve PZ-22-34 with the condition that a note be placed on the survey that the “remaining land is in agriculture and is not an approved building lot”. Motion passed unanimously.**

- b. PZ-22-35: Wayne Budney, Church Rd., Assessors Map 266, Lot 31. One-lot subdivision.

**Motion made by R. Chesmer and seconded by T. Benoit to approve PZ-22-35 with the condition that a \$2,500.00 fee-in-lieu of open space be paid to the town at time of sale or transfer of property unless transfer is to an immediate family member. Motion passed unanimously.**

- c. PZ-22-37: Angela Mia Colasuonno, Conservation and Agriculture Commission. Scenic road application for Randall and Sisson Roads.

Wayne Budney resumed his place on the Commission.

**Motion made by T. Meyer and seconded by T. Benoit to approve PZ-22-37. Motion passed 6-0-1 with W. Budney opposed.**

#### **IV. NEW BUSINESS**

- a. PZ-22-39: 75 Lebanon Avenue, LLC, 74 Norwich Avenue, Assessor Map 275, Lot 58. Special permit for package store per Zoning Sec. 4.7b.10). Set public hearing date.

The applicant amended the name on his application to “PJ’s Cork & Barrell, LLC”.

**Motion made by T. Pannone and seconded by T. Benoit to set a public hearing for PZ-22-39 for 7:00 p.m. on November 21, 2022. Motion carried unanimously.**

#### **V. MEETING MINUTES**

- a. **Motion made by R. Chesmer and seconded by W. Budney to approve the Sept. 29, 2022 meeting minutes. Motion passed 6-1-0 with T. Meyer abstaining.**

#### **VI. TOWN PLANNER REPORT - None.**

#### **VII. EXECUTIVE SESSION - Pending litigation.**

**Motion made by T. Benoit and seconded by R. Chesmer to enter Executive Session at with the Town Planner and First Selectman at 8:53 p.m. Motion unanimously approved.**

The Commission came out of Executive Session at 9:20 p.m. with no action taken.

#### **VIII. ADJOURNMENT**

**Motion made by W. Budney and seconded by K. Weinstein to adjourn the meeting at 9:20 p.m. Motion passed unanimously.**

Respectfully submitted,  
Catherine McCall