

Town of Lebanon

PLANNING AND ZONING COMMISSION

Regular Meeting
Lebanon Town Hall
Lower Level Conference Room

Monday, March 21, 2011 – 7:00 PM

MINUTES

Members Present: James Jahoda, Chairman
David Fields, Secretary
Eric Bender
Robin Chesmer
Susan Brett Davis
Keith LaPorte
Francis Malozzi
Mark Bancroft, Alt.
Wayne Budney, Alt.
Members Absent: Matthew Johnson, Alt.
Also Present: Holli Pianka, Land Use Secretary

- I. The meeting was called to order at 7:05 p.m. by Chairman Jahoda. Secretary Fields read the public hearing legal notice.

II. Public Hearings

- a. **#PZ-11-345:** Cheryl and Michael Montgomery, owner/applicant, 504 Beaumont Highway, Assessors Map 214, Lot 81. Request for Special Exception for Kennel per Zoning Sec. 4.2.b)16.

Cheryl and Michael Montgomery were present and responded to questions from the Commission. Ms. Montgomery stated that she will provide boarding and grooming with a maximum of 16 cats at one time, not including four (4) cats that they currently own. She prefers not to install a large sign or special lighting and will identify the business with a small sign on the mailbox. Mr. Chester visited the property and reported that the driveway entrance site lines are adequate and there is sufficient parking and turn-around area. Ms. Montgomery does not currently hold a State kennel license, but will get one prior to opening for business. A 2/28/11 letter was received from Benjamin Breault, abutting property owner, in favor of the application.

With no further discussion, Mr. Malozzi made a motion to close the public hearing, Ms. Davis seconded, and motion was unanimously approved.

III. New Business

- a. **#PZ-11-380:** Planning and Zoning Commission proposed amendments to Zoning Regulation Sec. 4.9, 7.3, 7.7, 7.8, 8.6, 8.8, 8.12 and 10.1.

A motion was made by Mr. LaPorte, seconded by Ms. Davis, to accept the application and set a May 16, 2011 public hearing date. The motion was approved unanimously.

- b. **#PZ-11-381:** Planning and Zoning Commission proposed amendments to Subdivision Regulation Sec. 3.7, 4.2, 6.3 and 6.5.

A motion was made by Ms. Davis, seconded by Mr. Malozzi, to accept the application and set a March 21, 2011 public hearing date. The motion was approved unanimously.

c. Scenic Road Ordinance

It was recommended by the Regulation Review Subcommittee that Lebanon's Scenic Road Ordinance be changed at the annual Town meeting to waive the public hearing fee required for filing a scenic road application roads included in the POCD.

Ms. Davis made a motion, seconded by Mr. Malozzi, that the Commission recommends that the following proposed changes (copy attached) be made to Lebanon's Scenic Road Ordinance and that it be forwarded to the Board of Selectman for inclusion at the 2011 Annual Town Meeting.

Vote: Approved unanimously.

IV. Old Business

- a. **#PZ-11-345: Cheryl and Michael Montgomery, owner/applicant, 504 Beaumont Highway, Assessors Map 214, Lot 81. Request for Special Exception for Kennel per Zoning Sec. 4.2.b)16.**

Members agreed that all public concerns have been appropriately addressed.

Mr. Chesmer made a motion to approve application #PZ-11-345 and

Mr. Bender seconded. Vote: Approved unanimously.

V. Correspondence

- a. The Commission, Conservation Commission and Board of Selectmen will be hosting a Farmland Preservation Recognition Night on Thursday, April 7, 2011, 7:00 p.m. at the Fire Safety Complex to honor those who have preserved their land.
- b. Letter dated 02/21/11, addressed to Chairman and Members of PZC, from Card Street and Pleasant Street Residents.
- c. Tine Appeal, 282 Lakeside Drive property. Chairman Jahoda requested a show of hands of the members who support the court order to uphold the Cease and Desist order on the property at 282 Lakeside Drive, Red Cedar Lake, regarding Mr. and Mrs. Tine's deck. All members in favor.
- d. A motion was made by Sec. Fields, seconded by Ms. Davis, to pay Waller, Smith and Palmer for outstanding bills, Invoice #47087 (\$705.00) and #47088 (\$90.00) in the amount of \$795.00. Vote: Unanimously approved.

VI. Approval of Minutes

Mr. LaPorte made a motion, seconded by Mr. Malozzi to approve the February 14, 2011 Regular Meeting Minutes as presented. Vote: Unanimously approved.

