

**TOWN OF LEBANON  
ZONING BOARD OF APPEALS**

Thursday, September 16, 2021 ~ 7:00 p.m.

**SPECIAL MEETING / PUBLIC HEARING  
Fire Safety Complex**

**MINUTES**

PRESENT: Jeffrey Walsh, Chairman  
David Geligoff, Vice Chairman  
Mark DeCaprio  
Keith Sczurek  
Michael Ninteau, Alt.

ABSENT: D. Skaats, J. Walsh, Alt., P. Ziel, Alt.

- 1) Call to Order:  
Chairman Walsh called the September 16, 2021, Special Meeting of the Town of Lebanon Zoning Board of Appeals to order at 7:05 p.m. He introduced the members of the board and then read the legal notice into the hearing record. Michael Ninteau was seated as voting member for Donna Skaats.
- 2) Public hearings for the following:
  - a) **#ZBA-21-4:** Donald T. & Katiana Nickle, 529 Beaumont Highway, Lebanon, CT, 06249 (owners), Assessors Map 214, Lot 4. Variance from Section 5.2 to reduce the front yard setback from 50 feet required to 14 feet requested for garage construction

Chairman Walsh opened the public hearing and entered the following exhibits into the hearing record: a) Legal Notice; b) Two-page application; c) Agent permission letter; d) Copy of deed; e) Assessors Street Card, Map 214, Lot 4; f) Assessors Map 214, Lot 4; g) Site plan, Improvement Location Survey, for 529 Beaumont Highway, dated August 18, 2021 prepared by Rob Hellstrom Land Surveying LLC, PO Box 378, Hebron, CT, 06248; h) Two-page floor plans; i) Existing septic layout; j) Abutter's List; k) Certified mail receipts, proof of mailing (collectively); l) One-page elevation view.

Mark Reynolds, PE, representing the owners, was sworn in. Mr. Reynolds submitted the following items which Chairman Walsh entered as exhibits into the hearing record:

m) Three-page Site map, Main Street GIS property card and warranty deed 1961, Volume 78

n) Characteristics of property

Mr. Reynolds noted that the original house was built in 1955 and subsequently, this lot was created in 1961 prior to zoning regulations being adopted in 1962. He stated that the wetlands have been flagged by a certified soil scientist and the following hardships noted:

- 1) Lot area is undersized (0.67 acres).
- 2) The property is located on a state highway with a 50 foot right-of-way. The distance between the edge of the road and front property line is 25 feet, reducing the useable area of the lot.
- 3) Burgess Brook runs through the rear of the property. Wetland areas associated with the brook cover the south and southeast side of the property. The wetlands buffer encompasses the site.
- 4) There are areas of steeper slopes that are not well-suited to garage construction along wetlands.
- 5) The back yard is dedicated to the on-site septic system and reserve area. B100a testing will need to prove the reserve area for Health Department approval of the finished area above garage.

Mr. Reynolds further described the lot being classified as residential in the RA Zone (Rural Agricultural). He stated that two of the four neighboring homes have attached garages that all lie in same proximity to the road and feels that the request is a reasonable, permitted use and would not have a detrimental effect on the neighborhood.

Donald Nickle, owner, was sworn in. He submitted the following exhibits which Chairman Walsh entered into the hearing record:

o) Three-pages neighborhood site map, front and south elevations.

p) Copy of adjacent property owners notice form sent by owner noting the purpose is for garage/addition.

Mr. Nickle clarified that the existing living space of the existing dwelling is 768 square feet and the expansion, including living space of the garage, would bring the total to approximately 1,600+ square feet.

It was consensus of the board members that this application must be renoticed, including certified letters to neighbors, and reprinting of legal notice, with the information that the garage includes approximately 900 additional square feet of living space above the garage. Chairman Walsh asked the owner for partial reimbursement for publishing of the legal notice \$200. The owner was agreeable and requested continuation of the public hearing to the next scheduled meeting October 21, 2021.

There was no further discussion and no one else present to speak either in favor or in opposition to the application.

- b) **#ZBA-21-5:** Judith Larsen, 5 West Town Street, Lebanon, CT, 06249, (applicant), Judith E. & Klaus Larsen (owners), for property at Trumbull Highway, Assessors Map 235, Lot 2, Lebanon, CT, 06249. Variance from Section 5.4 to reduce the minimum rectangle dimensional requirement from 180 feet wide required to 84 feet wide AND variance from Section 7.4 to reduce driveway setback from property line from 5 feet required to 1 foot, requested for new single family house construction.

Chairman Walsh opened the public hearing and entered the following exhibits into the hearing record: a) Legal Notice; b) Two-page application; c) Copy of deed; d) Assessors Street Card, Map 235, Lot 34; e) Map 235, Lot 34; f) Plan to accompany variance application, dated August 27, 2021 prepared by Susan F. Mattern, PLS, DGT Associates Surveying & Engineering, 148 Route 2, Preston, CT, 06365; g) Abutters list; h) Certified mail receipts, proof of mailing (collectively).

Chairman Walsh corrected for the hearing record the property map and lot number as Map 235, Lot 34.

Susan Mattern, PLS, representing the owners, was sworn in.

Ms. Mattern identified the parcel being 50.6 acres total located on the east side of Trumbull Highway across from the Lebanon Green and proceeded to review the site plan regarding the buildable area requirement and driveway location. The driveway will require two wetlands crossings. The total area surveyed was approximately 10 acres and wetlands were delineated by certified soil scientists and contain a considerable amount of designated wetlands. In order to reach the buildable area approximately 1375 feet of driveway must be constructed. With this design information, eventually, a site plan will be prepared by a professional engineer including driveway construction with details, sedimentation and erosion controls, preserving the wetlands to the fullest extent possible. Two very small areas of the buildable area encroaching into the wetlands is shown on a map submitted to the board. Chairman Walsh entered the map into the hearing record and labeled exhibit 'I'.

