

Town of Lebanon

**PLANNING AND ZONING COMMISSION**

Regular Meeting  
Lebanon Town Hall  
Lower Level Conference Room

Monday, July 16, 2012 – 7:00 PM

**MINUTES**

Members Present: James Jahoda, Chairman  
David Fields, Secretary  
Robin Chesmer  
Susan Brett Davis  
Keith LaPorte  
Francis Malozzi  
Oliver Manning  
Members Absent: Wayne Budney, Lanny Clouser, Brian Grabber  
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. Public Hearing:

- a. **#PZ-12-1323:** Matthew R. Williams, 194 Goshen Hill Road, applicant, Williams Properties LLC, owner, for property at Goshen Hill Road, Assessors Map 252, Lot 1. Request for Special Permit for Earth Excavation per Zoning Sec. 8.6.

Linda Cabral, managing member of Williams Properties, LLC and Matthew Williams were present to speak for the application. They are requesting that screening/processing activities be performed on site as part of their permit and that all permitted activity take place Monday 8:00 to 5:00, Saturday 8:00 to 12:00 noon, closed Sunday.

The following outstanding plan review comments referenced in Mr. Handfield's 7/2/12 letter were discussed by the Commission:

- Active excavation is restricted to 5 acres maximum. The map indicates that there are 12 disturbed acres with 20,000 CY of topsoil available for restoration. Recommendation is for 7 acres to be fully restored. The plan needs to clearly show areas to be restored and active excavation areas. Mr. Williams stated that currently 3 ½ to 4 acres have been restored.
- 12 acres of topsoil stockpile are required and the plan does not reflect this. The required stockpile volume should be recalculated and plan revised accordingly.

Mr. Handfield recommends a revised plan be submitted and also that that the required \$36,000 bond be posted as a condition of approval.

The applicant agreed to extend the timeline for the public hearing to the August 20<sup>th</sup> meeting which will allow the commission time to conduct a site visit on July 24<sup>th</sup>.

**Ms. Davis made a motion to continue public hearing for application #PZ-12-1323 at a special meeting site walk Tuesday, July 24, 2012 at 5:30 p.m. at the site. Motion seconded by Francis Malozzi and unanimously approved.**

III. New Business:

- a. Section 8-24 Report: Taylor Bridge Road, Bridge Replacement.

Mr. Handfield presented the Anchor Engineering plan dated 6/19/12 for bridge replacement. Mr. Handfield stated the bridge is at risk of being closed due to the rotting and sinking of its two metal corrugated pipes and State DOT may lower the bridge's safety rating. He reviewed the plan and the job is currently out to bid with construction proposed to start in August and completed within 90 days. Mr. Chester stated that Taylor Bridge Road is listed as a proposed scenic road in the POCD. The commission recommended installation of a wood rail as opposed to the metal beam rail in keeping with the town's rural character.

**Mr. LaPorte made a motion, seconded by Ms. Davis for the Planning and Zoning Commission to give approval of a favorable Section 8-24 Report for the Taylor Bridge Road Bridge replacement with the recommendation to install a timber traffic rail. Vote: Unanimously approved.**

- b. Section 8-24 Report: Tobacco Street Culvert Replacement.

Mr. Handfield stated a 9-foot span box culvert will replace two 3-foot deteriorated pipes with a construction period of up to 60 days.

**Mr. Malozzi made a motion, seconded by Mr. LaPorte, for the Planning and Zoning Commission to give approval of a favorable Section 8-24 Report for the Tobacco Street Culvert replacement with the recommendation to install a timber traffic rail. Vote: Unanimously approved.**

- c. **#PZ-12-1396:** Carole Gilbert, 38 Lynch Road, applicant. Accessory Living Unit Permit Renewal.

The commission reviewed the applicant's renewal paperwork which states there are no changes from the original application.

**Ms. Davis made a motion, seconded by Mr. Malozzi, to approve application #PZ-12-1396 for a two-year period. Vote: Approved unanimously.**

- d. **#PZ-12-1397:** Eric Swanson, 152 Geer Road, applicant. Accessory Living Unit Permit Renewal.

The commission needs additional information for question #9 regarding home occupation on Mr. Swanson's application. No Certificate of Occupancy has been issued yet on the addition which contains the accessory living unit. Mr. Chester will contact the applicant.

Ms. Davis made a motion, seconded by Mr. Malozzi, to continue this application to next month's regular meeting on August 20<sup>th</sup>.

- e. **#PZ-12-1398:** Douglas Morton, 156 Church Road, applicant. Accessory Living Unit Permit Renewal.

The commission reviewed the applicant's renewal paperwork which states there are no changes from the original application.

**Ms. Davis made a motion, seconded by Mr. LaPorte, to approve application #PZ-12-1398 for a two-year period. Vote: Approved unanimously.**

IV. Old Business: None

V. Town Planner's Report:

- a. Bogg Lane/Chappell Road intersection will be left unchanged.
- b. RC&D Manual on Zoning Regulations for Livestock going to all municipalities
- c. Town submitted application for preservation of 164-ac. Anderson property to USDA.
- d. Town is obtaining appraisals for the Williams farm to preserve 160 acres.
- e. Town closed on the Kaplan property June 29<sup>th</sup>.
- f. Water issues Prides/Farms

VI. Executive Session

Mr. Malozzi made motion, seconded by Ms. Davis to enter into executive session with Town Planner to discuss pending litigation regarding seasonal zoning. Unanimously approved.

The Commission came out of executive session with no action taken.

VII. Approval of Minutes

- a. Mr. LaPorte made motion, seconded by Sec. Fields to approve the June 18, 2012, Regular Meeting Minutes with the following corrections noted: Page 1, Members present, change David Fields, "Vice Chairman", to Dave Fields, "Secretary". Motion approved unanimously.
- b. Mr. LaPorte made motion, seconded by Ms. Davis to approve July 2, 2012, Special Meeting Minutes as presented. Unanimously approved. (F. Malozzi abstained.)

VIII. Correspondence

- a. Invoice #19004, 7/11/12, Anchor Engineering, \$71.55. Sec. Fields made a motion, seconded by Ms. Davis to approve payment. Motion unanimously approved.
- b. Invoice #50640, 7/6/12, Waller, Smith & Palmer, P.C. for June 2012 legal services totaling \$975.00. Ms. Davis made a motion, seconded by Sec. Fields to approve payment. Motion unanimously approved.

- IX. Mr. LaPorte made a motion to adjourn, seconded by Mr. Fields. Unanimously approved and the meeting adjourned at 9:45 p.m.

Respectfully Submitted,  
Holli E. Pianka, Land Use Secretary,  
July 19, 2012

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