

Town of Lebanon

PLANNING AND ZONING COMMISSION

Regular Meeting
Lebanon Town Hall
Lower Level Conference Room

Monday, September 17, 2012 – 7:00 PM

MINUTES

Members Present: James Jahoda, Chairman
David Fields, Secretary
Robin Chesmer
Susan Brett Davis
Keith LaPorte
Francis Malozzi
Oliver Manning
Lanny Clouser, Alternate
Brian Grabber, Alternate

Members Absent: Wayne Budney, Alternate

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:

- a. **#PZ-12-1525:** Bender's Oil Service LLC, applicant, Bender's Energy Group LLC, owner, 266 Beaumont Highway, Assessors Map 209, Lot 38. Request site plan modification for replacement of outside oil tanks.

The commission approved a site plan modification in 2010 for a new building and relocation of oil storage tanks; however, no construction has taken place and the owner now requests approval of a smaller building and relocation of the tank containment area. Charlie Bender, owner and Joe Russo (on behalf of Robert Russo, abutting property owner) are present. Wes Wentworth, P.E., Wentworth Civil Engineers, spoke on behalf of the owner. He stated that this property is in a residential zone, non-conforming, predating zoning regulations. In 2010, federal regulations required the tank area, currently earthen material, to be brought up to date and constructed of concrete or impervious material.

Mr. Wentworth submitted a revised plan dated 8/29/12 and addressed comments from Mr. Handfield, Town Engineer's letter dated 9/17/12. Major revisions to the plan include a smaller truck loading facility, revising storage tank orientation and reusing the existing tank foundation and cradles. A letter dated 9/17/12 from abutting property owner Mr. Russo stating he is in agreement with plan was entered into the record.

With no further discussion, Francis Malozzi made a motion to approve application #PZ-12-1525, seconded by David Fields. Motion approved unanimously.

- b. **#PZ-12-1540:** Hyponex Corporation, applicant/owner, 20 Industrial Park Road, Assessors Map 233, Lot 14. Request site plan modification for 36' x 42' bark mulch processor and bagging plant addition.

Robin Chesmer recused himself from this application. Brian Grabber was appointed voting alternate.

Mark Cooper, Plant Manager at Hyponex Corporation, stated they would like to produce, bag and store mulch at the Industrial Park site, using locally harvested wood by local loggers. Additional employees would be hired at the plant for the expanded operation. A small addition is necessary to contain equipment. Two new stationary grinders will be installed. Brandon Handfield, Town Engineer, submitted plan review comments in letter dated 9/17/12. Wesley Wentworth, P.E. addressed comments, including letter dated 9/17/12 and at meeting as follows:

- Building permit will be submitted with plan for engineered concrete walls if required.
- Area west of proposed bagging plant addition will remain bituminous concrete.
- Preliminary meeting took place with the Town Sanitarian and current septic meets approval.
- Roof height, exterior metal siding and color will match existing.
- No additional changes to lighting.
- Existing storm drainage system operations and maintenance plan is currently in place is monitored by DEEP and will be maintained after improvements.
- No expanded hours of operation.
- Noise testing was within required limits.

With no further discussion, Susan Brett Davis made a motion to approve application #PZ-12-1540, seconded by Francis Malozzi. Motion was unanimously approved.

- c. **#PZ-12-1541:** Jonathan M. Green, applicant/owner, 335 Oliver Road, Map 237, Lot 24. Request Special Permit for Conservation Subdivision Development (8-lots) per Zoning Sec. 8.12.

Susan Brett Davis made a motion, seconded by Keith LaPorte, to accept the application and set a public hearing date of October 15, 2012 at 7:00 p.m. Motion unanimously approved.

- d. **#PZ-12-1542:** Jonathan M. Green, applicant/owner, 335 Oliver Road, Map 237, Lot 24. Request approval for 8-lot subdivision per Town of Lebanon Subdivision Regulations.

Susan Brett Davis made a motion, seconded by Keith LaPorte, to accept the application and discuss on October 15, 2012. Motion unanimously approved.

III. Old Business:

- 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.

Susan Brett Davis made a motion to approve the Special Permit for application #PZ-12-1323 for one (1) year, seconded by David Fields. Motion unanimously approved.

- b. **#PZ-12-1345:** 228 Waterman Road, Assessors Map 251, Lot 7. Christian Joseph, applicant, Three Sons Realty LLC, 122 Waterman Road, owner. Request for Special Permit for Earth Excavation per Zoning Sec. 8.6.

Christian Joseph spoke on behalf of the owner. As required by the Commission, Mr. Joseph has submitted a planting plan for Waterman Road and is awaiting a return call from the Town Tree Warden regarding removal of Town trees. The Commission recommended that a native plant and shrub species be replanted along the roadway. This application was approved at the July meeting pending review and approval of the revised plans. It was the consensus of the Commission that the revised plans were sufficient and gave a favorable review on changes to the plan including naturalizing plants as a buffer on roadway and installation of a split rail fence.

- c. Zoning Sec. 4.9, 1102 Trumbull Highway, Assessors Map 247, Lot 8. The Commission reviewed the 8/24/12 letter from Joseph Boucher, P.E., Towne Engineering, South Windham, CT regarding the impact of the construction of the existing pond by Mr. Grover at 1102 Trumbull Highway with regard to the 100-year flood plain. Siting minimal impact and that future additional work would be more of a detriment to the environment, Susan Brett Davis made a motion to authorize the work already done in the Flood Plain. Motion seconded by Keith LaPorte and unanimously approved.
- d. **Section 8-24 Report:** With regard to a request to expend \$50,000 from the Town's Open Space Account to place a permanent conservation restriction on the 162-acre Anderson/Randall estate at 185 Randall Road the Planning and Zoning Commission unanimously issued a favorable report.

IV. Executive Session:

Susan Brett Davis made a motion, seconded by David Fields, to enter into Executive Session at 8:35 with the Town Planner to discuss the pending federal lawsuit regarding seasonal zoning. Motion unanimously approved.

Susan Brett Davis made a motion, seconded by Keith LaPorte to come out of Executive Session with no action taken at 8:50. Motion unanimously approved.

V. Town Planner's Report:

- Oct. 1st Town Meeting on changes in PZC fees and Anderson property preservation.
- Distributed publication entitled: Zoning Regulations and Ordinances for Livestock.
- Distributed flyer for Oct. 11th, 7:00 p.m. Invasive Plant Workshop sponsored by Conservation and Agriculture Commission.
- Identified Nov. 10th Advanced Land Use Training seminar in Haddam for members.
- Sept. 27th Subcommittee meeting on Village Zoning District.

VI. Approval of Minutes

- a. Keith LaPorte made motion, seconded by Susan Brett Davis, to approve the August 20, 2012, Regular Meeting Minutes as presented. Motion approved unanimously.

VII. Correspondence: None

- VIII. Mr. Malozzi made a motion to adjourn, seconded by Mr. LaPorte. Unanimously approved and the meeting adjourned at 9:03 p.m.

Respectfully Submitted,
Holli E. Pianka, Land Use Secretary
September 24, 2012

(Minutes are unapproved as of transcription date.)