

Town of Lebanon
PLANNING AND ZONING COMMISSION
Regular Meeting
June 17, 2019, 7:00 p.m.
Lebanon Town Hall, 579 Exeter Road

Members Present: Chair James Jahoda, Secretary Kathleen Smith, Keith LaPorte, Wayne Budney, Robin Chesmer, Francis Malozzi, Tom Meyer, Thomas J. Benoit (Alt.), Ethan Stearns (Alt.), and (Allyn Miller (Alt.))

Others Present: Town Planner Philip Chester, Highway Foreman Jay Tuttle, Lions Club President Melissa Hofmann, Lions Club member Steve Salisbury, Attorney Mitchell Proner of Proner & Proner Attorneys at Law, David Vertefeuille, Mark Demuro, and Recording Secretary Linda McDonald

I. **CALL TO ORDER:** The meeting was called to order at 7:00 p.m. by J. Jahoda.

II. **NEW BUSINESS:** No new business.

III. **OLD BUSINESS:**

- a. Lebanon Lions Club (owner), David Vertefeuille (applicant), 122 Mack Road, Assessors map 236, lot 57 for request for Temporary Use Permit for July 5-7, 2019 Murdercycle event per Zoning Regulation Section 7.1:

W. Budney and A. Miller recused themselves from discussion on this application and left the meeting table. E. Stearns was appointed as a voting member.

Attorney Mitchell Proner, representing the applicant, stated he listened to the tape of the previous Commission meeting and took issue with some of the Resident State Trooper's comments. He noted this event has been held in Lebanon for five years without an issue.

E. Stearns noted that past events have required police presence.

D. Vertefeuille stated has no issue with police presence; that there would be no alcohol sales; the band will play until 10:00 p.m. Saturday night; and he expects approximately 20 to 30 overnight campers. He stated there are four motorized bike racing events planned plus a Thunderdome race.

P. Chester asked the applicant what he is proposing for medical, fire, and police services at the event as required for Motor Vehicle Racing under CT General Statute CGS 14-164a. and noted that the town's police, ambulance, and fire department would be tied up at the July 6th Summerfest Dance event.

D. Vertefeuille stated that he was willing to pay for police presence.

P. Chester noted that Zoning Sec. 4.1.1.13 prohibits commercial outdoor racing of motorized vehicles. Discussion followed on the definition and interpretation of "commercial" in the regulation.

D. Vertefeuille stated this is the last year the event would be held in Lebanon.

T. Meyer expressed concern with safety of the public, in general, specifically knowing there will be a mixture of alcohol and motor vehicles at the event. He said he sees this as a public safety issue and the perception is this is not a family event.

R. Chesmer said he has respect for the Lions Club and the Resident State Trooper, and noted that other permitted events have been required to have a police presence. He feels the application should have come before the Commission before the Lions Club gave the applicant permission to be on the property.

K. Smith MOVED to approve PZ-19-7948: Lebanon Lions Club (owner), David Vertefeuille (applicant), 122 Mack Road, Assessors map 236, lot 57 for request for Temporary Use Permit for July 5-7, 2019 Murdercycle event per Zoning Regulation Section 7.1 with the following conditions necessary to safeguard the character of the neighborhood and fulfill the intent of the Zoning Regulations:

1. Hours of operation when the public may visit the Lions Club Fairgrounds shall be limited to 10:00 a.m. to 11:00 p.m. Saturday, July 6, 2019;
2. Individual food and health vending and building applications shall be submitted and approved by the Fire Marshal, Building Official, and Uncas Health District as applicable prior to July 6, 2019;
3. Noise heard beyond the property boundary shall be prohibited, except during the hours of 10:00 a.m. to 10:00 p.m., Saturday, July 6, 2019 when noise levels shall comply with CT DEEP noise standards with regard to maximum decibel output of 55 DBA daytime/45 DBA night time measured at least one foot beyond the property line of the property on which the emitter is located. For purposes of this condition, uses are considered to be a commercial sound emitter and the receptor is considered to be a residential receptor;
4. Emergency service needs for crimes alleged or otherwise July 5-7, 2019 shall be immediately reported to the Connecticut State Police at 911;
5. No fires shall be permitted without the approval of the Fire Marshal;
6. The use of fireworks shall be prohibited;
7. A member of the Lions Club shall be onsite during the duration of this permit when the property is open to the public and shall report any non-compliance issue to this office; and
8. Because the Town cannot provide police, fire, or ambulance services, the applicant or property owner shall hire two (2) Connecticut State Police Troopers who shall be onsite Saturday, July 6, 2019 from 5:00 p.m. to 11:00 p.m. and the request for State Police coverage shall be made no later than June 21, 2019 via State Police Overtime Unit, 111 Country Club Road, Middletown, CT 860-685-8420 and provide the Planning and Zoning Commission with evidence of such no later than June 28, 2019.

E. Stearns SECONDED.

Discussion followed on the state statute and local zoning regulation prohibiting commercial outdoor motorized vehicle racing, liability, and safety issues.

MOTION CARRIED 5:2:0 with F. Malozzi and T. Meyer opposed. W. Budney was re-seated.

IV. PRE-APPLICATION DISCUSSION

- a. Mark Demuro regarding potential use of 95 West Town Street, Assessors map 235, lot 6, per CGS Section 7-159b.
- b. Replacement of existing 10' x 12' (sign-storage) shed with 12' x 24' shed and existing 26' x 26' plastic-covered salt-storage hoop house with 65' x 80' fabric-covered structure at DPW, 937 Trumbull Highway, Assessors map 246, lot 47.

V. EXECUTIVE SESSION:

- a. Enforcement Action, Mitlitsky Eggs LLC, 74 Card Street:

F. Malozzi MOVED to go into Executive Session with the Town Planner at 9:23 p.m. W. Budney SECONDED. MOTION CARRIED 7:0:0.

Members exited Executive Session at 9:28 p.m. with no action taken.

VI. MINUTES

- a. Approval of May 28, 2019 Special Meeting Minutes: F. Malozzi MOVED to approve the meeting minutes as presented. K. Smith SECONDED. MOTION CARRIED 7:0:0.

VII. TOWN PLANNER'S REPORT

VIII. 2020 PLAN OF CONSERVATION AND DEVELOPMENT (POCD)

- a. Establishment of Economic Development Subcommittee:

Tom Meyer MOVED to appoint the Economic Development Commission as the POCD Economic Development Subcommittee charged with recommending to the PZC goals, policies, and recommendations for the 2020 POCD relative to economic development by January 2020. W. Budney SECONDED. MOTION CARRIED 7:0:0.

- b. Open Space Subcommittee Update
- c. Natural Resources Subcommittee Update
- d. Review of 2010 POCD Recommendations

IX. CORRESPONDENCE

- X. **ADJOURNMENT:** K. Smith MOVED to adjourn the meeting at 9:25 p.m. T. Meyer SECONDED. MOTION CARRIED 7:0:0.

Respectfully submitted by Linda H. McDonald

Linda H. McDonald

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