

Town of Lebanon

PLANNING AND ZONING COMMISSION

Regular Meeting

Lebanon Town Hall
Lower Level Conference Room

Monday, April 19, 2010 – 7:00 PM

MINUTES

Members Present: James Jahoda, Chairman
David Fields, Secretary
Eric Bender
Robin Chesmer
Keith LaPorte
Francis Malozzi
Matthew Johnson, Alt.

Members Absent: Susan Brett Davis
Mark Bancroft, Alt.
Wayne Budney, Alt.

Also Present: Philip Chester, Town Planner
Brandon Handfield, Town Engineer/WPCA
Holli Pianka, Land Use Secretary

- I. The meeting was called to order at 7:05 p.m. by Chairman Jahoda. The Chair activated Alternate Johnson.

II. Public Hearings

- a. Secretary Fields read the legal notice for the following application:
File #PZ-10-01: Robert H. Wentworth, applicant, Keith B. Wentworth, owner, 490A Exeter Road. Request for Special Exception for Home Occupation under Zoning Sec. 7.5.b.

Mr. Robert Wentworth was present to speak on behalf of the application. He requests to operate a real estate business at this property owned by his son. The office has been converted from a portion of a barn and former milk house. The memorandum dated 4/12/10 submitted by Mr. Chester, Town Planner, states the application appears to comply with the regulations and recommends two conditions -- limiting hours of operation and use.

After no further discussion, Mr. Malozzi made a motion to close the public hearing, Mr. Chesmer seconded. Vote: Approved unanimously.

- b. Secretary Fields read the legal notice of continuation for the following application:
File #10-10: Request of Planning and Zoning Commission to amend Article VIII Special Regulations of Lebanon's Zoning Regulations Sections 8.5 Billboards and Signs; 8.6 Earth Excavation and Filling; and 8.11 Rear Lots.
(continued from March 15, 2010)

The following exhibits were read into the record and labeled (M) Letter dated 4/13/10 to Edward B. O'Connell, Esq. from Scott W. Jezek, 31 W.F. Palmer Road, P.O. Box 376, Moodus, Connecticut, 06469; (N) Letter dated 4/14/10 to Lebanon PZC from Dennis Wengloski; (O) Copy of Decision Gelinis v. Town of West Hartford PZC, July 17, 1992.

Public comment included:

Dennis Wengloski, Den's Sand and Gravel, Route 16. Concerns of how the new regulation will affect his operation. Commission members and Mr. Chester clarified that an existing open and active permit will remain valid under the current regulations for that area of a site where excavation has been approved. If the regulations change, compliance would be under the new regulations for any new area excavated and a new permit would be required and apply.

Marilyn Wengloski, Den's Sand and Gravel, Route 16. Stating the lack of business causing a hardship and keeping permits active.

Atty. Scott Jezek, East Haddam, and Atty. Abrams, Middletown, representing Thomas Burdick LLC. Stated his comments are limited to Section 8.6 only and reference his letter dated 4/18/10. Mr. Burdick's concerns are how the Commission plans to handle existing operations. Atty. Jezek stated that no time limitation can be imposed on the Special Permit issued by the PZC and cited past cases. He stated the approximate six to eight acres to be excavated, remaining under Mr. Burdick's contract with Prides Corner Farm, should remain under the four inch rule regardless of any new change in the regulations.

Secretary Fields motioned to close the public hearing, Mr. Bender seconded.

Vote: Approved unanimously.

III. Old Business:

Mr. Chesmer recused himself from this application and left the meeting table.

- a. **File #10-12: Richard Mitlisky, owner/applicant, 74 Card Street, Assessor Map 202, Lot 43. Request for Site Plan Approval/Modification.**

Atty. Ronald Goldstein was present on behalf of the applicant/owner and stated that he had met with Mr. Chester and Commission Counsel, and that he proposed modifications to the site plan application which limits the use to agriculture and limits truck traffic and the refrigeration to 22,000 square feet. Mr. Mitlisky, owner, addressed the Commission stating he has tried to address neighbors concerns regarding the truck traffic, safety, and hours that they operate.

