



Town of Lebanon  
**PLANNING AND ZONING COMMISSION**  
**Regular Meeting**  
Monday, December 13, 2021  
7:00 p.m.

**TELECONFERENCE MEETING**

Zoom:

<https://us02web.zoom.us/j/86762078724>

Webinar ID: 867 6207 8724

Teleconference: Phone 1-646-558-8656. Webinar ID: 867 6207 8724

**MEETING AGENDA**

**I. CALL TO ORDER**

**II. MEETING MINUTES**

- a. November 15, 2021

**III. PUBLIC HEARING**

- a. PZ-21-34: Jason Yerke (applicant), Lori Budney (owner), 92 Church Rd., Assessor Map 266, Lot 32. Home Occupation application for tree service/landscaping business per Zoning Sec. 7.5b. Accept application and set public hearing date.

**IV. OLD BUSINESS**

- a. PZ-21-34: Jason Yerke (applicant), Lori Budney (owner), 92 Church Rod, Assessor Map 266, Lot 32. Home Occupation application for tree service/landscaping business per Zoning Sec. 7.5b. Accept application and set public hearing date.

**V. NEW BUSINESS**

- a. Sign Review. Market on the Green, 199 West Town Street, Assessors Map 246, Lot 57.

**VI. TOWN PLANNER REPORT**

**VII. EXECUTIVE SESSION**

- a. Pending litigation

**VIII. ADJOURNMENT**

Philip S. Chester, AICP  
Town Planner  
As of 12/7/21



Town of Lebanon  
**PLANNING AND ZONING COMMISSION**  
**Special Meeting**

Monday, November 15, 2021  
7:00 p.m.

**Lebanon Town Hall, 579 Exeter Road**  
**Downstairs Meeting Room**

**MINUTES**

Members Present: Robin Chesmer (Secretary), Francis Malozzi, Thomas Benoit, Keith LaPorte, Karl Weinstein, Todd Pannone, Allyn Miller (Alternate), Julie Chalifoux (Alternate), Ethan Stearns (Alternate)

Members Absent: Wayne Budney

Also present: Philip Chester (Town Planner), Kevin Cwikla (First Selectman), Catherine Marrion, Waller Smith & Palmer (Commission Counsel), Catherine McCall (minutes)

**I. CALL TO ORDER**

The meeting was called to order by Robin Chesmer at 7:00 pm. Mr. Chesmer noted that he was calling the meeting to order as the sole remaining Commission officer. He welcomed new members Karl Weinstein and Todd Pannone as well as returning alternate Julie Chalifoux to the Commission.

**II. ELECTION OF OFFICERS**

a. Chair.

Attorney Marrion provided an overview of how the Commission officer elections should proceed, as there was a vacancy in the Commission Chair position and an absent Commission member. She indicated that a Chair Pro Tem should be elected until such time as an alternate for the absent Commission member is seated. At that point, the full Commission should elect Chair and Secretary.

K. Laporte nominated F. Malozzi as Chair Pro Tem. T. Benoit seconded the nomination.

T. Benoit nominated R. Chesmer as Chair Pro Tem. No second was heard.

A vote was taken with four (4) members approving F. Malozzi as Chair Pro Tem.

F. Malozzi appointed Ethan Stearns as the voting alternate to replace absent member W. Budney.

A. Miller stated that elections should be tabled as W. Budney is interested in being chair but unable to represent himself due to tonight's absence. R. Chesmer stated he would like to proceed with elections.

K. LaPorte nominated F. Malozzi as Commission Chair. R. Chesmer seconded the nomination.

E. Stearns stated that he understands A. Miller's point regarding W. Budney being absent and nominated W. Budney as Commission Chair. T. Pannone seconded the nomination.

**F. Malozzi made a motion to have voting done by paper ballot. T. Benoit seconded.** (A. Miller objected to the paper ballot. Attorney Marrion stated that a paper ballot acceptable.) **Motion carried unanimously.**

Attorney Marrion collected and tallied the votes for Commission Chair.

5 votes for F. Malozzi

1 vote for W. Budney

1 abstention

b. Secretary.

