

# ***UNAPPROVED AS OF TRANSCRIPTION DATE***

## **TOWN OF LEBANON ZONING BOARD OF APPEALS Thursday, October 15, 2009 7:30 p.m. SPECIAL MEETING**

### **MINUTES**

**PRESENT:** Jeffrey Walsh, Chairman  
Kenyon Gardner  
Joyce Godere  
Alicia Wayland

**ALTERNATES:** Donald Anderson  
Jerome Walsh

**ABSENT:** Michael Okonuk, Vice Chairman  
Lawrence Crowley

**ALSO PRESENT:** Philip Chester, Town Planner  
Holli Pianka, Recording Secretary

#### **1) Call to Order:**

Chairman Walsh called the October 15, 2009, Special Meeting of the Town of Lebanon Zoning Board of Appeals to order at 7:35 p.m. He then read the legal notice and introduced the Board noting that Donald Anderson is seated for Michael Okonuk.

#### **2) Public Hearing for the following:**

**#680** – Ellen and James Macauley, 1004 Exeter Road, Lebanon, CT, 06249, owners, for property at 1004 Exeter Road. Variance from Section 4.2.b(13)b3, to reduce minimum road frontage from 250' required to 212' requested to allow application to PZC for Residential Business Use in RA Zone.

The following exhibits were read into the record:

A) Two-page application; B) Plot plan; C) Abutter's list; D) Assessor's Map 253, Lot 32; E) Assessor's Street Card Map 253, Lot 32; F) Copy of deed; G) Certified mail receipts and return receipt cards (collectively).

Ms. Macauley, owner/applicant, was sworn in and appeared before the Board. She stated that she stores antiques in an existing barn on her property which predates zoning and has been selling the antiques at shows for three years. She would now like to sell the antiques out of the barn and stated she meets all the required criteria except for the minimum road frontage. She said she has spoken to all the abutting neighbors and they have verbally given her their support. The barn is original to the property which was previously subdivided and the house is not. Notes pertaining to the application were submitted by the Town

Planner and read into the record as Exhibit "H" along with an aerial map of the property labeled Exhibit "H-1".

Chairman Walsh read the Record of Decision procedures according to the Connecticut General Statutes and with no further testimony, Ms. Wayland motioned, Ms. Godere seconded, and the Board voted unanimously to close the hearing for application #680.

**#681** – Laurence and Louise Scanlon, 284 Kick Hill Road, Lebanon, CT, 06249, owners, for property at 284 Kick Hill Road, located in an RA Zone. Variance from Section 5.2 Schedule, to reduce minimum road frontage of proposed Lot 1 from 200' required to 50' requested AND to reduce the rear yard setback of proposed Lot 2 from 50' required to 10' requested for the purpose of subdivision, with remaining 94+/- acres to be placed in Farmland Preservation.

The following exhibits were read into the record:

A) Two-page application; B) Plot plan; C) Abutter's list; D) Assessor's Map 220, Lot 19; E) Assessor's Street Card Map 220, Lot 19; F) Certified mail receipts and return receipt cards (collectively). Additionally, the Town Planner's notes regarding application #681 were read into the record and labeled exhibit "H".

Mr. Laurence Scanlon, owner/applicant was sworn in and appeared before the Board.

Regarding the first variance request, Mr. Scanlon stated that without demolishing a perfectly good building, it is impossible to create a lot line which meets the 50' rear setback requirement because of 1) an existing shed on Lot 2 (includes house) and 2) the location of the existing barns on a separate parcel. Regarding the second request, they wish to build a house in back of the property (Lot 1), but meeting the road frontage requirement would take away good agricultural land which the house lot doesn't need. The intent is to sell the remaining development rights to the State of Connecticut. It is the highest point and good buildable soil, but not good for agriculture. The house will not be built in close proximity to the road and there are two possible driveway entrances off of Kick Hill Road for ag. access. Mrs. Scanlon was sworn in and stated that several neighbors that she spoke with were pleased to see the land being preserved and believed that their property values would be enhanced.

There were no others present in the audience to speak in favor of or object to the application. Ms. Wayland moved, Mr. Gardner seconded, to close the hearing for application #681.

### **3) Adjournment:**

With no further business, Ms. Wayland motioned, Ms. Godere seconded, and the board unanimously voted to adjourn at 8:00 p.m.

