



Town of Lebanon
PLANNING AND ZONING COMMISSION
Regular Meeting by Teleconference
Monday, April 19, 2021
7:00 p.m.

MINUTES

Members Present: James Jahoda (Chair), Robin Chesmer, Francis Malozzi, Keith LaPorte, Wayne Budney, Allyn Miller (Alternate), Julie Chalifoux (Alternate), Ethan Stearns (Alternate)
Members Absent: Thomas Meyer, Thomas Benoit
Also present: Philip Chester (Town Planner), Catherine McCall (minutes)

I. CALL TO ORDER

The meeting was called to order by Chairman James Jahoda at 7:00 p.m. Chairman Jahoda appointed Julie Chalifoux and Allyn Miller voting members and recommended a motion to add a 'Resolution in Support of Municipal Zoning Decision Making' to the agenda under New Business Item d.

Motion by Robin Chesmer, seconded by Wayne Budney, to add a 'Resolution in Support of Municipal Zoning Decision Making' as a new item under New Business, Item d. Motion carried unanimously.

II. PUBLIC HEARINGS

- a. PZ-21-3: Shawn Guiney (owner), Gary Ritacco (applicant), 74 Norwich Avenue, Assessors Map 275, Lot 58. Special Permit request for Package Store per Zoning Sec. 4.7b.10) in Business Zone.

Shawn Guiney and Gary Ritacco presented. The proposed package store will be located in the front section of the building currently used as a gym, with the gym being relocated to the back of the building. Brandon Handfield (Yantic River Consultants, LLC) looked at items on the plan that would require changes to the building and parking. He noted there is plenty of space for parking but would like to see a striping plan provided on the plans according to town standards with dimensions for the 18 spaces and would like to see an updated outdoor lighting plan to show adequate lighting up to the front door of building. An outdoor signage plan should also be required.

Mr. LaPorte reminds the applicant that the signage regulations prohibit neon lighting and Allyn Miller asked for further specification on what exactly was considered neon lighting. Julie Chalifoux asked where the store would receive deliveries and was told they would be through the front door.

Public Comment. None.

Motion made by Keith LaPorte to close Public Hearing item PZ-21-3. Motion seconded by Francis Malozzi and unanimously approved.

- b. PZ-21-8: Ashley Ost, 474 Tobacco Street, Assessor Map 223, Lot 31. Request for Home Occupation Permit for a 448 square foot building to be used for office/manufacturing per Zoning Sec. 7.5b.

Ashley Ost presented. Allyn Miller recused himself, and Ethan Stearns was appointed a voting member for this item by Chairman Jahoda. Ms. Ost plans to work remotely from her home September through April and wants to use this as office space and a commercial kitchen five (5) days a week Tuesday through Saturday from 11:00 am to 4:00 p.m. The kitchen will be used as a test kitchen and Ms. Ost also anticipates baking items for direct sales during time a few times a year with direct sales through delivery only – no onsite sales. The business ships through UPS and FEDEX and only receives and ships six (6) to eight (8) packages per year. There will be one outdoor lighting fixture attached to the building containing a 60-watt bulb.

Keith Laporte asked what the definition of manufacturing could mean in the future. Mr. Chester said that the Commission could approve the application with specific conditions and asked Ms. Ost what conditions she believed were appropriate. They are as follows: Preparation and repackaging of baked goods to be sold online with direct sales, delivery only, and no retail (public coming to site), storefront, or signage at site.

Robin Chesmer asked what the distance was from the proposed shed to the front property line. Brandon Handfield reported approximately 110 feet from front property line and approximately 110 feet from the nearest waterway. Mr. Chesmer requested that future application contain this information on their site plan.

Public Comment: Bob Kallajian, 492 Tobacco Street, spoke in support of application but voiced concerned with the rights assigned to the property.

Motion made by Keith LaPorte to close Public Hearing item PZ-21-8. Motion seconded by Francis Malozzi and approved unanimously.

III. OLD BUSINESS

- a. PZ-21-3: Shawn Guiney (owner), Gary Ritacco (applicant), 74 Norwich Avenue, Assessors Map 275, Lot 58. Special Permit request for Package Store per Zoning Sec. 4.7b.10) in Business Zone.

Allyn Miller back in as voting member with Ethan Stearns returning to Alternate position.

Keith LaPorte is concerned with signage and Allyn Miller indicated that new signs look like neon but are not. Mr. Chester noted that the Commission could condition that future signage approval come before the Commission.

Motion made by Allyn Miller to approve PZ-21-3 with the following conditions:

- 1. Plan to be amended to show striping for standard and handicapped parking.**
- 2. Updated Lighting plan required.**
- 3. Hours of operation shall be between 8:00 am and 9:00 pm Monday through Saturday, and 11:00 am to 5:00 pm on Sunday.**
- 4. Changes to signage must be approved by Planning and Zoning Commission.**

Motion seconded by Wayne Budney and unanimously approved.

- b. PZ-21-8: Ashley Ost, 474 Tobacco Street, Assessor Map 223, Lot 31. Request for Home Occupation Permit for a 448 square foot building to be used for office/manufacturing per Zoning Sec. 7.5b.

Allyn Miller recused with Ethan Stearns voting on this item.

Motion made by Keith Laporte to approve PZ-21-8 with the following conditions:

1. Permit allows for the preparation and repackaging of baked goods to be sold online or direct sales only.
2. Business will be delivery only with no retail or storefront.
3. Hours of operation shall be from 11:00 am to 4:00 pm Tuesday through Saturday.
4. No signage shall be installed.

Motion seconded by Francis Malozzi and approved unanimously.

