

Town of Lebanon

**PLANNING AND ZONING COMMISSION**

Regular Meeting  
Lebanon Town Hall  
Lower Level Conference Room

Monday, September 19, 2011 – 7:00 PM

**MINUTES**

Members Present: James Jahoda, Chairman  
David Fields, Secretary  
Eric Bender  
Keith LaPorte  
Francis Malozzi  
Mark Bancroft, Alt.

Members Absent: Robin Chesmer  
Susan Brett Davis  
Wayne Budney, Alt.  
Matthew Johnson, Alt.

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

I. The meeting was called to order at 7:00 p.m. by Chairman Jahoda.

II. New Business:

Sec. Fields made a motion, seconded by Mr. Bancroft, to add the following item to the agenda. Motion unanimously approved.

Written request was received from Frank Himmelstein, dated 9/13/11, to designate North Street as a scenic road as per the Scenic Road Ordinance. The Commission discussed the requirements of the ordinance which include a complete application, description of the road and frontage, and letters from the property owners with frontage on North Street. Mr. Chester will notify Mr. Himmelstein of the additional documentation needed in order for the Commission to accept the application.

Sec. Fields made a motion to table this discussion to the next regular meeting, Mr. Malozzi seconded. Motion unanimously approved.

III. Old Business

a. **#PZ-11-581:** Mitlisky Eggs LLC, 74 Card Street, Assessors Map 202, Lot 43.  
Request for Site Plan Modification.

Mr. Bancroft recused himself and left the meeting room.

Correspondence received from the following regarding the application:

- a) Brandon Handfield, P.E., Anchor Engineering, letter dated 8/26/11, and email dated 9/19/11, plan review comments.
- b) Revised site plan, dated 9/10/11, by Tarbell, Heintz & Associates.
- c) Revised landscape plan, dated 7/29/11, by Roise Linden Land Design, LLC.
- d) Inland Wetlands Commission approval, dated 9/12/11.

Mr. Chester noted that the Inland Wetlands Commission has required that all work take place by December 31, 2011 and that the catch basin be cleaned annually in the spring.

Michael Tarbell of Tarbell, Heintz, & Associates LLC, Inc., Civil Engineers & Land Surveyors, was present on behalf of the applicant and addressed the following comments of the Town Engineer's letter dated 8/26/11:

- Changes to the stormwater collection system, addition of a plunge pool and installation of intermediate size rip rap berm. Size to be confirm suitable by the engineer. Monitoring of this area though the spring to be sure it is adequate.
- Mr. Tarbell feels the truck turn radius onto Card Street is adequate and should remain as is, even though trucks cross into the opposite lane for a short period, which is common in many intersections. He found no evidence that the trucks leave the pavement or travel onto the grass. If it is recommended, the radius would need to be flared out by approximately 30 feet.
- Tree planting will take place this fall but feel the planting time should be extended into the spring if weather does not permit it.

Mr. Mitlitsky, owner, stated the trucks do not travel on the private property while turning onto Card Street.

Mr. Handfield, Town Engineer, was present and stated that he feels the turning radius is not adequate and needs to be flattened, widened and stabilized.

The Commission agrees and believes that some of the notes on the original site plan, approved 4/19/10, have been misinterpreted and need to be clarified on the final plan.

Mr. LaPorte made a motion, seconded by Sec. Fields, to approve application #PZ-11-581 for site plan modification with the following modifications made to the site plan:

1. Improvements to the existing southerly access drive intersection (used for truck traffic) with Card Street shall be designed and constructed to accommodate WB-50 and WB-65 trucks in accordance with AASHTO Guidelines and Local Standards.
2. Amend plan note 3)b) to read "Tractor trailers shall not exceed 53' in length."
3. Amend plan note 3)c) to read "Number of daily incoming trucks shall not exceed 16 total, including both facility and independently owned trucks."
4. Amend plan note 3)d) to read "Number of daily outgoing trucks shall not exceed 16 total, including both facility and independently owned trucks."
5. Add new note 7) to site plan to read "The use shall be limited to agriculture."
6. Add new note 8) to site plan to read "Total building refrigeration at the site shall be no greater than 22,000 square feet."

Vote: Approved. In favor: (3) LaPorte, Fields, Jahoda. Opposed: (2) Malozzi, Bender.

IV. Approval of Minutes

Mr. LaPorte made a motion, seconded by Ms. Mr. Malozzi to approve the August 15, 2011, Regular Meeting Minutes as presented. Motion approved unanimously.

V. Correspondence

a) Joshua's Tract Newsletter Fall 2011

b) Invoice #0017755, 9/15/11, Anchor Engineering, \$696.73. With the understanding that services provided by this invoice were shared with the Wetlands Commission, a motion was made by Mr. Bancroft to pay \$350.00 of this bill, seconded Mr. Bender. Motion unanimously approved to pay bills in the amount of \$350.00.

VI. Town Planner's Report

a) Update on farmland preservation projects.

b) Village Center Planning Study.

c) Eastern CT RC&D publication received.

d) Annual newsletter for Lebanon Conservation Commission with PZC article to be published in November.

e) Enforcement matters.

VII. Executive Session

Sec. Fields made a motion to move into executive session to discuss Lebanon v. Ancona, Lebanon v. Rychling and pending action regarding 229 Lakeside Drive, seconded by Mr. Bender. Motion was unanimously approved and Commission moved into executive session at 8:35.

Sec. Fields made a motion to close the executive session at 8:52, seconded by Mr. Malozzi. Motion unanimously approved. The Commission authorized Mr. Chester to move forward with legal action, if necessary, to remove second dwelling at 229 Lakeside Drive.

VIII. Mr. Malozzi made a motion to adjourn, seconded by Mr. Bender. Unanimously approved and the meeting adjourned at 8:53 p.m.

Respectfully Submitted,  
Holli E. Pianka, Land Use Secretary  
September 22, 2011

*(Minutes are unapproved as of transcription date.)*