



Town of Lebanon  
**PLANNING AND ZONING COMMISSION**  
**Regular/Teleconference Meeting**

Monday, May 17, 2021

7:00 p.m.

**Minutes**

**Members Present:** James Jahoda (Chairman), Robin Chesmer (Secretary), Francis Malozzi, Thomas Meyer, Thomas Benoit, Keith LaPorte, Ethan Stearns (Alternate), Julie Chalifoux (Alternate), Allyn Miller (Alternate)

**Member Absent:** Wayne Budney

**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 James Jahoda at 7:02 p.m. who appointed Ethan Stearns as a voting member.

**II. PUBLIC HEARINGS**

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

Bruce Goldstein (GND Lebanon, LLC) and Kevin Grindle (Barton & Loguidice, LLC) presented the application. The applicant is requesting a resubdivision of 6.74 acres into two (2) lots with frontage off Doctor Manning Drive.

Mr. Chester gave a brief history of the former town-owned property, Town Meeting process that sold the land for senior housing, and Commission process to rezone the property.

Public comments:

- Pete Valentin, 6 Doctor Manning Drive, would like to know how many senior housing units will be built on the property, if an environment study has been done, and various other items. Mr. Chester indicated that this Public Hearing does not cover those items and refers to the subdivision of the land only.
- Michael Proctor, 29 Doctor Manning Drive, presented an email he submitted to the Planning Office regarding the resubdivision and development of the property. He asked for clarification on the reason for the resubdivision. Mr. Grindle explained that it is the applicant's preference to have this property as two separate pieces and a right of the owner to request resubdivision.

**Motion made by Thomas Meyer to close Public Hearing item PZ-21-13. Motion seconded by Ethan Stearns and unanimously carried.**

- b. PZ-21-14: GND Lebanon, LLC, 39R West Town St., Assessors Map 235, Lot 10.001. Special Permit for 8 age-restricted housing units off Doctor Manning Drive per Zoning Sec. 4.11b.1).

Bruce Goldstein (GND Lebanon, LLC) and Kevin Grindle (Barton & Loguidice, LLC) presented the application. Mr. Goldstein explained that he and his brother have been in business for many years providing housing units in several towns. They are part of the community and hands on wherever possible with residents, providing repairs and maintenance personally whenever necessary. He explained that the first phase of the senior housing in Lebanon has been a great success, with the original renters still in place. The new units will have open floor plans of 1,000 square feet, garages, and outdoor space. There will be two (2), four (4) unit buildings, and they are excited to present this project to the town and to provide additional housing to those 55 and older in Lebanon. Kevin Grindle walked through the project plans. Based on site grading four (4) units will have traditional basements while the other four (4) units will have walk-out basements. The access driveway off Doctor Manning Drive will be 24-feet wide providing sufficient space for passing cars and turn around. Catch basins will be installed to handle roof and ground water which will lead to a detention basin. The detention basin has been designed as per requirement of Lebanon's Inland Wetlands Commission. Overall construction will be phased to minimize disturbance. A walking path will be constructed between the existing and new development. Building elevations, floor plans, and a landscaping plan was presented.

Mr. Chester noted that the Commission has received the following correspondence from residents that have been added to the record from:

1. Ray and Dina Bedard, 51 West Town Street, expressing concerns with existing and proposed drainage from development.
2. Ivan and Barbara Franson, former Lebanon residents, in favor of application.
3. Michael Proctor, 21 Doctor Manning Drive, expressing concerns with application incompleteness, original access agreements, watercourse/wetlands, conservation easement management, existing and proposed drainage, parking, and related impacts to his property.

Brandon Handfield, Yantic River Consultant, conducted two (2) reviews of the site, including for the Inland Wetlands Commission who approved the project last week. Technical comments were addressed by the applicant.

Robin Chesmer asked if the plans were submitted to the Fire Department. Mr. Chester stated that it was and has been reviewed by Fire Chief Jay Schall who is satisfied with the plan. Mr. Chesmer questioned excavation that is currently occurring on the abutting lot. Kevin Grindle explained that the applicant also owns that property and that it is being done to assist in creating appropriate grading. Bruce Goldstein explained that the area in question is currently scrub trees. Planting will eventually be done to enhance the area.

Allyn Miller asked for clarification on the relationship between Mr. Handfield and that of the applicant's engineering firm. Mr. Handfield explained that he is not associated with the property owner or the firm working for them.

Public comments:

- \* Michael Proctor, 29 Doctor Manning Drive, questioned the grading and landscaping. He would like to see a landscaping buffer between his property and Building 1. Mr. Goldstein said that some work could be done in that area if acceptable to UNCAS Health. Mr. Proctor is also concerned with the runoff pool which is located next to the stone wall

and noted he has experienced water runoff from the property down his driveway. He said some of the test pits showed ground water at 14 inches and he is worried that with basements planned the drains required might run onto his property. Mr. Grindle explained that possible issues have been mitigated and that all footing drains will be directed into the catch basins. Mr. Handfield concurred with Mr. Grindle. Mr. Proctor asked about proposed parking and required road frontage. Mr. Grindle explained that each unit includes garage parking plus an outdoor space, and visitor spaces. Mr. Chester explained that in this zone there is no frontage requirement. Mr. Proctor explained that he has cars that come into his driveway thinking it is a way to the current senior housing and wonders if there will be signage to make access clear for the new project. He is asked that the development sign be moved to the east side of the applicant's proposed driveway.

