

**TOWN OF LEBANON
PLANNING & ZONING COMMISSION**

Monday, July 20, 2009
Town Hall Downstairs Meeting Room

REGULAR MEETING MINUTES

1. CALL TO ORDER

Chairman James Jahoda called the July 20, 2009 regular meeting of the Planning & Zoning Commission to order at 7:00 p.m.

Present:	James Jahoda, Chairman	Keith Laporte
	Mark Bancroft	Susan Brett Davis
	David Fields, Secretary	Wayne Budney, Alt.
	Robin Chesmer	

Also present: Philip Chester, Town Planner; Jean Gilbert, Land Use Secretary; Brandon Handfield, Town Engineer; Edward O'Connell, Town Attorney.

Absent: Alan Lamb; Martin Barletta, Alt.; Carol Morris-Scata, Alt.

2. PUBLIC HEARING

a - #09-19 – Eric Swanson, 152 Geer Rd., Assessor's map #272, Parcel #24. Special Permit for Accessory Living Unit.

Mr. Budney recused himself. Mr. Fields read the legal notice.

Mr. Swanson presented his application.

Mr. Chester reviewed his report dated 7/16/09. The property contains 8.33 acres and includes a 1,945 sq. ft. single-family home. Mr. Swanson is requesting a special permit to construct an 832 sq. ft. accessory living unit attached to the east side of his home. Mr. Swanson would reside in the accessory living unit and his son and daughter-in-law would reside in the house.

Mr. Chester stated that he believes the application meets the Accessory Living Unit requirements of Sec. 8.2 of the Zoning Regulations.

All abutting property owners have been notified and fees paid.

There were no comments from the audience.

Ms. Davis moved, Mr. LaPorte seconded motion to close the public hearing. Motion voted and passed unanimously.

Mr. Budney returned to meeting.

3. NEW BUSINESS

a. #10-05 – Den’s Sand & Gravel, Excavation Permit, Rte. 16 & Goshen Hill Rd.

Town Engineer, Brandon Handfield conducted a site inspection. He stated that there have been very little changes since last year.

Mr. Wengloski’s engineer’s report was reviewed.

Mr. Bancroft moved, Ms. Davis seconded motion to renew excavation permit for Den’s Sand & Gravel, Rte. 16 & Goshen Hill Rd. and grant a one year extension. As of July 1, 2010 a new excavation permit and site plan will be required. Motion voted and passed unanimously.

4. OLD BUSINESS

a. Marquis Enterprises, Industrial Park Road, review of revised site plan & bond estimate.

Town Engineer, Brandon Handfield has reviewed two reports prepared by Mr. Marquis’s engineer, Mark Reynolds, dated July 9, 2009. Report 1 was prepared to address the redesign of the proposed drainage system and report 2 summarized the proposed bond estimate for the work remaining at the facility. The bond estimate at \$24,955 will assure paving of the site as shown on the original plan dated 10/18/07.

Ms. Davis moved, Mr. Bancroft seconded motion to approve the amended Site Development Plan for Marquis Enterprises dated 8/13/07 revised through 7/8/09 subject to placement of a \$24,955 performance bond within 60 days of approval that assures paving of the site as shown on the original plan dated 10/18/07. Motion voted and passed unanimously.

Mr. Fields moved, Mr. Chesmer seconded motion to add Mark Olenick, Route 207 @ Brewster Pond, Excavation permit to agenda. Motion voted and passed unanimously.

Mr. Olenick has closed the sand pit and is asking that the bond be released. Mr. Handfield inspected it and states that there is 75% of vegetative cover. There is no sign of erosion.

The question arose as to when Mr. Olenick first applied for a special permit for the gravel bank and if 4” of topsoil is required. Ms. Gilbert and Mr. Chester will research the files.

This item will be placed on the August 17, 2009 agenda.

Jeremy Valente & Barbara Rodina, 55 Woodland Drive

Mr. Valente and Ms. Rodina contacted Chairman Jahoda asking to appear before the Commission to discuss their seasonal usage of their home. They have a new home at 55 Woodland Drive which is a seasonal home. They would like their property changed from seasonal to year round.