K. Laporte nominated R. Chesmer for Secretary. E. Stearns seconded. M. Malozzi asked for other nominations three (3) times. The vote was taken and passed with six (6) affirmatives.

**III. OLD BUSINESS.** None.

**IV. NEW BUSINESS**

a. PZ-21-34: Jason Yerke (applicant), Lori Budney (owner), 92 Church Road, Assessor Map 266, Lot 32. Home Occupation application for tree service/landscaping business per Zoning Sec. 7.5b. Accept application and set public hearing date.

**R. Chesmer made a motion to schedule a public hearing for December 13, 2021 for PZ-21-34. K. Laporte seconded the motion. Motion passed unanimously.**

**V. MEETING MINUTES**

a. October 18, 2021

**Motion made by E. Stearns to approve the October 18, 2021 Meeting Minutes. Motion seconded by T. Benoit. Motion carried unanimously.**

**VI. TOWN PLANNER REPORT**

- Design Review Board met last week to review a proposal for a 2,000 square foot addition to the Historical Society Building to be used for archival purposes. A site plan modification application should be forthcoming to the Commission.
- Home occupation permit PZ-21-33 was approved under Zoning Sec. 7.5b. for the making of wine at 78 Bender Road. This permit prohibits onsite sales/retail.
- Met with two (2) property owners interested in farmland preservation. This is in addition to the eight (8) farmland preservation projects currently in the loop.

- Plans are being developed to split a horse farm property on Beaumont Highway into two (2) lots. A subdivision plan should be forthcoming.
- Planning for the affordable senior housing project in front of the Senior Center is moving forward and a concept plan should be available at the next meeting.
- Mitlitsky Eggs would like to expand their operation and have requested a pre-application discussion with the Commission for its December 13<sup>th</sup> meeting.
- The new Market on the Green is now open.
- Lebanon's Winter Market will be held on Saturday at the Senior Center.
- Three (3) new home permits are in the loop for the lakes. They include two (2) teardowns/replacements and one new house.
- The Town of Columbia has informed the Commission that there is a proposal to open a wedding reception venue at 70 Cards Mill Road as this location is located within 500 feet of Lebanon. Columbia will be holding a public hearing December 13<sup>th</sup> at 7:00 p.m. on this application. Mr. Chester will verify that Lebanon abutters have been notified and will report to Commission in December.
- Commission Regulation Review Subcommittee met earlier this month.

T. Benoit asked about current plans for the new Christmas tree on the Town Green. K. Cwikla indicated that the tree planting committee recently brought this before the Selectmen. A. Miller asked if it would be moved from the original proposed location. K. Cwikla stated that the exact proposed location is still being discussed.

## **VII. EXECUTIVE SESSION**

- a. Pending litigation. The Commission did not go into Executive session.

## **VIII. ADJOURNMENT**

**Motion made by K. LaPorte to adjourn the meeting at 7:38 p.m. Motion seconded by R. Chesmer and unanimously approved.**

Respectfully submitted,  
Catherine McCall



TOWN OF LEBANON  
PLANNING & ZONING COMMISSION  
**APPLICATION FOR HOME OCCUPATION PERMIT**

FOR OFFICE USE ONLY

Application # <u>PZ-21-34</u>	Application Fee: <u>400.00</u>
Date Submitted: <u>11/12/21</u>	State of Connecticut Fee: <u>-</u>
PZC Action: _____	Date Paid: <u>11/12/21</u> Total: <u>400.00</u>
Action Date: _____	Cash: _____ Check: # <u>4769</u>

Property Address 92 CHURCH RD Assessor's Map # 266 Lot # 32  
 Name of Applicant DISTINGTIVE FARMS LLC  
 Mailing Address # 291 SKINNER LANE HEBRON, CT 06248  
 Home Telephone \_\_\_\_\_ Cell Phone 860 250 8876  
 Email Address (optional) jason@dtreecare.com

The undersigned hereby petitions the Lebanon Planning and Zoning Commission for a permit for a Home Occupation under the provisions of the Lebanon Planning and Zoning Regulations, **Section 7.5 b.**, for the following purposes:

PLEASE SEE ATTACHED NARRATIVE

TREE/LANDSCAPE BUSINESS

Property plan and floor plan accompanies application.

