

TOWN OF LEBANON
PLANNING & ZONING COMMISSION
October 20, 2008 - 7:30 p.m.
Fire Safety Complex, 23 Goshen Hill Road
REGULAR MEETING MINUTES

1. CALL TO ORDER

The October 20, 2008 Regular Meeting of the Planning & Zoning Commission was called to order at 7:35 p.m. by Jim Jahoda, Chairman.

Present:	Jim Jahoda, Chairman	Alan Lamb
	David Fields, Secretary	Keith Laporte
	Robin Chesmer	Wayne Budney, Alt.
	Susan Budney Davis	
Absent:	Mark Bancroft, Alt., Carol Morris-Scata, Alt.	
Also:	Philip Chester (Town Planner), Brenda Bennett (Acting Secretary)	

The October 6, 2008 Legal Notice was read into record by David Fields, Secretary. Wayne Budney was designated acting alternate.

2. PRESENTATION - CL&P – Card Street Substation Expansion

A presentation was made by Attorney Marianne Barbino, Dubuque, Carmody & Torrance; John Case, P.E., CL&P, Michael Libertine, Dir. Environmental Services, VHB (CL&P's consultant) on the expansion of Card Street substation. Also in attendance were Atty. Andrew Lord and Engineer Brandon Handfield, both representing Town of Lebanon.

Mr. Chester discussed his meetings with CL&P and neighborhood representatives, and provided the Commission with 2 pages of his notes/emails to CL&P with specific issues/concerns.

Public Comments:

- Steve Radcliffe, 22 Adams Heights Road: Would like new towers to be the same height existing 80' towers.
- Matt Lisom, 28 Adams Heights: Comments/concerns on current substation acreage, expansion of wetlands, drainage ditch location, and possibility of road to be moved, removal of "bend" could add additional range.
- Kara Fishman, 54 Card Street: Concerns with clearing activity and view for abutting property owners; would like to see a recessed barbed wire fence installed verses barred wire on top of fence; added elimination with the lighting plan that is proposed, possibly looking at emergency lights only and moving this closer to the road; any impact to the Rails to Trails?; added noise to the transmission lines.

- Mrs. Bruce, 87 Kingsley Road: Suggested dipping Card Street to the south rather than what is being proposed; public welfare, i.e. noise and habitat.
- Frank Felber, 211 Card Street: Protection to residents during construction; guarantee safety of residents' wells; hazardous spills.

The Commission decided to take Mr. Chester's comments, concerns of residents and forthcoming comments from Inland Wetlands, compile letter and send to CL&P in early November.

3. PUBLIC HEARING

- a. File: #09-07: 1 Lot Resubdivision. Allen & Virginia Stein, owner, 596 Clubhouse Rd., Jaison Stein, 185 Goshen Hill Road, applicant. Assessor's Map 253, Parcel 20.**

Mark Reynolds, P.E. is present on behalf of the applicant.

This is a continuation of the Public Hearing from September. Revised plans are presented and all comments from Anchor Engineer have been addressed. Wetlands, Health and Tree Warden approval have been received.

Peter Hodina submitted to the Commission this evening an Application for Temporary Injunction that he has filed with the courts and was granted a hearing for 11/10/08 in New London Superior Court claiming a "disregard of the covenants on the deed".

Mr. Chester asked Mr. Reynolds if he would be willing to extend the public hearing to November, and Mr. Reynolds stated "no".

Moved by Susan Budney Davis and seconded by David Fields to close the Public Hearing. Abstaining: Alan Lamb. Motion passed.

- b. File: #09-03: 3-lot Resubdivision. Joel B. Doubleday, 340 Randall Road. Location of property, 313 to 351 Randall Road. Assessor's Map 275, Parcel 47.**

Mark Reynolds, P.E. and John Wells, L.S. is present on behalf of Mr. Doubleday.

Revised plans have been provided to the Commission with revisions. Wetlands, Health and Tree Warden approval is on file. Revisions to the plans were made as a result of an inspection of the property by Mark Reynolds, the 1st Selectman, Town Planner and Town Engineer on Friday. The revisions resulted in alternate locations for the driveways with minimal grading and limited tree and stone wall removal along Randall Road.