- \* Pete Valentin, 6 Doctor Manning Drive, asked if any State or Federal funds are being used for the project and Mr. Goldstein said it was all private funding. He inquired if the lot across from the Senior Center was considered for senior housing and Mr. Chester explained that this property is owned by the town and not by the applicant. Mr. Valentin is not convinced that the proposed location is best for resident access to the Senior Center and has concerns with increased road traffic, noise, and environmental issues.

Robin Chesmer noted that it would be helpful to see details on the abutting properties so that it would be easier to make a better judgement on the project.

Mr. Jahoda asked how current residents of Doctor Manning Drive access the Senior Center. Mr. Goldstein noted that Stone Ridge Estates residents have a connecting gravel path and the proposed development will have a five (5) foot wide walking path to the existing 8-units of senior housing, but that most of his residents choose to take their car to the Senior Center.

**Motion made by Thomas Meyer to close Public Hearing item PZ-21-14. Motion seconded by Francis Malozzi and carried unanimously.**

### **III. OLD BUSINESS**

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

**Motion made by Francis Malozzi to approve PZ-21-13. Motion seconded by T.J. Benoit and carried unanimously.**

- b. PZ-21-14: GND Lebanon, LLC, 39R West Town St., Assessors Map 235, Lot 10.001. Special Permit for 8 age-restricted housing units off Doctor Manning Drive per Zoning Sec. 4.11b.1).

Robin Chesmer noted he would like to see a plan showing the abutting owners' property and infrastructure to better determine possible impacts. Mr. Chester noted that because the public hearing is closed, no additional information can be submitted by the applicant. The Commission indicated that the location of the sign can be managed between the developer and Mr. Proctor. Mr. LaPorte stated that plantings to buffer Mr. Proctor's property from Building 1 should be made part of the motion. Mr. Meyer noted that there is a caveat on plantings as they must be approved by UNCAS Health. Mr. Chesmer recommended that planting also be made between the proposed driveway and Mr. Proctor's driveway at Doctor Manning Drive. Mr. Chester noted there is limited room at this location for a snow shelf.

**Motion made by Keith LaPorte to approve PZ-21-14 with the condition that the plans be amended to the satisfaction of the Zoning Official to show:**

- 1. The location of the development entrance sign in consultation with Mr. Proctor;**
- 2. Plantings added along Mr. Proctor's property in the vicinity of Building 1, as permitted by UNCAS Health District; and**
- 3. Plantings added between development entrance driveway and Mr. Proctor's.**

**Motion seconded by Francis Malozzi and carried unanimously.**

- c. PZ-21-15: Hyponex Corporation Lebanon (Scotts), 20 Industrial Park Road, Assessors Map 233, Lots 12-14. Site plan modification to construct 8,480 square foot canopy to Bagging Plant with a 25,000 square foot concrete pad below.

Wesley Wentworth, Wentworth Civil Engineers, presented a revised plan that increases the size of the proposed canopy to 10,600+/- square feet and the concrete pad to 53,000 square feet. Mulch and soil products are bagged on the property. He reviewed the site plan, including the new concrete slab which will replace a failing asphalt area and canopy added to the current building. All grades and drainage patterns will remain unchanged.

Mr. Handfield noted he had asked the prospects of additional noise added to the site and was told there would be no change. He believes this is an upgrade to the current setup and sees no issue. Allyn Miller noted that neither the Town Planner or Town Engineer had visited the site and believes that if the Commission decides, they would be making it without sufficient information. Mr. Jahoda noted that the Commission could conduct a site walk. Mr. Handfield explained that although there was no on-site visit the project was evaluated based on aerials. Mr. Wentworth noted that based on his opinion this project fulfills all zoning requirements.

Mr. Benoit asked about grading and Mr. Wentworth explained the layout. Mr. Malozzi is confident in Mr. Wentworth's and Mr. Handfield's evaluations. Robin Chesmer noted he has a concern with lighting when work is being conducted on the site and how it effects the house across the street and is blinding to traffic. He would like this to be stopped.

**Motion made by Francis Malozzi to approve PZ-21-15. Motion seconded by Thomas Meyer carried unanimously.**

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

- a. PZ-21-16: David Vertefeuille (applicant), Lebanon Lions Fairground (owner), 122 Mack Road, Assessor Map 236, Lot 57. Request for Temporary Use Permit for Murdercycle event on July 17, 2021.