Attach a written consent to the proposed application by the owner, if applicant is not the property owner.

11-10-21 \_\_\_\_\_ / JASON YERKE  
 Date Signature of Home Owner (FUTURE) Please Print

11-10-21 \_\_\_\_\_ / JASON YERKE  
 Date Signature of Applicant Please Print

TO: Planning and Zoning Commission

FROM: Alter & Pearson, LLC

DATE: December 7, 2021

RE: §7.5.b Home Occupation Special Permit – 92 Church Road

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The Applicant Distinctive Farms, LLC, is the contract purchaser for 92 Church Road, a 128-acre parcel of land situated on the north side of Church Road, easterly of McCall Road. The Site is located in the Rural Agricultural residence district and the Site's uses include agriculture and a 3,000 s.f. (3-bedroom, 2- bathroom) single-family residence - both uses will continue to be maintained on the Site.

The Site will be the primary residence of Caleb Yerke. Mr. Yerke is also a Member of Country Tree Experts, LLC, a small-scale residential tree service company with two employees. The Applicant is applying for a Home Occupation Special Permit in accordance with §7.5.b of the Lebanon Planning & Zoning Regulations. The business is proposed to be operated from a 1,500 s.f. portion of new 12,000 s.f. barn (80 ft. x 150 ft.), with the remaining portions of the barn to be used for the farm use of the Site.

The proposed barn is consistent with the character of the Rural Agricultural residence district. The barn is proposed to be located 970± feet from Church Road and 300± feet from the rear property line. A gravel driveway will connect the new barn to the existing farm road that connects to Church Road. Two tree equipment vehicles are proposed to be parked within the barn, and the remaining vehicles and employee cars will be parked in the parking area on the north side of the barn. The parking area is not within the required 50-foot rear yard of the lot. Any additional equipment or materials will be located in the area behind the barn and be screened from adjacent properties. Full cut-off LED light fixtures are proposed to be mounted to the barn.

The proposed business is not open to the public and no sign is proposed for the home occupation use. The business will function as follows:

- 6:30 AM: Two employees arrive on Site and prepare the equipment for the job site;
- 6:45 AM: 2-3 vehicles (including a bucket truck and chip truck) depart from the Site to the job site;
- 4:00 PM: 2-3 vehicles return from job site and the vehicles are washed and prepared for the next job;
- 5:00 PM: Two employees leave the Site for the day.

As employees are at the job site all day, the proposed home occupation will not generate multiple car trips coming and going from the Site throughout the day. As noted above it is anticipated that the home occupation use will generate 10 trips per day (Monday – Saturday), in times that are consistent with residential and agricultural uses in the area.

NOTE: UNDERGROUND UTILITIES LOCATIONS ARE APPROXIMATE ONLY.  
 MAINTENANCE TRENCHES ARE NOT SHOWN UNLESS INDICATED OTHERWISE.  
 DIMENSIONS ARE GIVEN TO THE CENTER OF UNDERGROUND UTILITIES.  
 DIMENSIONS ARE NOT TO SCALE AND SHOULD NOT BE USED FOR CONSTRUCTION.