The Commission explained that they could not change the seasonal status of 55 Woodland Drive and that they wanted to keep the mix of year-round and seasonal homes at the Lakes.

#10-06, Carole Gilbert, 38 Lynch Rd., Accessory Living Unit Renewal

Carole Gilbert, of 38 Lynch Rd. applied for and received a special permit for an accessory living unit in 2001 and 2005. Her special permit has expired. She has applied for renewal of the permit.

It was the consensus of the Commission that this will require a public hearing. Mr. Chester will contact her.

#09-19, Eric Swanson, 152 Geer Rd., Assessor's map #272, Parcel #24. Special Permit for Accessory Living Unit.

Mr. Budney recused himself.

The plan was reviewed and appears to meet the Accessory Living Unit requirements.

Mr. Bancroft moved, Ms. Davis seconded motion to approve #09-19, Eric Swanson, special permit for accessory living unit, expiring June 30, 2012. Motion voted and passed unanimously.

Mr. Budney returned to the meeting.

5. MINUTES

Mr. Bancroft moved, Mr. Fields seconded motion to approve June 15, 2009 minutes with the following correction: "Recused" instead of "excused". Motion voted and passed unanimously.

6. INVOICES

Mr. Bancroft moved, Ms. Davis seconded motion to approve payment of Anchor Engineering bill in amount of \$670.80. Motion voted and passed unanimously.

Mr. Bancroft moved, Ms. Davis seconded motion to approve attorney bills in amount of \$1,915.20. Motion voted and passed unanimously.

7. TOWN PLANNER'S REPORT

Atty. Ed O'Connell discussed his draft entitled "Planning and Zoning Considerations and Water Pollution Control Authority Considerations relating to Town of Lebanon Amston Lake Wastewater Project". Brandon Handfield, representing the Town of Lebanon Water Pollution Control Authority and Paula Stahl of Green Valley were also present.

Under discussion was an amendment to change the seasonal occupancy to read as follows:

Occupancy, Seasonal. The living in and/or housekeeping in a dwelling for the period from April 16 to November 16 only. Occupancy may include, but does not necessarily include, the use of sleeping facilities in the dwelling.

Mr. Jahoda moved, Mr. Bancroft seconded motion to schedule a public hearing on August 17, 2009 at Lyman Memorial High School regarding definition of seasonal occupancy. Motion voted and passed unanimously.

Mr. Chester went to Rychling's property with First Selectman, Joyce Okonuk and the Resident State Trooper. They were not allowed on the property. This will be referred to town attorney Ed O'Connell for legal action.

Mr. Chester received a list of twelve Lake Williams properties for enforcement. He conducted a site inspection and sent out two cease and desist orders and is working with a third property owner to clean up their site.

Mr. Handfield & Mr. Chester attended a FEMA meeting on June 10, 2009 in Stonington. The Town has new draft FEMA maps. All towns will be required to amend their zoning regulations and adopt the new maps.

Mr. Chester reported that he has some of the draft chapters of the POCD prepared by the POCD Committee (Housing, Community Facilities, Agriculture, Economic Development). The State has extended the time limit for the adoption of the POCD from July 2010 to July 2012 although the POCD Committee will try to have it completed by July 2010.

An appeal of the ZBA decision to uphold Mr. Chester's enforcement action against the Tine's at Red Cedar Lake is working its way through the court system.

The PZC will close its FY 2008-09 budget in the black with approximately \$6,000 to return to the general fund.

Mr. Chester reported that he asked Tony Sylvester to remove his "rocks wanted" sign on Exeter Road without any luck.

8. REGULATION REVIEW SUBCOMMITTEE

The regulation review subcommittee meeting scheduled for July 30, 2009 has been cancelled.

9. CORRESPONDENCE

There was no correspondence

10. ADJOURNMENT

Ms. Davis moved, Mr. Bancroft seconded motion to adjourn meeting at 9:30 p.m.

Jean C. Gilbert
Land Use Secretary