Jodi Walsh was present representing the Lions. Mr. Chester read the eight (8) conditions approved by the Commission in 2020 and noted that they had been reviewed by the Resident State Trooper who concurred. Mr. Jahoda noted that the applicant is asking to be open to the public until 11:00 p.m. versus 8:00 p.m. approved by the Commission in the past. Mr. Walsh stated that an 8:00 p.m. end time is acceptable to the Lions. Mr. Meyer asked if the sale of alcohol is proposed, and Mr. Walsh said no. T.J. Benoit asked if camping was allowed on the Lions Club site and was informed that it is.

**Motion made by T.J. Benoit to approve PZ-21-16 with the following conditions:**

- 1. Hours of operation when the public may visit the Lions Club Fairgrounds shall be limited to 10:00 a.m. to 8:00 p.m. Saturday, July 17, 2020;**
- 2. Individual food and health vending and building applications shall be submitted and approved by the Fire Marshal, Building Official, and Uncas Health District as applicable prior to July 17, 2020;**
- 3. Noise heard beyond the property boundary shall be prohibited, except during the hours of 10:00 a.m. to 8:00 p.m., Saturday, July 17, 2020 when noise levels shall comply with CT DEEP noise standards with regard to maximum decibel output of 55 DBA daytime/45 DBA nighttime measured at least one foot beyond the property line of the property on which the emitter is located. For purposes of this condition, uses are considered to be a commercial sound emitter and the receptor is considered to be a residential receptor;**
- 4. Emergency service needs for crimes alleged or otherwise shall be immediately reported to the Connecticut State Police at 911;**
- 5. No fires shall be permitted without the approval of the Fire Marshal;**
- 6. The use of fireworks or bonfires shall be prohibited;**
- 7. A member of the Lions Club shall be onsite when the property is open to the public and shall report any non-compliance issues to this office; and**
- 8. Two (2) Lebanon or State Police Officers shall be on site during the hours of operation or as recommended by the Resident State Trooper.**

**Motion seconded by Ethan Stearns and carried 6-1-0 with Francis Malozzi opposed.**

- b. PZ-21-17: Stone Circle LLC (applicant), Lebanon Lions Fairground (owner), 122 Mack Rd., Assessor Map 236, Lot 57. Request for Temporary Use Permit for Renaissance Faire on Saturdays and Sundays, plus Labor Day and Columbus Day, Sept. 4 to Oct. 17, 2021.

Brian Harvard presented the application. The fair will be held as it was in 2019 with the addition of two adult nights where they are requesting that the end time be 9:30 pm instead of 9:00 pm. Allyn Miller asked if the adult night would feature alcohol and Mr. Harvard explained that alcohol is sold throughout the time of the fair. Mr. Chester displayed the nine (9) conditions of approval stipulated by the Commission in 2020.

**Motion made by Francis Malozzi to approve PZ-21-17 with the following conditions:**

- 1. Hours of operation when the public may visit fairgrounds shall be weekends (Saturdays and Sundays) from September 4, 2021 through October 17, 2021 and Mondays, September 6, 2021 and October 11, 2021, 10:00 am through 6:00 pm; and Saturdays, Sept. 25, 2021 and Oct. 9, 2021 from 10:00 am through 9:30 pm.**
- 2. Up to (3) three offsite signs shall be permitted with permission of owners of land which they are located or in front of, in accordance with Zoning Section 8.5.a.2.**
- 3. Individual food and health vending and building applications shall be submitted and approved by the Fire Marshal, Building Official, and UNCAS Health District, as applicable, prior to operation.**
- 4. Emergency service needs for crimes alleged or otherwise shall be reported immediately to Connecticut State Police at 911.**

5. **Outdoor lighting shall not be visible or noise heard beyond the property boundary outside of Faire hours when open to the public.**
6. **Fireworks and bonfires are prohibited.**
7. **Fires are only permitted per Fire Marshal approval.**
8. **A member of the Lions Club shall visit the site during duration of this permit when property is open to public and report any compliance issues to the Town.**
9. **Two (2) Lebanon or State Police Officers shall be on site during the hours of operation or as recommended by the Resident State Trooper.**

**Motion seconded by Thomas Meyer and carried unanimously.**

**V. MINUTES**

- a. April 19, 2021 Regular Meeting

**Motion made by Francis Malozzi to approve the April 19, 2021 meeting minutes. Motion seconded by T.J. Benoit and carried 5-0-2 with Mr. Benoit and Mr. Meyer abstaining.**

**VI. EXECUTIVE SESSION**

**Motion by Mr. Benoit, seconded by Mr. Meyer, to enter Executive Session with the Town Planner and First Selectman to discuss pending litigation. Motion unanimously approved.**

The Commission came out of Executive Session with no action taken.

**VII. TOWN PLANNERS REPORT**

**VIII. ADJOURNMENT**

**Motion made Mr. Meyer, seconded by Mr. Malozzi, to adjourn the meeting at 10:26 p.m. Motion unanimously carried.**

Minutes respectfully submitted,  
Catherine McCall