Mr. Reynolds noted the driveways were less than 200' in length, driveways for Lots 2 and 3 will need to be paved and Lot 1 driveway will remain gravel. Currently the Randall Road is gravel and the drainage slopes away from the road. Rights to drain will be maintained as noted on the plan for Lot #2 and no formal easement would be conveyed to the town. A fee in lieu of Open Space in the amount of \$2,500 per lot has been noted on the plans.

Mr. Chesmer suggested that the odd shape of the rear portion of Lot #1 be readjusted to add it to Lot #2 and Mr. Reynolds agreed. He also suggested that the Commission take a site walk.

Moved by David Fields and seconded by Susan Budney Davis to reconvene the public hearing at the site on Tuesday, October 28, 2008 at 5:15 p.m. Motion unanimously passed.

Public Comments - Nancy Bartol, 353 Randall Road, expressed concerns with the position of the house on Lot #1 and questioned the zone for these properties.

c. File: #09-14: Special Permit for Residential Business Use at 56 Leonard Bridge Rd. Edgardon Holding, owner. Frank Catalano, applicant. Assessor's Map 226, Parcel 18

The applicant is present. The Town Planner has been out to the site and reviewed his written report dated 10/16/08. The proposed use for the outbuilding is to assemble small products. There will be no retail sales or employees, and the office will be contained in a small portion of the outbuilding. No exterior storage. Hours of operation 7am-7pm. No exterior lighting.

The Commission expressed concerns with signage and stated that Mr. Catalano could have a five (5) square foot sign.

Public Comments:

- Chris Kenny, current owner: In favor of proposed business use.
- Mr. Mulcahy, 33 Leonard Bridge Road: In favor of use.
- Elaine Chofer, 36 Leonard Bridge Road: In favor of use.
- Rick Rodena, diagonal property owner: No problem and in favor of the use.

The Town Planner noted that he had received two (2) calls this afternoon from neighbors regarding concerns with noise.

Moved by Keith Laporte and seconded by Susan Budney Davis to close the Public Hearing. Motion unanimously passed.

4. NEW BUSINESS

a. Sec. 8-24 Reports – (1) Leonard Bridge Road Phase IV Reconstruction and (2) Oliver Road Bridge Replacement.

Brandon Handfield, Anchor Engineering is present.

Leonard Bridge Road Phase IV Reconstruction will include 990+/- foot total length of road expanding the width from 16-18 feet to 20 feet. In addition, a small portion of stonewall will be removed. It is noted that the project was approved at Town Meeting and has been awarded at the last Selectman's Meeting.

The Commission would like to see the stonewalls preserved for future town projects.

Moved by Alan Lamb and seconded by Susan Budney Davis to give a favorable recommendation for Sec. 8-24 Reports with recommendation that stones be transported to town property for future use. Motion unanimously passed.

Oliver Road Bridge Replacement – The existing bridge is in disrepair and was reviewed in late spring. Rate of the current bridge is 3 tons and town plow and buses are not allowed to pass. The bridge will need to be replaced as soon as possible and the utilities will be moved. Metal traffic rails are to be used and the width of the bridge is 22' and the road width is 18'.

Moved by Susan Budney Davis and seconded by Wayne Budney to give a favorable recommendation of Sec. 8-24 with the caveat to use a wooden guide rails if funding is available. Motion unanimously passed.

b. Request of James Powers, 73 Lawrence Dr., for waiver of Zoning Sec. 5.1.d. to allow 42-foot high stack on outdoor wood-burning stove. Assessor's Map 243, Lot 83.018.

Mr. Powers is present. He is seeking a waiver to allow for a 42' high stack on an outdoor wood-burning stove. The Town Planner has been out to the site and stated that the area where the wood stove will be installed is hidden in the back and is a distance from neighbors. There are letters in support from the adjacent property owners, Jennifer LeMay, John Treschew (80 Lawrence Drive) and Stephen Nelson (81 Lawrence Drive).

Moved by Susan Budney Davis and seconded by Alan Lamb to waive the requirement of Sec. 5.1.d. to allow for a 42' high stack on the outdoor wood-burning stove, noting that it will not adversely impact the abutting property owners and is thoughtfully located and in compliance with State Statute. Motion unanimously passed.