Abstained: R. Chesmer, M. Bancroft.

- VII. Mr. Bancroft made a motion to adjourn, seconded by Sec. Fields. Unanimously approved and the meeting adjourned at 7:42 p.m.

Respectfully Submitted,
Holli E. Pianka, Land Use Secretary
March 24, 2011

(Minutes are unapproved as of transcription date.)

Proposed changes **underlined and bolded.**

LEGAL NOTICE
TOWN OF LEBANON
REVISED ORDINANCE CONCERNING THE DESIGNATION OF
SCENIC ROADS

BE IT ORDAINED by the electors of the Town of Lebanon at a duly warned meeting:

SECTION 1

Pursuant to the provisions of Section 7-149a of Connecticut General Statutes (P.A. 81-401), the Planning and Zoning Commission may designate town highways or portions of highways as scenic roads. No state highway or portion thereof may be designated as a scenic road under this ordinance.

SECTION 2

The Planning and Zoning Commission shall consider designating as a scenic road only those town roads which are free of intensive commercial development and intensive vehicular traffic and meet at least one of the following criteria:

- (1) It offers scenic views;
- (2) It is bordered by mature trees or stone walls;
- (3) The traveled portion is no more than 20 feet in width;
- (4) It is unpaved;
- (5) It blends naturally into the surrounding terrain, or
- (6) It parallels or crosses over brooks, streams, lakes or ponds.

SECTION 3

(a) When a highway is to be considered for designation as a scenic road, the Planning & Zoning Commission shall schedule a public hearing on the proposal. Hearing notices and deadlines shall be in accordance with the provisions of Section 8-26d and 8-26e of the Connecticut General Statutes.

An application of the designation of a scenic road shall be made to the Planning and Zoning Commission on a form provided for that purpose. This application shall be accompanied by the following:

- (1) A filing fee for a public hearing **to be** held by the Planning and Zoning Commission **unless said roadway is recommended for Scenic Road designation in the most recent Plan of Conservation and Development.**
- (2) An accurate description of the road or section of road to be considered with the total front footage being considered.
- (3) A list of property owners on this road or section of road along with a statement indicating the amount of frontage each owns.
- (4) Letters or statements from the owners of a majority of this frontage certifying that they favor the designation of this road as a scenic road.

Draft 1/10/11 (amended 2/24/11)

Proposed changes **underlined and bolded.**

The Planning and Zoning Commission shall notify the Board of Selectmen and owners of lot frontage abutting the highway or portion of a highway of the proposed designation and scheduled public hearing.

(b) Following the public hearing, the Planning and Zoning Commission shall vote on the proposed designation. No highway or portion of a highway may be designated as a scenic road under this section unless the owners of a majority of lot frontage abutting the highway or portion of the highway agree to the designation by filing a written statement of approval with the Town Clerk of the Town of Lebanon. The designation shall become effective upon such date as the Planning and Zoning Commission shall establish.

(c) The scenic road designation may be rescinded by the Planning and Zoning Commission using the same procedures in having the written concurrence of the owners of a majority of lot frontage abutting the highway.

(d) Any person aggrieved by a designation of a highway or portion of a highway as a scenic road pursuant to this section by the Planning and Zoning Commission may appeal such designation in the manner and utilizing the same standards of review provided for appeals from the decisions of Planning and Zoning Commissions under Section 8-28.

SECTION 4

(a) No road which has been designated as a scenic road under this ordinance shall be altered or improved, including but not limited to, widening of the right-of-way or of the traveled portion of the highway, paving, changes of grade, straightening, removal of stone walls and removal of mature trees, except for good cause determined by the Planning and Zoning Commission.

The Planning and Zoning Commission, at their option, may schedule a public hearing to consider such changes **and may require engineering or other technical reports documenting the need for the alteration and offering potential alternative solutions.** The Planning and Zoning Commission shall state the reasons for such future alterations and improvements in its minutes.

(b) Any highway or portion of any highway designated as a scenic road shall be maintained by the Town, in good and sufficient repair and in passable condition. Nothing in this section shall be deemed to prohibit a person owning or occupying land abutting a scenic road from maintaining and repairing land which abuts the scenic road if the maintenance or repair occurs on land not within the right-of-way, paved or unpaved, of the scenic road.

This ordinance shall take effect Fifteen (15) days after publication in accordance with General Statutes.

Dated at Lebanon, Connecticut this _____ day of May 2011.
Susan Coutu
Lebanon Town Clerk

Draft 1/10/11 (amended 2/24/11)