

Town of Lebanon
PLANNING AND ZONING COMMISSION
Special Meeting
Lyman Memorial High School Auditorium
917 Exeter Road

Monday, December 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
Wayne Budney, Alternate
Lanny Clouser, Alternate
Members Absent: Brian Grabber, Alternate
Also Present: Philip Chester, Town Planner
Holli Pianka, Land Use Secretary

I. A moment of silence was observed for the victims of Sandy Hook Elementary in Newtown, CT after which the meeting was called to order by Chairman Jahoda at 7:05 p.m. Mr. Jahoda stated the public hearing procedures to be followed and gave an overview of the Lake District.

II. Public Hearing:

- a. **#PZC-12-1722:** Town of Lebanon Planning and Zoning Commission. Proposed amendments to Zoning Regulation Sections 2.2., 4.4., 5.1. and 5.2. regarding Lake Zoning District.

Mr. Chester entered the following exhibits into the record:

Exhibits

- A. Proposed Town of Lebanon Zoning Regulation Amendments.
- B. December 5th and 12th 2012 legal notice published in The Chronicle.
- C. Copy of public hearing notice mailed to Town Clerks in Colchester, Hebron and Windham with corresponding certified mail receipts.
- D. December 12, 2012 letter to PZC from Capitol Region Council of Governments, stating no conflict with the proposed text amendments.
- E. December 10, 2012 letter to PZC from Southeastern Connecticut Council of Governments Regional Planning Commission, stating proposed text amendments would not have any adverse inter-municipal impact.
- F. November 27, 2012 letter to PZC from Windham Region Council of Governments, stating no negative impact.
- G. November 27, 2012 transmittal letter from Philip Chester to Amston Lake Assoc., Friends of Lake Williams, Lebanon Lakes Association and Red Cedar Lake Property Owners Association, stating notice of public hearing and proposed zoning

- regulation text amendment.
- H. December 17, 2012 letter to PZC from Tom Marra, on behalf of Chapman residence, 29 Sunset Drive, Lebanon, CT.
 - I. Town of Lebanon, CT, Amston Lake, Build-Out and Fiscal Study Final Report, dated January 2010, revised March 1, 2010, prepared by Paula Stahl, LLA, ASLA, AICP, of the Green Valley Institute.
 - J. December 13, 2012 transmittal to Mr. Chester from Bruce Cagenello in opposition to impervious coverage and height limit.
 - K. December 17, 2012 letter to PZC from Ann Marie and Robert Ragaglia, in opposition to impervious coverage and height limit.
 - L. December 17, 2012 letter to PZC from David Sorenson stating concern of impervious coverage and height limit.

Mr. Chester presented the proposed amendments to the Zoning Regulations, after which the Chairman opened up the public comment period of the hearing.

Public Comments:

- Larry Zimmerman, 183 Deepwood Drive. Concern of sloping lots, lot size, frontage and height requirements should all be reviewed.
- Dan Reynolds, 21 Beech Road. Requested clarification that ‘paved roads’ including walkways, patios and dirt driveways are part of maximum 15% impervious coverage.
- Diane Buda, 161 Lake Williams Drive. Concerned that her property (four vacant lots) will now have to conform to adopted regulations for new construction.
- Mary Moquin, 34 Spafford Drive. Concern that her newly installed deck, permitted and approved by the town will not meet the new parameters.
- Bruce Cagenello, Deepwood Drive. Concern with impervious coverage and height restriction.
- Barbara Lederer, 458 Deepwood Drive. Needed clarification of her setbacks for future proposed addition.
- Jane Erway, 219 Lake Shore Drive. Concern regarding existing septic systems not meeting health code.
- Ann Marie Ragaglia, 1 Stacey Lane. Requesting clarification of ‘grandfathered’ for existing homes and new regulation, and concern with impervious surface and height limitations being too restrictive.
- Mike Sidoti, 16 Lakeside Drive, President Red Cedar Lake Association. Requests clarification of winterized cottages v. non-winterized cottages; has concern that the Lake Association will be responsible for enforcement; requested clarification on whether permission is needed from the town to pave roads at Red Cedar Lake; and, how can setbacks be required on private roads.
- Bruce Cagenello, Deepwood Drive. Clarification on purpose of public hearing. Chairman Jahoda explained process.
- Thomas White, 260 Deepwood Drive. Clarification on dwelling foundation being included in impervious coverage.
- Krista Kerin, 182 Deepwood Drive. Concern of impervious coverage on sloped lots and would a second story addition (no change in footprint) on an existing structure be considered new construction.