Holli E. Pianka, Recording Secretary  
October 21, 2009

***UNAPPROVED AS OF TRANSCRIPTION DATE***

**TOWN OF LEBANON  
ZONING BOARD OF APPEALS  
Thursday, October 15, 2009, 7:30 p.m.  
REGULAR MEETING**

**MINUTES**

PRESENT: Jeffrey Walsh, Chairman  
Kenyon Gardner  
Joyce Godere  
Alicia Wayland

Alternates: Donald Anderson  
Jerome Walsh

ABSENT: Michael Okonuk, Vice Chairman  
Lawrence Crowley

ALSO PRESENT: Philip Chester, Town Planner  
Holli Pianka, Recording Secretary

**1) Call to Order:**

Chairman Walsh called the October 15, 2009, 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:**

**#680** – Ellen and James Macauley, 1004 Exeter Road, Lebanon, CT, 06249, owners, for property at 1004 Exeter Road. Variance from Section 4.2.b(13)b3, to reduce minimum road frontage from 250' required to 212' requested to allow application to PZC for Residential Business Use in RA Zone.

Ms. Godere motioned, Mr. Anderson seconded, and the Board unanimously voted to approve application #680.

**#681** – Laurence and Louise Scanlon, 284 Kick Hill Road, Lebanon, CT, 06249, owners, for property at 284 Kick Hill Road, located in an RA Zone. Variance from Section 5.2 Schedule, to reduce minimum road frontage of proposed Lot 1 from 200' required to 50' requested AND to reduce the rear yard setback of proposed Lot 2 from 50' required to 10' requested for the purpose of subdivision, with remaining 94+/- acres to be placed in Farmland Preservation.

Ms. Wayland motioned, Ms. Godere seconded, and **the Board voted unanimously to approve application #681, as to Lot 1, with the following conditions:**

Provided the remaining 94+/- acres be placed in Farmland Preservation excluding Lot 2, consistent with the map submitted with the application.

Ms. Wayland motioned, Ms. Godere seconded and **the Board voted unanimously to approve application #681, as to Lot 2, with the following conditions:**

That the remaining lot substantially conforms to the map submitted with the application.

**3) Approval of Minutes of Previous Meetings:**

- a) August 20, 2009 Special Meeting Minutes. Ms. Wayland motioned, Mr. Anderson seconded and the board unanimously voted to approve the minutes as presented.
- b) August 20, 2009 Regular Meeting Minutes. Ms. Wayland motioned, Ms. Godere seconded, and the board unanimously voted to approve the minutes as presented.

**4) Old Business:** None this evening.

**5) New Business:** None this evening.

**6) Bills:**

- a) Murtha Cullina LLP, Invoice #389976                      \$1,631.09      (Tine appeal)

Ms. Wayland motioned, Mr. Anderson seconded, and the board unanimously voted approval for payment.

After discussion, a motion was made by Ms. Wayland, seconded by Mr. Anderson that Ms. Pianka be given authorization to approve payment for all obligations included in the ZBA budget. Vote: Approved unanimously.

**7) Correspondence:**

- a) The CFPZA Summer 2009 Newsletter placed on file.
- b) Chairman Walsh motioned, Ms. Wayland seconded, to add approval of the 2010 ZBA meeting dates. Approved unanimously.

Ms. Godere motioned, Ms. Wayland seconded, to accept the 2010 ZBA calendar of meeting dates noting the 7:00 time change. This will be filed with the Town Clerk.

- c) Note from Jean Gilbert thanking ZBA for the flower arrangement.

**8) Adjournment:**

With no further business, Ms. Wayland motioned, Ms. Godere seconded, and the Board unanimously voted to adjourn at 8:24 p.m.

Holli E. Pianka, Recording Secretary  
October 21, 2009

**Town of Lebanon  
Zoning Board of Appeals**

**LEGAL NOTICE**

The Town of Lebanon Zoning Board of Appeals held public hearings on Thursday, October 15, 2009, for the following with decisions rendered as indicated:

**#680** – Ellen and James Macauley, 1004 Exeter Road, Lebanon, CT, 06249, owners, for property at 1004 Exeter Road. Variance from Section 4.2.b(13)b3, to reduce minimum road frontage from 250' required to 212' requested to allow application to PZC for Residential Business Use in RA Zone. **APPROVED.**

**#681** – Laurence and Louise Scanlon, 284 Kick Hill Road, Lebanon, CT, 06249, owners, for property at 284 Kick Hill Road, located in an RA Zone. Variance from Section 5.2 Schedule, to reduce minimum road frontage of proposed Lot 1 from 200' required to 50' requested AND to reduce the rear yard setback of proposed Lot 2 from 50' required to 10' requested for the purpose of subdivision, with remaining 94+/- acres to be placed in Farmland Preservation. **APPROVED with conditions.**

Dated at Lebanon, CT  
this 16<sup>th</sup> day of October 2009.

Holli E. Pianka  
Recording Secretary