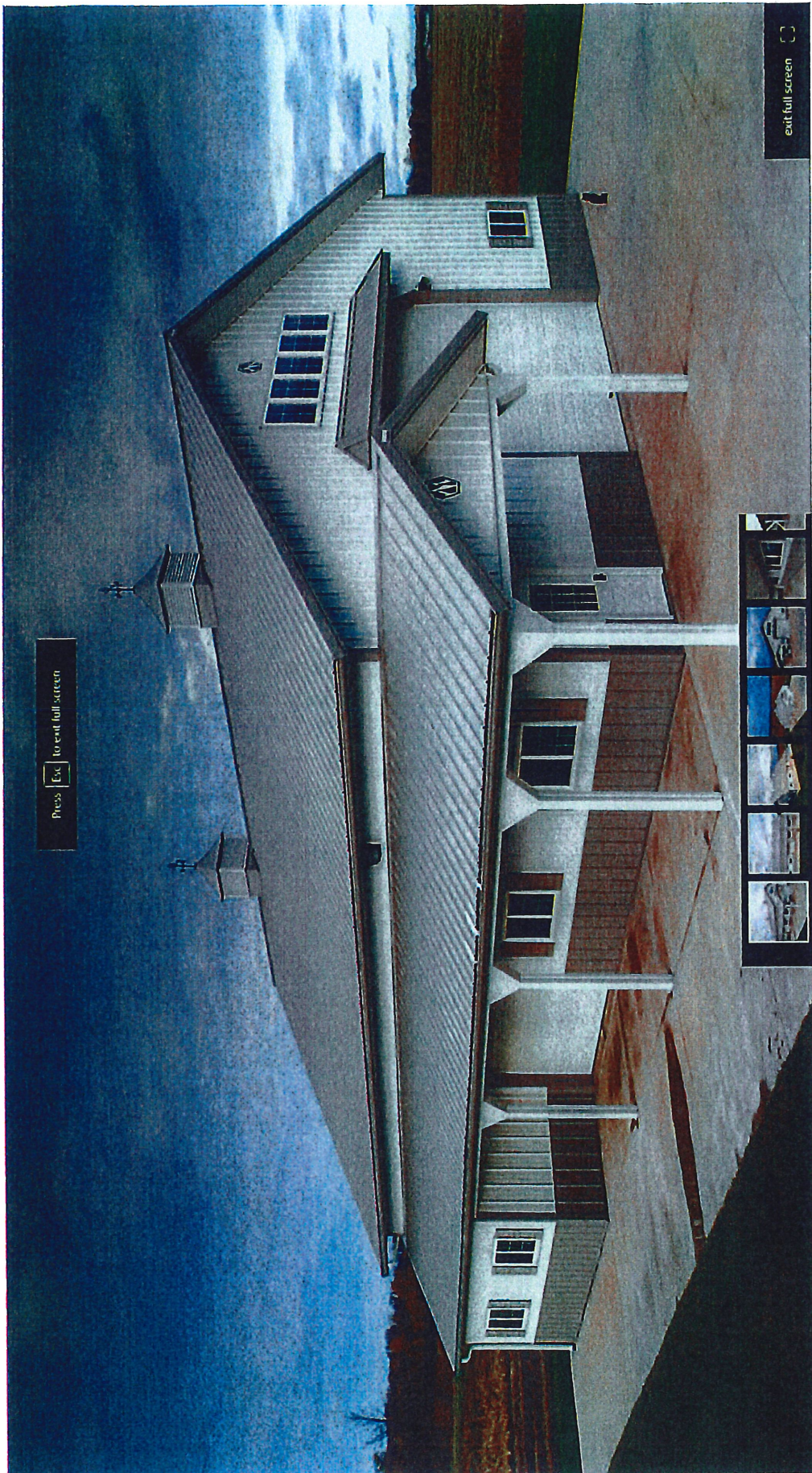


REV. 12-07-21  
 REV. 11-30-21 TOWN COMMENTS

DATE: 11-02-21  
 SCALE: 1" = 1'  
 SHEET: 1" = 200'

OVERALL SITE PLAN  
 PREPARED FOR -  
**DISTINCTIVE FARMS, LLC**  
 92 CHURCH ROAD  
 LEBANON, CONNECTICUT

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exit full screen







# Town Planner

## Town of Lebanon

579 Exeter Road, Lebanon, Connecticut 06249  
(860) 642-2006

### MEMORANDUM

**To: Planning and Zoning Commission**  
**From: Philip S. Chester, AICP**  
**Date: December 7, 2021**  
**Re: PZ-21-34, Home Occupation Application, 92 Church Road**

I have reviewed PZ-21-34, visited the site, and met with the applicants. The applicants request a special permit for a Home Occupation under Zoning Sec. 7.5b. for a tree service. Please note that the application narrative and site map were amended as of today.

