

# Area News

## Year-round lake area residency hot topic Wed. at Lebanon PZC

LEBANON — There was standing room only as about 90 people jammed the Town Hall meeting room for Wednesday's session of the Planning and Zoning Commission.

Acting Chairman Harold Liebman opened the meeting by stating that a few items of regular business would be disposed of before hearing from the audience which was there concerning year-round residency in the lake areas of town.

The owner of a cottage at Lake Williams damaged by fire some months ago has been notified by letter that the remaining walls must be demolished, according to Zoning Agent Carroll Dunham.

Mr. and Mrs. Vincent Gurreri of Mahwah, N.J., inquired if it would be permissible to have a riding stable and board horses on a nine acre plot they intend to purchase at Leonard's Bridge Estates, Tobacco Street. (Part of the former Chesko property). They were referred to the section of the local zoning regulations which permits such use in rural-agriculture zones.

It was reported that Xerox copies of the assessors' cards have been made of all existing buildings in the three-lake regions. Additional pertinent information will now be added to these so the PZC can have a complete inventory.

The meeting was then opened to anyone who wished to be heard and William Nauss of Ryan Terrace, Amston Lake, spoke first. He noted he was the recipient of one of the letters notifying residents who built on seasonal permits that they were in violation of local zoning regulations if the premises are occupied year round.

Nauss presented a sketch of his property, showing he has acquired additional lots and now owns more than an acre, as is required under the regulations.

He reported that his house meets permanent standards, including central heat. However, he has only 75 ft. frontage on an approved road, and was told by the commission this constitutes a

violation. It was suggested that he request a hearing before the Zoning Board of Appeals, present the facts, and ask for a variance, since it is within their jurisdiction to rule on cases such as his.

Mrs. Mary Anderson presented a letter from the Lake Williams Beach Association, setting forth five specific points.

**Liebman Replies**  
Liebman replied item by item, noting he was not a lawyer, but would state his opinion, based on his understanding of zoning laws. The first referred to the "acceptance" of the map filed by the lake developers several years ago. Liebman reminded the gathering that there was no zoning in town at that time, therefore, the map was neither "accepted or rejected" it was merely filed with the town clerk, and has no legal bearing. He pointed out that even when subdivision maps are accepted and approved by the zoning board, they are "only good for five years." In the event the town revises its regulations, a new map must be drawn to comply, following the five year grace period.

The second statement noted that zoning has not been properly enforced. The acting chairman stated that he would be the first to admit "we're short of perfection, but two wrongs

don't make a right." He pointed out that even traffic laws aren't always enforced, and said the PZC was carrying out its duties to the "best of our abilities."

The next items stated there should be a differential in taxes between seasonal and year round places. Liebman commented that this was a question to be resolved by the assessors and not the PZC.

In the opinion of the Lake Williams association, the present regulations constitute spot zoning, to which Liebman replied that the whole question has been thoroughly explored and discussed with town attorney and it was felt the town has no alternative under local conditions.

### Retirement Property

Mrs. Anderson pointed out that some people bought property 15 years ago, intending to use it for retirement homes, and PZC rulings are a hardship, "not fair."

Liebman stated commission members are in sympathy, "as individuals," but the reason for the basic regulations of one acre lots is because "this is a country town and in many places we have drainage problems." He said this has been borne out many times by soil tests and without a sewage disposal system; other than the present septic tanks, "we could be in the same position as Coventry."

He remarked everyone recognizes the lake areas are desirable vacation spots, and as such it is not feasible to require full acre lots, so the same thing was done here as in many other towns, specifications were lowered for seasonal use.

Houses that were occupied year round before the adoption of zoning have established a non-conforming use and must be permitted to continue. But to permit year round occupancy of all the places could and probably would create a pollution and contamination problem, of the lakes, Liebman pointed out, adding, that even if it imposes some individual hardships, it is necessary to consider the whole picture and the good of all.

### Hardship Cases

The final statement concerned hardship cases, and the audience was reminded that this is why the statutes provide for a Zoning Board of Appeals and all rulings by the PZC may be reviewed by the appeals board. It is at their discretion that variances are granted.

