

Town of Lebanon
Planning and Zoning Commission
Regular Meeting
Lebanon Town Hall – 579 Exeter Road
Monday, March 20, 2017 – 7:00 PM

MINUTES

Members Present: Chair James Jahoda, Secretary Kathleen Smith, Wayne Budney, Robin Chesmer, Francis Malozzi, Oliver Manning, Keith LaPorte, Tom Meyer (Alternate)

Members Absent: Robin Chesmer, Joyce Okonuk (Alternate), Lanny Clouser (Alternate)

Others Present: Town Planner Philip Chester, First Selectman Betsy Petrie, Jason Nowosad, Walter Tabor, Nancy Tabor, Kevin Whitcher, Dawn Whitcher, Sandra Tremblay, Wes Wentworth, Lincoln Chesmer, Carrie Goins, Susan Davis, Recording Secretary Linda McDonald and others

- I. Call to Order: Chairman J. Jahoda called the meeting to order at 7:00 p.m. T. Meyer was seated as voting Alternate.

Suspend Regular Meeting: Meeting was suspended at 7:01 p.m.

J. Jahoda read the legal notice into the record. Mr. Chester noted that abutter notices were received for each application.

. Public Hearings:

- a. Open Public Hearing for PZ-17-5968: Special Permit application of Walter A. Tabor for a multi-family dwelling containing three dwelling units per Zoning Sec. 8.8 for property at 64 Beaumont Highway, Assessors Map 206, Lot 8:

W. Tabor explained that the lot dates back to 1966 and the building was constructed 20 years later as a 2-family and was converted to an unpermitted 3-family. He said that he has reduced the overall number of bedrooms in the three units and that the building meets all regulations for a three family. He presented evidence of buildable square on a 1966 deed defining the parcel. He said the decks have been temporarily removed due to safety issues and the drainage system ties the three units together.

P. Chester reported that he had visited the site and questioned the amount of usable square footage in the upstairs bedroom of the proposed third unit. He recommended a more refined site plan if the Commission were to approve the special permit application.

Commission questions followed on the existence of garages, now labeled as storage units, and concern as to the amount of living space in third unit being questionable.

In order to get a better perspective of the site, the consensus of the Commission was to hold a site walk at the property on Tuesday, March 28, 2017 at 5:30 and to continue the public hearing to that date.

No one from the public spoke to this application.

K. LaPorte MOVED to schedule a special meeting on Tuesday, March 28, 2017 at 5:30 p.m. at 64 Beaumont Highway, Lebanon, CT to continue the public hearing for PZ-17-5968: Special Permit request of Walter A. Tabor for a multi-family dwelling containing three dwelling units per Zoning Sec. 8.8 for property at 64 Beaumont Highway, Assessors Map 206, Lot 8. K. Smith SECONDED. MOTION CARRIED 7:0:0.

- b. Open Public Hearing for PZ-17-6051: Application of Dawn and Kevin Whitcher, owners of 903 Exeter Road Realty Company, LLC and 5G Capital LLC for proposed changes to the Lebanon Zoning Map to place properties at 894 Exeter Road and 903 Exeter Road, Assessors Map 245, Lots 12 & 18, into the Village Business District Zone:

K. Whitcher submitted exterior and interior computer-generated photographs of the proposed use into the record. He said the interior and exterior character of the 1750's farmhouse will remain the same.

D. Whitcher explained the purpose of the zone change is to allow them to create a coffee shop. No livable space is proposed at this time.

Representing the applicants, Wes Wentworth of Wentworth Civil Engineers explained that the zone change would allow for more flexibility in the use such as outdoor seating. Traffic flow would work with peak morning traffic to and from the schools and that this type of business is not a major traffic generator.

Mr. Wentworth believes the zone change proposal follows the guidelines in the Town's Plan of Conservation and Development (POCD), specifically the preservation of the historic structure, limited commercial development and promoting agritourism. He noted that the site has no wetlands, flat to mod slope, good access on major highway, room for parking, no nearby neighbors and encourages limited commercial use.

P. Chester reported that the Economic Development Commission has formally endorsed the proposed zone change at their February 28th meeting. He referenced his March 13, 2017 memo to the Commission and said the property is an isolated residential lot; the building is currently uninhabitable and non-conforming as it is located only 26 feet from the property line; and, any development at this site and the gas station site (903 Exeter Road) would need to adhere to the design review standards articulated in the Zoning Regulations.

J. Jahoda read the following into the record:

- Letter of support dated 3/20/17 signed by 25 residents.
- Letter of support from Frank Himmelstein of 6 North Street dated 3/16/17
- Letter of support from Brandon Handfield of 191 Norwich Avenue dated 3/20/17
- Letter of concern from Lincoln Chesmer, 129 Bogg Lane dated 3/20/17 whose farming operation abuts the property.

J. Jahoda opened the floor to public comment.

- Sandra Trembley of 70 Hillcrest Heights spoke in favor of the zone change.
- Susan Davis of 97 Geer Road said she supports the application, believes it conforms to the POCD and sees this change as an opportunity for agricultural education.
- Betsy Petrie of 332 Babcock Hill Rd said the applicants appear well aware of the surrounding farmland and that she supports the zone change.
- Lincoln Chesmer of 129 Bogg Lane commented that any approval should contain language of the legal right-to-farm for the surrounding property.