- c. PZ-21-9: Seth Coty, 412 Norwich Avenue, Assessor Map 276, Lot 9.001. Request for Site Plan Modification to add an 1,800 square foot storage building/garage in Light Industrial Zone.

This application was withdrawn by the applicant per email correspondence with Mr. Chester on April 17, 2021.

IV. NEW BUSINESS

- a. PZ-21-13: GND Lebanon, LLC, 39R West Town Street, Assessors Map 236, Lot 10.001. Resubdivision to create additional lot off Doctor Manning Drive. Set public hearing date.

Motion made by Francis Malozzi to schedule the public hearings for PZ-21-13 and PZ-21-14 for May 17, 2021. Motion seconded by Keith LaPorte and unanimously approved.

Under discussion Mr. Chesmer noted that he is concerned with the address issue associated with 39R West Town Street and noted caution should be followed to avoid additional confusion with this property.

- b. PZ-21-14: GND Lebanon, LLC, 39R West Town Street, Assessors Map 235, Lot 10.001. Special Permit for 8 age-restricted housing units off Doctor Manning Drive per Zoning Sec. 4.11b.1). Set public hearing date. See motion under Item a. New Business.
- c. PZ-21-15: Hyponex Corporation Lebanon (Scotts), 20 Industrial Park Road, Assessors Map 233, Lots 12-14. Site plan modification.

Mr. Chester noted that this application was received Thursday and had not been fully reviewed by Mr. Handfield. Mr. Handfield asked the Commission if they had previously approved the bituminous area under the proposed canopy to be placed outside bagging plant. As this was approved several years ago, he would like to see what was determined and noted that this was within the regulated area of the Wetlands Commission. He and Mr. Chester will investigate past approvals and visit the site. The Commission will discuss this item again at their May 17, 2021 meeting.

Allyn Miller was reinstated as a voting member with Ethan Stearns returning as Alternate.

- d. Resolution in Support of Municipal Zoning Decision Making. This is a resolution to voice support for municipality's retaining the right to determine zone changes rather than the State of Connecticut dictating a one-size-fits all solution to zoning.

Robin Chesmer recommended adding a second paragraph to the proposed resolution to read: WHEREAS, all towns are not the same and Connecticut has a limited agricultural land base and the Town of Lebanon is a leading agricultural community providing 'Connecticut Grown' food and valuable ecosystem benefits for all Connecticut residents; and

Motion made by Keith LaPorte to adopt the following resolution as amended.

**TOWN OF LEBANON PLANNING AND ZONING COMMISSION
RESOLUTION IN SUPPORT OF MUNICIPAL ZONING DECISION MAKING**

**WHEREAS, the Town of Lebanon established Zoning in April 1962; and
WHEREAS, all towns are not the same and Connecticut has a limited agricultural land base and the Town of Lebanon is a leading agricultural community providing 'Connecticut Grown' food and valuable ecosystem benefits for all Connecticut residents; and
WHEREAS, Connecticut's towns and cities successfully use local zoning and Planning processes to balance private property rights, the community's interests, demands on infrastructure, housing needs, and economic growth; and
WHEREAS, local control and decision making empowers the residents and taxpayers of each city and town to carefully tailor zoning policies that reflect its unique geography, economy, and housing market; and
WHEREAS, localized decision making ensures the greatest level of accountability while allowing affected community members the greatest level of input and the platform through a public hearing to provide specific, relevant information on potential impacts that only they would have knowledge of; and
WHEREAS, local control and local input enable neighbors and the local community to provide beneficial suggestions, identify errors, and maximize community buy-in on zoning proposals; and
WHEREAS, proposals have been introduced in the General Assembly to strip local planning and zoning processes and public input from cities and towns; and
WHEREAS, BY RIGHT development gives outsized rights to developers over all other property owners and prevents local planning and zoning commissions from identifying the potential impacts of their project and imposing conditions upon a developer to address those direct impacts; and
WHEREAS, eliminating public hearings and community input on zoning matters could have unintended consequences such as increased infrastructure costs, increased local property taxes, and reduced home and business values which will be borne by the town residents; and
WHEREAS, each city and town already has the choice to modify or abolish its zoning ordinances if the elected town or city government decides it best serves the community's interests; and
NOW BE IT RESOLVED the Planning and Zoning Commission of the Town of Lebanon opposes State Mandated one size fits all Zoning Legislation and the ability of any outside housing authority to have jurisdiction of our town's Affordable Housing plan and any similar legislation that would further overrule, remove or diminish local control and decision making related to planning and zoning or affordable housing from the Town of Lebanon; and**

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to all members of the State Legislature.

Motion seconded by Francis Malozzi and unanimously approved.

V. MINUTES

- a. March 15, 2021 Regular Meeting

**Motion made by Francis Malozzi to accept the March 15, 2021 meeting minutes.
Motion seconded by Keith Laporte and approved 6-0-1 with Keith LaPorte abstaining.**

VI. EXECUTIVE SESSION:

The Commission entered Executive Session with the Town Planner to discuss pending litigation at 8:40 p.m. and came out of Executive Session with no action taken at 9:10 p.m.

VII. TOWN PLANNERS REPORT

Mr. Chester discussed expected applications for the Renaissance Faire and Murdercycle events at the Lion Club property and two (2) potential wineries; provided an update on the Library project; and discussed recent proposed and passed legislation related to land use.

VIII. ADJOURNMENT

**Motion by Keith LaPorte, seconded by Robin Chesmer, to adjourn at 9:16 p.m.
Motion unanimously approved**

Respectfully Submitted,
Catherine McCall