Mr. LaPorte made a motion, seconded by Mr. Bender, that the Planning and Zoning Commission approve File #10-12 for an 18,000 square foot addition subject to the following modifications:

- 1) Normal receiving hours shall be from 8:00 a.m. to 1:00 p.m., Monday through Friday.**
- 2) Truck size shall not exceed tractor trailers 35 feet to 53 feet.**
- 3) The sum of incoming and outgoing truck traffic shall be limited to 16 on daily average, i.e., 8 in + 8 out = 16 trips.**
- 4) The use shall be limited to agriculture.**
- 5) The total building refrigeration at the site shall be no greater than 22,000 square feet.**

Sec. Fields commented that he does not agree with the application request because he sees this as a non-conforming use and not permitted in the RA Zone.

Vote: For approval (4) –LaPorte, Jahoda, Malozzi, Johnson. For denial (2) – Fields, Bender. Motion Carried / Approved.

Mr. Chesmer returned to the meeting table and resumed his seat on the Commission.

IV. New Business

- a. **#PZ-10-02: Heidi and Joseph Adgalanis, owner/applicant, 133 East Hebron Turnpike, Assessor's Map 266, Lot 1, 1-lot resubdivision.**
Mark Reynolds, Civil Engineer, appeared on behalf of the applicants.
Mr. Malozzi motioned, Sec. Fields seconded, to accept the application and set the public hearing date for May 17, 2010. Vote: Approved unanimously.
- b. **#PZ-10-03: Chris Darrow, owner/applicant, 227 McCall Road. Request for Special Permit for construction of barn per Sec. 7.3.b Accessory Buildings and Uses.**

Mr. Malozzi motioned, Sec. Fields seconded, to accept the application and set the public hearing date for May 17, 2010. Vote: Approved unanimously.

III. Old Business (continued):

- a. **File #PZ-10-01: Robert H. Wentworth, applicant, Keith B. Wentworth, owner, 490A Exeter Road. Request for Special Exception for Home Occupation under Zoning Sec. 7.5.b.**

Sec. Fields motioned, Mr. Malozzi seconded, to approve application #PZ-10-01 with the following conditions:

- 1) Subject to the hours being 8:00 to 6:00**
- 2) Limited to a professional office**

Vote: Approved unanimously.

- b. **File #10-10: Request of Planning and Zoning Commission to amend Article VIII Special Regulations of Lebanon's Zoning Regulations Sections 8.5 Billboards and Signs; 8.6 Earth Excavation and Filling; and 8.11 Rear Lots.**
(continued from March 15, 2010)

Mr. Malozzi motioned, Mr. Johnson seconded, to approve application File #10-10 subject to the changes shown in exhibit "L".

Vote: Approved unanimously.

Mr. Fields motioned, Mr. Malozzi seconded, for the purpose of clarification on 8.6 Earth Excavation and Filling, to approve the effective date be 15 days after publication in newspaper.'

Vote: Approved unanimously.

- V. Town Planner's Report: None

- VI. Correspondence:

Bills: Anchor Engineering Services Inc., 04/07/10, Invoice #0015728, \$545.03

Sec. Fields motioned, Mr. Malozzi, seconded to approve payment.

Vote: Approved unanimously.

Waller Smith & Palmer, Invoice #44713, \$255.00, Invoice #44903, \$1,725.00,
Invoice #44904, \$45.00.

Mr. Malozzi motioned, Mr. Johnson seconded, to approve payment.

Vote: Approved unanimously.

- VII. Approval of Minutes~ March 15, 2010, Regular Meeting. Mr. Malozzi motioned, Mr. LaPorte seconded, and members voted unanimously to approve the minutes as presented.

- VIII. Moved by Mr. Malozzi, seconded by Mr. Johnson to adjourn the meeting at 9:30 p.m.

Vote: Approved unanimously.

Respectfully Submitted,

Holli E. Pianka, Land Use Secretary

April 26, 2010

(Minutes are unapproved as of transcription date.)