



Town of Lebanon
PLANNING AND ZONING COMMISSION
Regular Meeting
Town Hall, 5709 Exeter Road

Monday, March 18, 2013 – 7:00 PM

MINUTES

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

Also Present: Philip Chester, Town Planner

I. The meeting was called to order by the Chairman at 7:02 p.m.

II. Public Hearing:

- a. **#PZ-13-1841:** Michael Galligan (applicant), Kostantinos & Irene Marasiotis (owners), Assessors Map 209, Lot 1. Request for Special Permit to establish restaurant at 385 Beaumont Highway per Zoning Sec. 4.6.b.18.

Mr. Malozzi recused himself and left the table, stating that he is an abutter to the application. The Chairman appointed Mr. Clouser as acting alternate.

Mr. Chester noted that the Town has placed the legal notice for the public hearing in the Norwich Bulletin on March 6th and 13th and that the Applicant had returned the certified slips notifying abutters. He also noted that Mr. Galligan had authorized Jerome Walsh to represent him on this application as he is out of town.

Mr. Walsh presented the application for a 68 seat café/restaurant.

Mr. Chester reviewed his 3/15/13 written report to the Commission recommending that several conditions be placed on the application should the Commission determine that the requirements of the Zoning Regulations have been met.

The Chairman opened the hearing to allow members of the public to speak.

- Diane Malozzi, 54 Burnham Road spoke in opposition to the application. She expressed concerns with the definition of café versus restaurant and which is being requested by the applicant (citing CGS Sec. 30-22 and 22a); any landlord limitations on food permitted in the establishment; the amount of seating devoted to

the restaurant; the expansion of the establishment to the outside; associated noise; commercial kitchen approval by the town; and, the business being surrounded by residents.

- Dale Allen, 367 Beaumont Highway spoke in opposition to the application. He stated that the proposed business provided no benefit to the town; would create an invasion of privacy to residents due to associated noise, loitering and littering; and would reduce neighboring property values.
- Todd Bardes, 22 Burnham Road spoke in opposition to the application, specifically with the septic limitation on the site.

The Commission asked a number of questions of the applicant and property owner, including how patron drinking would be monitored; proposed hours of operation; proposed use of smoking patio; contents of lease agreement relative to allowing a full service restaurant; distinction between café and restaurant liquor permit; and occupancy limit.

Determining that there was no other public comment, **Ms. Davis made a motion, seconded by Mr. LaPorte to close the public hearing at 7:41 p.m. The motion was approved unanimously.**

III. Old Business:

a. **#PZ-13-1841:** Michael Galligan (applicant), Kostantinos & Irene Marasiotis (owners), Assessors Map 209, Lot 1. Request for Special Permit to establish restaurant at 385 Beaumont Highway per Zoning Sec. 4.6.b.18.

After significant discussion by the Commission, **Ms. Davis made a motion, seconded by Mr. LaPorte to approved the Special Permit subject to the following conditions:**

1. **Plans shall be amended to eliminate the “smoking patio”;**
2. **Hours of operation shall be from 9:00 a.m. to 12:00 a.m. (midnight);**
3. **Food shall be available during all hours of operation.**
4. **Outside activities related to use shall be prohibited; and,**
5. **Live entertainment, other than karaoke, shall be prohibited.**

The motion was approved 4 to 3, with Mr. Chesmer, Mr. Fields and Mr. Clouser in opposition.

IV. Approval of Minutes

- a. Mr. LaPorte made motion, seconded by Ms. Davis, to approve the January 14, 2013 Regular Meeting Minutes as presented. Motion approved unanimously.
- b. Mr. LaPorte made motion, seconded by Ms. Davis, to approve the February 28, 2013 Special Meeting Minutes as presented. Motion approved unanimously.

V. Correspondence:

- a. Waller, Smith & Palmer, P.C. invoices #52254 (\$675.00), #52255 (\$150.00), 52476 (\$135.00), #52477 (\$120.00), #52672 (\$862.50) and #52673 (\$30.00). Mr. LaPorte made a motion, seconded by Ms. Davis to approve payment. Motion unanimously approved.
- b. Anchor Engineering invoice #19784 (\$238.50). Mr. LaPorte made a motion, seconded by Ms. Davis to approve. Motion unanimously approved.

VI. Town Planner's Report

- a. Commissioners were provided copies of Edibles Nutmeg, Planning for Agriculture Guide, APA Zoning Practice for Rural Protection and report on Town's open space account.
- b. Progress report on \$20K DECD grant to conduct Phase II historical building survey
- c. Discussion of grand list increase and relation to agriculture investment.
- d. Discussion on Route 2 corridor development activities, including Norwich Public Utilities Camp Mooween Road site; George Mattern and Neil Gilman properties at Route 2 interchange; and Yantic River Greenway project.
- e. Update on Town of Lebanon v. Rychling.
- f. Discussion on Conversion of Seasonal to Year-Round Dwelling Ordinance.
- g. Update on 2013 Farmers Market.
- h. Approval granted per variance for new Lyman Memorial High School sign.
- i. Update on agenda for March 28th Regulation Review Subcommittee meeting.

- VII. Ms. Davis made a motion to adjourn, seconded by Mr. LaPorte. Motion unanimously approved and the meeting adjourned at 8:45 p.m.

Respectfully Submitted,
Philip S. Chester, Town Planner
March 21, 2013

(Minutes are unapproved as of transcription date.)