Ms. Mattern read guidelines regarding valid hardships and granting variances. Ms. Mattern stated the following hardship as being the excessive presence of inland wetlands on the property and the desire to protect them while being able to develop the upland area.

Chairman Walsh inquired on possible alternate locations in the remaining 40 acres within the parcel. Ms. Mattern stated that the goal is to have the least impact on wetlands and an additional crossing would be required.

Judy Larsen, owner, was sworn in and stated that the remainder of the property is heavily wooded, swampy, slopes down and not easily accessible for surveying.

Ms. Larsen identified nearby homes on the site plan at the Chairman's request.

Commission members had concerns of the driveway and property line setback and maintenance of the driveway.

Jeanna Prink, abutting neighbor, was sworn in, stated that the stonewall is a significant stonewall, large that you would need to climb over. She also noted that she is familiar with the property, the front of the parcel is currently a hayfield being used for agricultural purposes. She also noted that the front of the property is higher and slopes toward the back, and a brook runs through the rear of the property.

Jim McCaw, previous owner of property, was sworn in, in favor of the application.

There was no further discussion and no one else present to speak either in favor or in opposition to the application.

- 3) Adjournment:  
Mr. Nintean made a motion, seconded by Mr. DeCaprio, to close the special meeting and public hearings. Motion was approved unanimously, and the meeting was adjourned at 7:58 p.m.

**Respectfully Submitted,  
Holli E. Smith, Recording Secretary  
September 21, 2021**

***Please see minutes of subsequent meetings for approval of these minutes and any corrections hereto.***

**TOWN OF LEBANON  
ZONING BOARD OF APPEALS**

Thursday, September 16, 2021 ~ 7:00 p.m.

**REGULAR MEETING  
Fire Safety Complex**

**MINUTES**

PRESENT: Jeffrey Walsh, Chairman  
David Geligoff, Vice Chairman  
Mark DeCaprio  
Keith Sczurek  
Michael Ninteau, Alt.

ABSENT: D. Skaats, J. Walsh, Alt., P. Ziel, Alt.

- 1) Call to Order:  
Chairman Walsh called the September 16, 2021, regular meeting of the Town of Lebanon Zoning Board of Appeals to order at 8:01 p.m.
- 2) Discuss and Act on Public Hearings:
  - a) **#ZBA-21-4:** Donald T. & Katiana Nickle, 529 Beaumont Highway, Lebanon, CT, 06249 (owners), Assessors Map 214, Lot 4. Variance from Section 5.2 to reduce the front yard setback from 50 feet required to 14 feet requested for garage construction  
  
Public hearing continued to October 21, 2021 to allow renoticing, including publishing of legal notice and owner to send certified meeting notices to abutters with additional information that request includes approximately 900 square feet of living space above garage addition.
  - b) **#ZBA-21-5:** Judith Larsen, 5 West Town Street, Lebanon, CT, 06249, (applicant), Judith E. & Klaus Larsen (owners), for property at Trumbull Highway, Assessors Map 235, Lot 2, Lebanon, CT, 06249. Variance from Section 5.4 to reduce the minimum rectangle dimensional requirement from 180 feet wide required to 84 feet wide AND variance from Section 7.4 to reduce driveway setback from property line from 5 feet required to 1 foot, requested for new single family house construction.

Mr. Ninteau commented that based on the topography and the designated wetlands area, feels that what is being proposed is in character with the area, and he has no problem with approving. He does understand the concern of the driveway, but also understands trying not to disturb the wetlands and feels that the stonewall being there is enough of a natural barrier, a dividing line, that it eliminates potential issues.

Mr. DeCaprio felt it was a good presentation showing the site issues.

Mr. Sczurek feels his concerns have been addressed.

Mr. Geligoff agrees with the buildable square request, with wetlands just affecting two small corners and the rest in upland area, but feels the driveway should remain at 5 feet.

Mr. Walsh feels it is a unique property, given the amount of wetlands and the size of the parcel and the wetlands encroaching only on two small areas, is not a subdivision, no homes directly affected. Based on the prevalence of the wetlands, believes there is an actual hardship regarding the buildable square.

**A motion to approve application ZBA-21-5 as to Section 5.4 (buildable area) was made by Mr. Sczurek, seconded by Mr. Geligoff.**

**Vote: In favor (5) J. Walsh, D. Geligoff, M. Ninteau, K. Sczurek, Mark DeCaprio. Opposed (0) Motion approved unanimously.**

**A motion to approve application ZBA-21-5 as to Section 7.4 (driveway) was made by Mr. Ninteau, seconded by Mr. DeCaprio.**

**Vote: In favor (4) J. Walsh, M. Ninteau, K. Sczurek, M. DeCaprio Opposed (1) Geligoff. Motion approved.**

Chairman Walsh read the notice regarding the appeal of decision according to the Connecticut General Statutes Sec. 8-8.

- 3) Approval of Minutes of Previous Meetings:
  - a) Mr. Ninteau made a motion to approve the May 20, 2021 Regular Meeting Minutes as presented, Mr. Walsh seconded. Motion unanimously approved. Abstained: Mark DeCaprio
- 4) Old Business: None.
- 5) New Business: None.
- 6) Bills: None.
- 7) Correspondence: CFPZA Newsletter 2021 Summer

- 8) Adjournment:  
With no further business, Mr. Geligoff made a motion to adjourn, Mr. Sczurek seconded. Motion unanimously approved and meeting adjourned at 8:23 p.m.

**Respectfully Submitted,  
Holli E. Smith, Recording Secretary  
September 21, 2021**

***Please see minutes of subsequent meetings for approval of these minutes and any corrections hereto.***