#### I. Existing Conditions

92 Church Road is located on 128-acres on the north side of the paved section of Church Road (Assessors Map 266, Lot 32). The property contains 2,700+/- feet of road frontage, a 3,000+/- square foot single-family home that dates to the late eighteenth century, and several agricultural outbuildings -- the largest of which is a 3,000+/- square foot barn.

The house has been vacant for several years and is currently not habitable. The historical use of the property is for agriculture. The site is visible from Church Road and contains limited vegetation or buffer along the road, with the exception of town-owned trees. The site abuts Goshen Cemetery to the west and the gravel portion of Church, Randall, and Fowler Roads to the east.



Views from Church Street



Views from Church Street

## II. Proposed Conditions

The applicant requests a special permit for a home occupation for a tree service company that will use 1,500 square feet of a proposed 12,000 square foot barn to be located 970 feet setback from Church Road. The applicant proposes a maximum of three (3) trucks associated with the home occupation and 10 trips per day using the existing Church Road driveway entrance. Parking for home occupation vehicles and employees is proposed to the rear of the new barn.

Hours of operation will be from 6:30 a.m. to 5:00 p.m. Monday through Saturday. Outdoor lighting is proposed to be full cutoff, with a lighting plan to be submitted at time of building permit application. No public or customer access to the site is proposed. No sign associated with the home occupation is proposed. In addition to the existing single-family home and proposed home occupation, the other use for the site includes agriculture.

## III. Zoning Regulations

- A. 92 Church Road is located in the Rural Agricultural (RA) Residence District. According to Zoning Sec. 4.3, the purpose of the RA district is:

*to allow for residential development surrounded by open space while at the same time preserving those areas which are capable of supporting agricultural pursuits. It is intended that non-residential non-agricultural uses in the RA Zone be limited to those which are primarily necessary or desirable to serve the residents of Lebanon and are compatible with residential use when located in their midst.*

- B. Home occupations requiring buildings accessory to the principal residence and/or the use of outside storage are allowed by special permit in the RA zone under Zoning Sec. 4.3b.9). Home Occupation Zoning Sec. 7.5b. states:

*Upon issuance of a Special Permit by the Commission, a home occupation, professional office, personal service business or business employing not more than two persons who are non-residents of the principal residence building; occupying a building accessory to the principal residence building; or requiring the outside storage of materials may be permitted in any VRA residence district and any RA residence district provided the following conditions are met:*

- 1) *The use is clearly secondary to the residential or agricultural use of the property.*
- 2) *No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall be provided off the street and not in the required yards of the lot.*
- 3) *There shall be no change in the residential character of the site or the neighborhood and there shall be no visible sign of the operation except as permitted by the Commission.*
- 4) *Any accessory building used for a home occupation shall observe all yard requirements of the district. That portion of an accessory building occupied by the home occupation shall not exceed 50% of the floor area of the principal residence building.*
- 5) *Where permitted by the Commission, external storage of equipment or material shall not occupy more than ¼ of the lot or 10,000 sq. ft., whichever is smaller. Such material shall be adequately screened from the view of neighboring residential areas and shall be so located as to observe all yard requirements for principal and accessory uses.*
- 6) *No noise, odor, vibrations, glare, fumes, electrical interference or unsightly conditions shall be noticeable off the lot.*