- Dave Wigfield, 220 Lakeside Drive. Concern of impervious coverage and height restrictions and believes a committee of lake residents should be formed to study proposal.
- Atty. Paul Spinella, representing Lebanon Lakes Association's pending federal lawsuit with Commission. Sought Commission reasons why impervious surface proposal is being made.
- Penny Herman, 58 Lakewood Drive. In support of 15% impervious coverage limit due to runoff and water quality problems in area lakes. Suggests buffer plantings instead of clear cutting down to water be required to preserve water quality
- David Martin, 348 Deepwood Drive, Amston Lake Board of Directors. Involved in Amston Lake testing. Supports 15% maximum impervious coverage due to increased nutrient load resulting from rainwater filtering into ground. Increased population surrounding lake and increased runoff will have negative impact on water quality of the lake. Recommends tree cutting ordinance to further protect lakes.
- Dixie Sorenson, 85 Lake Shore Drive. Believes pesticide use, not human use causes increased algae growth problem.
- David Bareiss, 151 Deepwood Drive. Concerned that 15% impervious coverage is too restrictive and feels runoff from town roads should be addressed.
- James Florian, 56 Lakeside Drive. Clarify seasonal occupancy if gone from zoning and setbacks.
- Diane Buda, 161 Lake Williams Drive. If cluster housing requirements are less strict than Lake Zone requirements, how is that constitutional?
- Dave Sorenson, South Windsor, owner seasonal cottage 85 Lake Shore Drive. Concerns of impervious coverage and height restrictions.
- Dennis Kuchy, 214 Camp Moween Road. Will existing lot for son will be grandfathered under current regulations?
- Karen Patterson, 362 Lakeside Drive. Clarification if yard setbacks are governed by Health code and stated that the town should address street stormwater runoff because existing storm drains in her neighborhood are not effective.
- Dave Hewett, 362 Lakeside Drive. Feels that building conversion for winterized properties (if you are not seeking structural or mechanical change) is not a zoning or public health issue and no statute requirement.
- Michael Albert, 102 Spafford Drive. Inquiring on status of 7-lot subdivision in lake zone, ¼ acre lots.
- Dave Wigfield, 220 Lakeside Drive. Question on investigating complaints.
- John Daviau, 23 Sunset Drive. Verified that his approved variance for garage addition will still be valid and does not expire. Supports 15% maximum coverage because he wants the lake to remain clean.
- Lynn Borsa, 185 Lake Shore Drive. Does not understand why dirt or gravel driveway or permeable paving stones are included in impervious coverage because they are pervious materials.
- Nancy Carini, 356 Deepwood Drive. Currently lives on Bolton Lake and does not believe all problems there are from storm runoff. Doesn't agree that gravel driveways should be included in the impervious coverage and thinks change in proposed definition is needed.
- Sheri Ann Martin, 348 Deepwood Drive, Amston Lake Board of Directors. Concern with not requiring health conversion process.
- Mike Sidoti, 19 Lakeside Drive. Concerned that the town is shifting enforcement of non-converted homes and shacks to lake associations.

- Harley Atkinson, 17 Lake Shore Drive. If septic systems don't comply for year round conversion, will he still be charged year round taxes?
- Doug Bowen, 156 Deepwood Drive. Hebron requires application for year round use.
- Mary Moquin, Wallingford, owner 34 Spafford Drive. Neighbors should be responsible to protect the community and work together to report non-compliant properties.
- Sylvain Morin, 14 Kelleys Corner. Verified that existing decks and sheds issued with permits are grandfathered and can be replaced.
- Greg Carini, 356 Deepwood Drive. Has concern with 15% maximum impervious coverage. Would like to see installation of rain gardens instead.
- Connie Berglund, 152/156 Lakeside Drive. Feels 25 foot height limit is too restrictive.
- Diane Marquis, 147 Lake Shore Drive. Concern with impervious coverage change. Wants to know if the year round grandfathered properties from the 1960's will have to adhere to the new regulations.

With no further discussion, Sec. Fields made a motion to close the public hearing for application #PZ-12-1722, seconded by Susan Brett Davis. Motion unanimously approved.

III. Old Business:

- a. **#PZC-12-1722:** Town of Lebanon Planning and Zoning Commission (applicant). Proposed amendments to Zoning Regulation Sections 2.2., 4.4., 5.1. and 5.2. regarding Lake Zoning District.

Mr. Chesmer made a motion to table discussion and action of application #PZC-12-1722 under Old Business to next Regular Meeting, seconded by Sec. Fields. Motion unanimously approved.

IV. Approval of Minutes

- a. Mr. Malozzi made motion, seconded by Ms. Davis, to approve the November 19, 2012, Regular Meeting Minutes as presented. Motion approved unanimously.

V. Correspondence:

- a. Billing Invoice #51888, 12/10/12, \$525.00 and Billing Invoice #51889, 12/10/12, \$585.00, Waller, Smith & Palmer, P.C. for legal services. Mr. Manning made a motion, seconded by Ms. Davis to approve payment. Motion unanimously approved.
- b. Billing Invoice #19559, 12/05/12, Anchor Eng., \$453.15. Mr. Malozzi made a motion, seconded by Mr. Chesmer to approve. Motion unanimously approved.

VI. FY 2013-2014 Budget

Mr. Malozzi made a motion to approve the proposed PZC FY 2013-2014 Budget in the amount of \$136,779 or 2%. Motion seconded by Ms. Davis. Motion unanimously approved.

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

Respectfully Submitted,
 Holli E. Pianka, Land Use Secretary
 December 24, 2012
 Lebanon PZC
 Regular Meeting Minutes

(Minutes are unapproved as of transcription date.)