- Carrie Goins of 635 Exeter Road spoke in support of the zone change.
- Jason Nowosad of 888 Trumbull Hwy supports the application.

K. Smith said she is in support of the proposed zone change, but people from out of town are not used to the smell of surrounding farming operations and the applicants would have to be aware of these situations. She would support L. Chesmer concerns for the need for safety barriers and support of the right-to-farm.

D. Whitcher said he agrees with the need for barriers and the importance of the right to farm.

W. Wentworth noted that the Department of Transportation would have strict review of any new access to the site.

W. Budney said this is a fabulous idea and a good model.

T. Meyer expressed concern on how foot traffic crossing the highway from the schools would be addressed.

K. LaPorte MOVED to close the public hearing for PZ-17-6051: Application of Dawn and Kevin Whitcher, owners of 903 Exeter Road Realty Company, LLC and 5G Capital LLC for proposed changes to the Lebanon Zoning Map to place properties at 894 Exeter Road and 903 Exeter Road, Assessors Map 245, Lots 12 & 18, into the Village Business District Zone. F. Malozzi SECONDED. MOTION CARRIED 7:0:0.

Resume Regular Meeting: Regular meeting was resumed at 8:00 p.m.

III. New Business

- a. Pre-application Discussion: Exeter Road, Assessors Map 233, Lot 9.001 for a proposed 1,200 square foot industrial building and residence.

P. Chester said this item falls under CGS Sec 7-159b, which allows the Commission, prior to the submission of an application, to conduct a pre-application review of a proposed project with an applicant. He read into the record a portion of the statute: "Such pre-application review and any results or information obtained from it may not be appealed under any provision of the general statutes, and shall not be binding on the applicant or any authority, commission, department, agency, or other official having jurisdiction to review the proposed project." and the recorder was shut off for this discussion.

IV. Old Business: Discuss and possible action on public hearing applications:

- a. Public Hearing for PZ-17-5968: Special Permit application of Walter A. Tabor for a multi-family dwelling containing three dwelling units per Zoning Sec. 8.8 for property at 64 Beaumont Highway, Assessors Map 206, Lot 8:

There was no action on this agenda item as the public hearing has been continued to a special meeting scheduled for March 28, 2017.

- b. Public Hearing for PZ-17-6051: Application of Dawn and Kevin Whitcher, owners of 903 Exeter Road Realty Company, LLC and 5G Capital LLC for proposed changes to the Lebanon Zoning Map to place properties at 894 Exeter Road and 903 Exeter Road, Assessors Map 245, Lots 12 & 18, into the Village Business District Zone:

During discussion, T. Meyer said he has concern there is no structured procedure in the POCD and the Zoning Regulations for making this decision and that he was concerned with making

precedence. Discussion followed. P. Chester reminded the Commission members that they are not obligated to change any zone and that when making a zone change they should consider the stated “purpose” of zoning found in the regulations as well as the POCD.

K. Smith commented that the commission has to look at each proposal uniquely.

K. LaPorte MOVED to approve PZ-17-6051: Application of Dawn and Kevin Whitcher, owners of 903 Exeter Road Realty Company, LLC and 5G Capital LLC for proposed changes to the Lebanon Zoning Map to place properties at 894 Exeter Road and 903 Exeter Road, Assessors Map 245, Lots 12 & 18, into the Village Business District Zone. K. Smith SECONDED. MOTION CARRIED 7:0:0.

- c. Lebanon Elementary School, 479 Exeter Road, Assessors Map 235, Lot 66 for a site plan modification to amend the existing traffic island design.

The members reviewed correspondence and the proposed traffic island modification plan for improved school bus circulation dated 3/10/2017 prepared by Yantic River Consultants.

F. Malozzi MOVED to approve the Lebanon Elementary School Site Plan Modification prepared for the Lebanon Public Schools by Yantic River Consultants, LLC, Lebanon, CT, dated 3/10/17, page 1 of 1. K. Smith SECONDED. MOTION CARRIED 7:0:0.

V. New Business

VI. Town Planner’s Report

Mr. Chester provided updates on conservation, development and enforcement activities, including farmland preservation; interest of a farm owner to allow ice cream to be served at the farm; interest of a property owner to pay a fee-in-lieu of open space for the release of a conservation easement; and zoning enforcement activities on Reservoir Road and Church Street.

Ray Andrews was present to request the release of an open space easement on Gates Farm Road in lieu of a \$2,500 fee. The Commission asked Mr. Chester to contact the abutter to request that they attend the next meeting.

Commissioners asked Mr. Chester to review the status of the Wengloski and Williams gravel banks. They also recommended that the farm owner interested in ice cream sales attend a Commission meeting to have a pre-application discussion.

VII. Minutes:

a. Approval of February 27, 2017 Regular Meeting Minutes:

F. Malozzi MOVED to approve the February 27, 2017 regular meeting minutes as presented.

W. Budney SECONDED. MOTION CARRIED 5:0:2 with K. Smith and K. LaPorte abstaining.

VIII. Correspondence

- IX. Adjournment: K. LaPorte MOVED to adjourn the regular meeting at 9:03 p.m. K. Smith SECONDED. MOTION CARRIED 7:0:0.

Respectfully submitted by Linda H. McDonald

Please see minutes of subsequent meetings for the approval of these minutes and any corrections hereto.