C. Zoning Sec. 7.6b. states that when issuing a Special Permit the Commission shall find that:

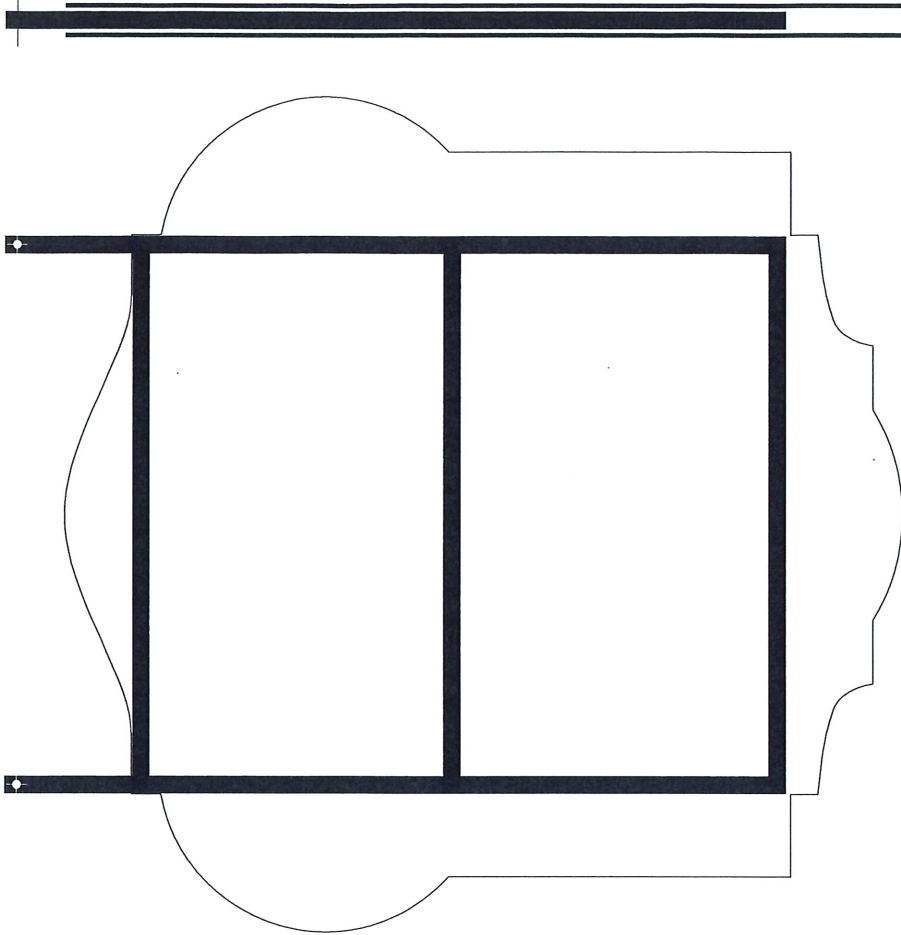
- 1) *The proposed use shall be of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties.*
- 2) *That the location and size of such use, the nature and intensity of operations involved in or connected with such use, its site layout, and its relationship to access streets shall be such that vehicular and pedestrian traffic generated by the use shall not be detrimental to the character of the neighborhood.*
- 3) *That the establishment of such use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.*

#### IV. Recommendations

Should the Commission find that this use is permitted under the provisions of Zoning Sec. 7.5b and 7.6, the following conditions of approval are offered for your consideration.

1. Hours of operation shall be 6:30 a.m. to 5:00 p.m. Monday through Saturday.
2. No more than three (3) trucks associated with the home occupation and 10 vehicle trips per day are permitted.
3. Maximum number of non-resident employees shall be limited to two (2).
4. Lighting plan in conformance with Zoning Sec. 7.9 shall be submitted prior to operation of home occupation or issuance of a building permit related to home occupation.
5. Signage associated with home occupation is prohibited.
6. Outdoor storage related to the home occupation shall be fully screened from neighbors and road.
7. Compliance with CT-DEEP noise standards regarding the maximum decibel output or 55 db daytime/45 db nighttime measured at least one (1) foot beyond the property line on which the emitter is located shall be observed.
8. The home occupation permit is valid subject to a certificate of occupancy issued for 92 Church Road.

SIGN REVIEW  
199 W. TOWN ST.



Customer: \_\_\_\_\_  
Company: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State/ZIP: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_

**SIGN PROFESSIONALS**  
[WWW.SIGNPROFESSIONALS.COM](http://WWW.SIGNPROFESSIONALS.COM)  
DAVID MCDOWELL 860-823-1122  
[DMCDOWELL@SIGNPROFESSIONALS.COM](mailto:DMCDOWELL@SIGNPROFESSIONALS.COM)

Job No.: \_\_\_\_\_ Date: 11/22/2021  
Order Date: \_\_\_\_\_ Salesperson: \_\_\_\_\_  
Sign Dimensions: 104.369in x 53.924in Estimate: 0.00  
Comments: \_\_\_\_\_

48.23 in

47.5 in

41.01 in