Peter Buscemi, an attorney from New Britain, asked to address the commission, noting he had been retained by some of the Lake Williams property owners. Stating that he understood zoning was adopted as a "reaction to outside influence," a developer wished to build on less than quarter-acre lots, the lawyer said "the issue tonight is different, these are not outsiders...."

He admitted the town has a valid concern about pollution, but rather than limit occupancy, should investigate newer, and better septic systems in the lake regions. He said the people have invested considerable sums of money and that the PZC set up the regulations and also has the power to modify them. In his opinion they should be flexible enough to meet the needs of the community.

The attorney urged that the channels of communication be kept open, that litigation be avoided, that all avenues be fully



examined, and "there must be a better way to handle this...." He said it is essentially a discussion of neighbors and he hopes an effort will be made to "keep the dialogue going."

As others stated their intentions to live in their places at the lakes, Liebman remarked it becomes a legal question. Again Buscemi urged the issue be solved "town hall fashion" - obviate need for attorneys... prevent friction and hard feelings

Liebman explained the procedure to be followed, recommending that everyone who received a letter from the

PZC concerning violation, apply for a hearing with the Board of Appeals. He said that body could deal with the cases, either collectively or individually.

He also urged everyone involved to write a letter to the PZC stating application had been made to the ZBA and then no further action will be taken by the PZC, pending the results of ZBA hearings. Such letters must be received by the zoning board, according to Liebman, to assure no additional action at this time.

The acting chairman stressed that regulations have to stand, the commission's hands are tied, but it is felt the zoning laws are reasonable.

A meeting of the Lake Williams Beach Association Board of Directors was held on the 5th of April 1971 at the home of the Vice-President, Donald Shepard, Lake Williams Drive, Lebanon, Conn. The meeting was called to order at 7:35 P.M. Members present were:

President : Paul Intagliata  
Vice-President: Donald Shepard  
Treasurer: Frank Adamcewicz  
Secretary: Mary Anderson  
Milton Krom: Tax Collector  
Berncye Brennan: Board of Directors

Absent were:

Joe Pellecchia  
Walt McConnell  
Jim Morarity

Board Members

This meeting began with the President announcing that he had received a couple calls from residents on the Lake in regard to the matter of people on the Lake getting letters that they are supposedly living in violation of zoning, due to the fact that they are residing in their homes on a year round basis. These people requested the Beach Association back them and any other people who are in violation in this situation, on Zoning Laws.

Milton Krom and Mary Anderson spoke on what the letters presently being circulated state. Mr. Krom said he felt it was not an individual fight but that of the Beach Association as nearly everyone on the Lake is or will be affected in some way.

Berncye Brennan stated that she did not feel it was the fight of the Association but rather that of the Individual (although she is in sympathy with all individuals involved and would personally assist anyone in the raising of funds privately etc.) She then asked Mr. Krom to state his reasons why he felt it was the fight of the Association!

A lengthy discussion followed during which Donald Shepard asked for clarification on what we are being asked to do? For instance shall we attend the upcoming Zoning Board Meeting and request to have these people who are living year round O.K.ed or shall we have things frozen as they are. Just what is the question at hand?

Paul Intagliata stated he thought it was going to be a legal fight. There is a stipulation as to what the town can do legally. He then read a letter sighting section 4.3 and Section 2.2 on Summer occupancy zoning regulations.

The issue then brought before the Board was "What will we do to back these people who got letters?" And the following Avenues were opened to pursue:

- I Financially to the tune of \$200 appropriated for the Boards use (on their discretion)
- II A petition to be signed
- III A letter to be sent to show we will back these people in force/

Berncye Brennan wished to go on record in opposition to financial support, giving the following reasons:

- I. "I don't think you can use association money for private purposes"

II. "I don't want to start a presitent so that when someone else has a legal case they don't come to the Association for financial supposrt"

III. "It would better serve the cause of the Association and all party's involved in the issue if private funds were used instead of Association funds."

The Financial Avenue of persute was voted on by members and it was an UNAMOUS "NO".

