

**TOWN OF LEBANON
ZONING BOARD OF APPEALS**
Thursday, November 17, 2011 ~ 7:00 p.m.

SPECIAL MEETING

MINUTES

PRESENT: Jeffrey Walsh, Chairman
Joyce Godere, Vice Chairman
Donald Anderson
Kenyon Gardner
Alicia Wayland
Lawrence Crowley, Alt.

ABSENT: Jerome Walsh, Alt.

ALSO PRESENT: Cheryl Straub, Court Stenographer
Holli Pianka, Recording Secretary

1) Call to Order:

Chairman Walsh called the November 17, 2011, Special Meeting of the Town of Lebanon Zoning Board of Appeals to order at 7:01 p.m. He introduced the Board and then read the public hearing legal notice.

2) Public Hearing for the following:

#ZBA-11-853: Antoinette M. Webster, Esq., Kahan, Kerensky & Capossela, LLP, 22 Professional Park Road, Storrs, CT, 06268, applicant; Joyce LaChappelle, owner, for property at Oliver Road, Map 228, Lot 8, Lebanon, CT, 06249. Variance requested from Zoning Section 6.2a, Nonconforming Lots, to allow for a building lot.
(Continued from 10/20/11)

Chairman Walsh entered the following exhibits into the hearing record:

a) Assessors Map 228, Lot 8; b) Copy of Zoning Regulations effective date April 16, 1962; c) Copy of Zoning Regulations Section 5.2 effective date August 25, 2008; d) Assessor Street Card, Map 228, Lot 8; e) Two-page application with three-page narrative; f) Certificates of mailing dated 10/07/11; g) Property Description; h) Certified mail receipts and return receipt cards (collectively).

Atty. Antoinette Webster, Kahan, Kerensky & Capossela, LLP, was present on behalf of the applicant. Certificates of mailing to abutters were submitted for the file prior to the 10/20/11 meeting and upon the public hearing continuance, certified mailings were sent to abutters (mail receipts and green receipt cards on file). Two additional green receipt cards were submitted for the record and labeled as exhibit (h-1).

Atty. Webster discussed the title history of the property as detailed in the narrative (exhibit 'e'). She stated that prior to the very first zoning regulations enacted in 1962, this parcel (.64 acres) existed as it does today, a separate and independent lot, and has always been taxed as such. A deed was recorded (volume 68, page 349) in 1956, referencing the same property description. Since this lot existed prior to the 1962 zoning regulations, which then required a one acre minimum lot, it was protected as a pre-existing non-conforming lot. The lot was never combined with any adjacent parcel and does currently meet the road frontage requirement. The owner initially did seek zoning compliance for the lot in 1998 and was rejected. At that time, a town attorney opinion stated that the lots were merged because of common ownership, but Atty. Webster's research of the title history found no evidence of common ownership of an adjacent parcel or merging of this lot while owned by Ms. LaChappelle and it is Atty. Webster's opinion that the facts in the letter were not accurate at the time. A variance is requested for the most compatible use in this zone, a building lot, which is also consistent with the surrounding properties and zoning plan. If no alternative use can be attached to this parcel, its value would be significantly decreased and she referenced case law that if the value of a property is decreased, this fact can support a hardship. Chairman Walsh asked for clarification of previous common ownership with this lot and adjacent properties and Atty. Webster responded that although her client Ms. LaChappelle did not have common ownership, the previous owner, Julia Swyden, did have common ownership with the parcel now owned by Mr. Evans. Merger provisions in the regulations became effective in 1997 when Ms. Swyden owned the property.

The following were present in the audience and sworn in:

- Mark Evans, 157 Oliver Road, owns a 50 acre abutting parcel. Feels there is a driveway site line safety issue. Stated at the time he purchased his parcel, his attorney, the town attorney, and Mr. Leibman reassured him that this lot could not be developed.
- Claudia Meder, 131 Oliver Road, concerned about the lot size, well and septic concerns and feels it may affect neighboring property values negatively.
- Ron Ricard, 146 Oliver Road, feels there would be a driveway site line, safety issue.
- William Brewster, 111 Oliver Road, concern of lot size, possible well and septic issues in such close proximity. Feels there is no hardship.
- Doreen Brewster, 111 Oliver Road, well water concerns.

Chairman Walsh read the Record of Decision procedures according to the Connecticut General Statutes.

3) Adjournment:

With no further discussion, Ms. Wayland made a motion to adjourn, Vice Chairman Godere seconded, and the Board unanimously voted to adjourn the public hearing at 7:59 p.m.

Holli E. Pianka, Recording Secretary

November 23, 2011

(Minutes are unapproved as of transcription date.)

Page 2

**TOWN OF LEBANON
ZONING BOARD OF APPEALS**
Thursday, November 17, 2011 ~ 7:00 p.m.

REGULAR MEETING

MINUTES

PRESENT: Jeffrey Walsh, Chairman
Joyce Godere, Vice Chairman
Donald Anderson
Kenyon Gardner
Alicia Wayland
Lawrence Crowley, Alt.

ABSENT: Jerome Walsh, Alt.

ALSO PRESENT: Holli Pianka, Recording Secretary

1) Call to Order:

Chairman Walsh called the November 17, 2011, Regular Meeting of the Town of Lebanon Zoning Board of Appeals to order at 7:59 p.m.

2) Discuss and Act on Public Hearing:

#ZBA-11-853: Antoinette M. Webster, Esq., Kahan, Kerensky & Capossela, LLP, 22 Professional Park Road, Storrs, CT, 06268, applicant; Joyce LaChappelle, owner, for property at Oliver Road, Map 228, Lot 8, Lebanon, CT, 06249. Variance requested from Zoning Section 6.2a, Nonconforming Lots, to allow for a building lot.
(Continued from 10/20/11)

A motion was made by Mr. Gardner to approve application #ZBA-11-853, seconded by Ms. Wayland. Vote: (2) in favor (Gardner, Wayland); (3) opposed (Walsh, Godere, Anderson) Application DENIED.

3) Approval of Minutes of Previous Meetings:

- a) October 20, 2011 ~Special Meeting Minutes
Ms. Wayland made a motion, seconded by Vice Chairman Godere, and the Board unanimously voted to approve the minutes as presented.
- b) October 20, 2011 ~Regular Meeting Minutes
Ms. Wayland made a motion, seconded by Mr. Anderson, and the Board unanimously voted to approve the minutes as presented.

4) Old Business: None.

5) New Business: None.

6) Bills:

a) Murtha Cullina LLP, Invoice #433980, \$472.50 (Tine Appeal)

Ms. Wayland made a motion, Vice Chair Godere seconded, and the Board unanimously voted approval for payment of bills in the amount of \$472.50

7) Correspondence: None.

8) Adjournment:

The Board thanked Mr. Crowley for his 6 years of service to the ZBA. With no further business, Ms. Wayland made a motion to adjourn, Mr. Anderson seconded, and the Board unanimously voted to adjourn the meeting at 8:08 p.m.

Holli E. Pianka, Recording Secretary
November 17, 2011

(Minutes are unapproved as of transcription date.)