

Town of Lebanon

PLANNING AND ZONING COMMISSION

Regular Meeting

Lebanon Town Hall
Lower Level Conference Room

Monday, November 16, 2009 – 7:00 PM

MINUTES

Members Present: Chairman James Jahoda, Susan Brett Davis, Alan Lamb, Keith LaPorte, Mark Bancroft, Wayne Budney, Alt.

Absent: Secretary David Fields, Robin Chesmer, Martin Barletta, Alt.

Also Present: Phil Chester, Town Planner, Holli Pianka, Land Use Secretary

I. Call to Order

The meeting was called to order at 7:00 p.m. by Chairman Jahoda. Mr. LaPorte then read the legal notice.

II. Public Hearings

- a. File #10-06: Carole Gilbert, owner/applicant, 38 Lynch Road, Assessors Map 280, Lot 46. Request for Special Permit for Accessory Living Unit per Zoning Sec. 8-2.

Ms. Gilbert appeared before the Commission. She stated a renewal notice was sent to her from the Land Use Office after the permit had expired. Mr. Chester stated that Ms. Gilbert had originally applied for and was granted an Accessory Living Unit permit in 2001. She renewed in 2003 and 2005, but the permit lapsed and she is now required to repeat the application process. Mr. Chester gave a description of the living unit, noting there were no new changes and members reviewed the floorplan submitted by the applicant. There was no public comment and with no further discussion, Ms. Davis made a motion to close the public hearing, Mr. Bancroft seconded, and the Commission voted unanimously to close the public hearing.

- b. File #10-08: Ellen Macauley, 1004 Exeter Road, Assessors Map 253, Lot 32. Request for Special Exception for Residential Business Use (antique shop) per Zoning Sec. 4.2.b.13.

Ms. Macauley appeared before the Commission. She stated that she tried to address all concerns of the Commission in her application. There is currently no lighting or plumbing in the barn and she is not proposing any lit signs or new changes to the barn. The parking area holds five to six vehicles. She feels that the traffic flow on the main road will not be affected and that the driveway entrance site line is good. A variance for minimum road frontage requirement has been approved by Zoning Board of Appeals. Mr. Chester provided photographs of the driveway for member's review in his report dated 11/10/09 and recommends

conditions limiting use, hours of operation and outside storage. Mr. Bancroft stated there is a 50' side line requirement for residential business use and Ms. Davis responded that this can be waived/permitted and also noted there is a pine tree barrier on that side which she would like to see retained.

Public comment included Pat McCarthy, 680 Beaumont Highway, President of the Lebanon Business Association, in favor and Jan Greigas, 913 Trumbull Highway, in favor.

Mr. Bancroft requested specifics on the signage. Ms. Macauley said she marked the location on the map and the sign will comply with the zoning requirements.

Mr. Lamb made a motion to close the public hearing, Ms. Davis seconded, and members voted unanimously to close the public hearing for this application.

III. New Business

- a. File #10-09: William Ley, Jr., owner/applicant, 44 Gregory Road, Assessors Map 219, Lot 6. Request for Special Permit for Accessory Building exceeding 50% of livable area of home per Zoning Sec. 7.3(b). Mr. Lamb motioned, Ms. Davis seconded, to accept the application and set a public hearing date of December 21, 2009. Vote: Approved unanimously.
- b. File #10-11: George and Donna Bogdanovich, applicant, Harold Wheaton, owner, 161 Barker Road, Assessors Map 245, Lot 24.001. Request for Special Permit for Accessory Living Unit per Zoning Sec. 8.2. Ms. Davis motioned, Mr. LaPorte seconded, to accept the application and set a public hearing date of December 21, 2009. Vote: Approved unanimously.
- c. File #10-10: Planning and Zoning Commission request to amend Zoning Regulation Sections 8.5 Billboards and Signs; 8.6 Earth Excavation; and 8.11 Rear Lots. Mr. Lamb motioned, Mr. LaPorte seconded, to schedule the public hearing on December 21, 2009. Vote: Approved unanimously.

IV. Old Business

- a. File #10-06: Carole Gilbert, owner/applicant, 38 Lynch Road, Assessors Map 280, Lot 46. Request for Special Permit for Accessory Living Unit per Zoning Sec. 8-2.

Ms. Davis made a motion to approve the application, Mr. Bancroft seconded, Vote: Approved unanimously

Chairman Jahoda stated that it is the responsibility of the applicant to renew this permit before the expiration date on July 1, 2012 and requested the Land Use Office send a reminder notice prior to this date.

- b. File #10-08: Ellen Macauley, 1004 Exeter Road, Assessors Map 253, Lot 32. Request for Special Exception for Residential Business Use (antique shop) per Zoning Sec. 4.2.b.13.

Mr. LaPorte made a motion, Mr. Lamb seconded, to approve the application with the following conditions:

- 1) The 50-foot side yard setback is waived; however, the vegetated buffer shall remain;
- 2) Hours of operation shall be limited to 8:00 a.m. to 8:00 p.m.;

- 3) Exterior storage shall be permitted during permitted hours of operation; and,
- 4) Installation of sign subject to Town Planner approval.

Vote: Approved unanimously.

c. Informal discussion, 74 Card Street (Mitlisky)

Mr. Bancroft recused himself from this discussion and left the meeting room.

Mr. Chester stated that this item fell under CGS Sec. 7-159b which reads "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.". This is a continuation of a discussion begun last month.

Mr. Bancroft resumed his seat on the Commission.

- d. Notice has been received by the Town Clerk that Carol Morris-Scata has resigned her position on the Commission. Mr. LaPorte made a motion, Mr. Budney seconded, to nominate and appoint Mark Bancroft as Alternate member of the Planning and Zoning Commission. Vote: Approved unanimously.

V. Town Planner's Report

- Letters were sent to seasonal property owners who were seen residing at their cottages today. Cease and Desists will follow in December.
- On Dec. 8, 2009, 7:00 p.m., POCD committee is holding a public hearing on draft plan.
- Regulation Review Subcommittee meeting on Thursday, December 19th cancelled.
- Chairman and Town Planner will attend Board of Finance Meeting on Dec. 10th to discuss Amston Lake Study and potential budget overages.
- PZC will be ruling on a CGS Sec. 8-24 Report on Graves Pond Bridge replacement.

VI. Approval of Minutes~ Oct. 19, 2009 Regular Meeting. Chairman Jahoda motioned, Ms. Davis seconded, and members voted unanimously to approve the minutes as presented.

A motion was made by Mr. Lamb, seconded by Ms. Davis, to add bills to the agenda.
Vote: Approved unanimously.

VII. Bills

Waller, Smith & Palmer, Invoice #43719, \$420.00, Invoice #43718, \$1,960.00
A motion was made by Mr. Bancroft, seconded by Mr. Budney, to approve payment.
Vote: Approved unanimously.

VIII. Adjournment

Moved by Chairman Jahoda, seconded by Ms. Davis to adjourn the meeting at 9:15 p.m.
Vote: Approved unanimously.

Respectfully Submitted,
Holli E. Pianka, Land Use Secretary
November 21, 2009

(Minutes are unapproved as of transcription date.)