The enclosed copy of a letter was than drawn up to be sent to the Planning and Zoning Board of the town of Lebanon. Also a petition is to be drawn up for signatures.

It was decided to get as many members as possible to attend the Town Zoning Meeting coming up on April 14, to back the issue. Mary Anderson made a motion that post cards be sent out to all Association members requesting their presence at the meeting. It carried with a vote of 4 in favor.....1 opposed.....1 abstain- ing.

This was to be printed on all notices going out.

"The Lebanon Zoning Board will meet on April 14, 1971 at 8P.M. at the Town Hall. This meeting will discuass among other items, certain alleged zoning violations on Lake Properties. This meeting may very well affect you. We urge you to attend.

Very truly yours,  
Lake Williams Beach Association  
Board of Directors.

The meeting was adjourned at 9: 35 P.M.

Lake Williams Beach Association  
Lake Williams  
Lebanon, Connecticut 06249  
April 7, 1971

Lebanon Planning and Zoning Commission  
Lebanon Town Hall  
Route 207  
Lebanon, Connecticut 06249

Gentlemen:

The members of the Lake Williams Beach Association Board of Directors have been made aware of a situation involving certain residents who live in the Lake Williams area. The people to whom we refer have received letters from the Acting Secretary of the Zoning Board informing them that they are in violation of the town zoning ordinances.

We request the Zoning Board's justification for this action in view of the following:

1. The Town of Lebanon accepted the subdivision of the Sun Valley Beach Incorporation as approved building lots without mention as to seasonal or year round usage.
2. Zoning since its passage has not been properly regulated.
3. If there is to be a differentiation between year round and seasonal occupancy, there should be a corresponding differential in the tax assessment.
4. The Zoning Board's action constitutes spot zoning, which we are sure the Zoning Board does not consciously wish to do.
5. Enforcement of this regulation would impose extreme hardship on all parties involved.

We respectfully request that the town reconsider such action and explore all other alternatives before taking such extreme measures.

Very truly yours,

Board of Directors  
Lake Williams Beach Association

*Paul R. Intagliata, President*

*Shary Anderson-  
Secretary*

**A SPECIAL MEETING OF THE LAKKEW WILLIAMS BEACH ASSOCIATION**  
meet on the matter of Zoning Violations, on May 2, 1971 at the  
Acre with President Paul Intagliata, presiding. Over 29 Voting  
members were present at the meeting, which was called to order  
at 2:15 P.M.

Among voting members present were:

Mr. & Mrs. Andrew Gobin  
Mr. & Mrs. Johnson  
Mr. & Mrs. Raymond Miller  
Mr. & Mrs. Hammar  
Mr. & Mrs. Gruillea  
Mr. & Mrs. Milton Krom  
Mr. & Mrs. Jeffrey Anderson  
Mr. & Mrs. John Schriener  
Mr. Edward Dunleavy  
Mr. & Mrs. Darling  
Mr. & Mrs. Pellecchia  
Mr. & Mrs. Steinhiller  
Mr. & Mrs. Raymond Mahoney  
Mr. & Mrs. Flynn  
Mr. Francis Adamcewicz  
Mr. & Mrs. Edward Martin  
Mr. & Mrs Godeck  
Mr. & Mrs. Donald Shepard  
Mr. Intagliata  
Mr. Burns  
Mr. Berube  
Mr. Lane  
Mr. & Mrs. Farmer  
Mr. & Mrs. Gomoash  
Mr. & Mrs. Lucas  
Mr. Winner  
Mr. & Mrs. Peterson  
Mr. & Mrs. Swallow  
Mr. & Mrs. Robert Bauwens

The minutes of the previous meeting were read and accepted  
after which Mr. Gruillea made a motion that our regular meeting  
be post-poned till its usual date in June. Said motion was seconded  
by Mr. Burns and the motion carried.