5. OLD BUSINESS

a. File #09-12: 2-lot Subdivision. Roger Abell, owner, north side of Fowler Road. Assessor's Map 265, Lot 28.00.

Wes Wentworth, P.E. is present on behalf of the applicant. Anchor Engineering has approved the revised plans and drainage calculations. Mr. Chesmer noted that the Commission appreciates the recommendation of the Conservation Commission regarding obtaining a fee in lieu of Open Space; however, he notes that the applicant does not concur.

Moved by David Fields and seconded by Wayne Budney to approve File #09-12, Abell Subdivision Plan. Abstaining: Keith Laporte as he is member of the Conservation Commission. Motion passed

File: #09-07: 1 Lot Resubdivision. Allen & Virginia Stein, owner, 596 Clubhouse Road, Jaison Stein, 185 Goshen Hill Road, applicant. Assessor's Map 253, Parcel 20.

The Commission decided to hold off on discussion/judgment until the November meeting.

File: #09-14: Special Permit for Residential Business Use at 56 Leonard Bridge Road. Edgardon Holding, LLC, owner. Frank Catalano, applicant. Assessor's Map 226, Parcel 18.

Moved by Mr. Lamb and seconded by Ms. Brett-Davis to approve File #09-14 subject to the following conditions: 1) Hours of operation 7 a.m. –7 p.m.; 2) Work to be conducted in accessory building only; 3) No storage outside; 4) No retail sales; 5) No exterior lights associated with use; 6) No outside signage larger than 5 square feet; and, 7) No employees associated with use. Motion unanimously passed.

6. MINUTES

September 15, 2008 Regular Meeting. Moved by Keith Laporte and seconded by David Fields to approve the Regular Meeting Minutes of September 15, 2008 with the following changes: Page 5, change Mark Bancroft, Designated Acting Alternate to Wayne Budney, Designated Acting Alternate. Motion passed. Abstaining: Alan Lamb Motion.

7. INVOICES:

Waller, Smith & Palmer, P.C., Bill #41156/\$266.00 and Bill #41158/\$98.00. Moved by Alan Lamb and seconded by Susan Budney Davis to approve payment of bills. Motion unanimously passed.

8. 2009 REGULAR MEETING DATES, TIMES AND LOCATIONS

The Commission agreed to change the start time for Regular Meeting beginning in 2009 to 7:00 p.m. Final meeting dates will be discussed/approved at the next regular meeting.

9. REGULATION REVIEW SUBCOMMITTEE REPORT

Mr. Fields reported that Bob Wentworth addressed the Subcommittee in September regarding prohibiting multiple real estate sale signs on properties, and the Subcommittee agreed. The Subcommittee will look at redoing sign regulations and preparing draft Village District Zoning at the next meeting and report back to the Commission for review.

10. TOWN PLANNER'S REPORT

Mr. Chester noted that the Town Historian, Alicia Wayland had requested membership to the POCD Committee. The Commission agreed to add Ms. Wayland as the 10th Committee member.

Mr. Chester distributed POCD Committee Notebooks and reported that their first meeting was being held on Monday, November 10th at 7:00 p.m. Regular POCD Committee meetings will be held on the second Tuesday of each month at 7:00 p.m. in Town Hall beginning in December.

The Commission received a Home Occupation permit today from Lynn Manning, 39 West Town Street, under Zoning Sec. 7.5.a. to allowing counseling services in a portion of their home. Mr. Chester has been out to the site and will approve the application.

Mr. Chester was contacted by Matthew Johnson, 793 Goshen Hill Road regarding interpretation of File #09-13 approval for a home occupation. Mr. Johnson is inquiring into the allowance of sales of equipment should lawn equipment be left with him due to non-payment of use. The consensus of the Commission was that he could conduct inside sales should equipment be left with him but that outside sales were not permitted or desired at this location.

Land Use Leadership Alliance (LULA) Conference has begun, with several 3 Commission members participating.

11. CORRESPONDENCE

The State is providing continuing education opportunities for Commission members through its Land Use Academy.

12. ADJOURNMENT

Moved by Keith Laporte and seconded by Susan Budney Davis to adjourn the Regular Meeting at 11:05 p.m. Motion unanimously passed.

Respectfully submitted,

Brenda Bennett,
Acting Secretary