Mr. Raymond Mahoney began the discussion by saying he had been  
to the town hall in reference to Zoning and learned the town is  
going to send him and other members of the Association letters.  
Present Zoning states: Any residence on the Lake not occupied on a  
year round basis prior to the date Zoning officially came into  
effect, which was sometime in June of 1962 is classified as a  
Summer residence and therefore cannot be lived in year round. This  
would mean 95% of the people down here are living in violation. A  
lengthy discussion ensued and Mr. Mahoney made a motion the Association  
hire the Lawyer, Mr. Peter P. Busecni, from the firm of  
Diloreto, Karanian, & Hagearty, 66 Franklin Square, New Britain,  
Conn. to represent ALL ASSOCIATION MEMBERS, which was seconded by  
Mrs. Edward Martin. Donald Shepard stated that a meeting at Red  
Cedar Lake had been attended and they are willing to back such a  
matter and had appropriated 1/3 of the legal fees or up to \$100 at

Present. Mr. Gobin said it was his understanding that Red Cedar Lake was developed after zoning went into effect. Mr. & Mrs. Del Monte (who presently reside at Red Cedar Lake) stepped forward and said this is not so. To their knowledge it was mapped out shortly after Lake Williams and prior to Zoning, and they believe they are also Incorporated.

Mary Anderson, spoke out on Association records written on May 9, 1962 by Mary Joe Hathaway, than Secretary. These records concern Zoning. On the date 3 members on our Board of Directors meet with town zoning Board. The town at that time stated that Town Zoning supercedes but our zoning is also still in force. In these records it also ~~still-is~~ states "For permanent buildings, must be on one acre lots if land is 500 feet from waters edge, otherwise can still be built on one lot.

Milton Krom stated that he was in contact with the lawyer and he feels that we should not go to the Zoning Board of Appeals but our best bet is to go to the planning and Zoning Board and change zoning in the Lake Area's.

Mr. Mahoney than made a motion that the Association pay any attorney fees to change zoning. Mr. Gobin brought out that a stipulation should be put on the amount that should be spent as it is not good to put an open end in such matters, as no one goes around giving out blank checks. The present people were in full agreement.

Diane Shepard moved to amend Mr. Mahonys motion and have this motion put in its place. "The Lake Williams Beach Association use the present lawyer on the case, Mr. Peter Buscemi, but use no more than the money there is in the treasury at present.

Mr. Gobin asked for a definite stipulation as to the amount being used and made the final addition to the motion. Instead of leaving an open end he suggested a \$1,000 sealing by our Association for legal fees subject to a committee of three, to be appointed by the President. Mr. Krom seconded the motion, and it was voted on and passed with a Unanimous Vote.

Mr. Gobin nominated Paul Intagliat to be Chairman of the Committee of three, seconded by Mary Anderson. So moved.

Mary Anderson said she had recieved a phone call from Mr. John Wilcox the previous day, and he stated that Mr. Woodward had been hired to represent the Association in legal matters years back. To her knowledge nothing could be found on this in the records in behalf of the Association. She asked if some of the older members of the Association, could remember such a transaction. MR. GOBIN SPOKE OUT AND SAID THIS IS NOT SO. ALTHOUGH MR. WOODWARD HAD BEEN CONTACTED A FEW TIMES TO CLARIFY MATTERS HE WAS NEVER HIRED TO REPRESENT THE ASSOCIATION FULLY. Other members were in full agreement.

A petition was circulated in the group and is presently being circulated around town for signatures. Mr. Intagliata announced there is going to be a Planning and Zoning Board meeting on the 12th of May at 8P.M. at the Town Hall. All members are asked to

please be present for backing of our lawyer's petition when he puts the case before the Zoning Board. Post cards will be sent out to all members of the Association as a reminder by the Secretary.

The meeting was adjourned at around 4 P.M.

Respectfully,

*Mary Anderson*

Mary Anderson

Secretary

Lake Williams Beach Association Inc.

LAKE WILLIAMS BEACH ASSOCIATION MEMORANDUM TO THE TOWN OF  
LEBANON ZONING BOARD

1. The purpose of zoning is to protect the interests of the residents of the Town zoned.

2. If significant numbers of Town residents feel that their rights and interests could best be served by a modification of either the letter or spirit of the Zoning Regulations consideration should be given to the problem by either the Zoning Board or the Zoning Board of Appeals.

3. As of the present date a large number of residents of the Town of Lebanon have signed a petition addressed to the Town Zoning Board indicating their desire to see a change in the present Zoning Regulation dealing with the seasonal occupancy of the Lake area in the Town of Lebanon.

4. The Town of Lebanon Zoning Board has expressed the fear that if the present Zoning Law dealing with the areas in question a situation similar to the one which necessitated institution of zoning in the Town in 1962 would arise again.

5. One possible solution to the present impasse that would protect the integrity of the Zoning Regulations and at the same time give relief to the present Lake District lot owners would be the granting of an exception to the present land owner of the Lake District.

6. The Zoning and Planning Commission of the Town of Lebanon would be empowered to incorporate the exception into the present zoning regulations. The Lebanon Zoning Board of Appeals could then examine each individual case to see whether it would qualify under the exception.

7. The proposed exception to Section 4.3 of the Zoning Regulations could read as follows:

"In the Lake District Zone of the Town of Lebanon individual land owners not owning more than 2 contiguous lots may be given a special exception for year round residency and occupancy of their property if the Town of Lebanon Zoning Board of Appeals is presented with adequate evidence of the existence of suitable septic tank and water systems which will not affect the ecology of the Lake District Zone. Petitions to the Zoning Board of Appeals must be made before \_\_\_\_\_ 197 ."

8. Periodic analysis of the water in the Lake District Zone would insure that no damage was being done to the lakes in the District.

9. The Lake Williams Beach Association members feel that relief in the form of an exception to the Zoning Regulations which is limited by the number of lots that may fall within the exception



coupled with adequate safeguards and a certain time frame in which individual appeals to the Zoning Board of Appeals may be made will accomplish the two-fold purpose of protecting the integrity and spirit of the present Zoning Regulations and allow present land owners and their successors in title to occupy their land on a year round basis.

#### DIFFERENCE BETWEEN VARIANCE AND EXCEPTION

1. VARIANCE - Permission by the Zoning Board of Appeals in cases of hardship that a specific individual may do something in violation of existing Zoning Laws.

#### PROBLEMS

1. Hardship must be shown - The finding of hardship of the Zoning Board of Appeals is reviewable by the Connecticut Court System on the application of an individual.

2. Therefore, if "x" is granted a variance by the Zoning Board ~~by~~ a neighbor who does not like him may appeal the case.

RESULT - Litigation and community ill will.

2. EXCEPTION - 1. Does not require a showing of hardship. The exception would be attached to the present Zoning Regulations by the Zoning Board. The exception would apply to a class of individual who seek a modification of an existing rule.

2. If a modification or exception is created individual members of the excepted class could then individually petition the Zoning Board of Appeals for a determination that they comply with the terms of the exception.

RESULT - The spirit of the Zoning Laws is maintained, i.e. - fostering of community interest and effective land use planning coupled with relief to a certain restricted class of individuals who comply with the safeguards set out in the exception.

CIRCULATED BY THE MEMBERS OF THE LAKE WILLIAMS BEACH ASSOCIATION

P E T I T I O N

TO THE ZONING COMMISSION FOR THE TOWN OF LEBANON:

WHEREAS, for a number of years the town of Lebanon had no zoning regulations; and

WHEREAS, the present zoning regulations were adopted as a reaction to a particular problem that bears no relationship to the present situation; and

WHEREAS, a number of towns in the state of Connecticut had had 1/4 acre zoning for a number of years and this lot size is not in itself inadequate; and

WHEREAS, zoning regulations were not intended to be inflexible and immutable, but were designed to the changing needs and desires of the community; and

WHEREAS, the Zoning Commission for the town of Lebanon has the power to amend the present existing zoning regulations,

NOW THEREFORE, the following named citizens and taxpayers of the town of Lebanon join with members of the Lake Williams Beach Association in a petition to the Zoning Commission to take action to allow the present landowners of the Lake Williams area the same freedom enjoyed by other taxpayers of the community, that is, the freedom to occupy and enjoy the land they bought and paid for on a year round basis:

signed by 94 residents

5/15/71

**Lake Zoning Change Sought**  
*The Hartford Courant* (1923-1987); May 15, 1971;  
ProQuest Historical Newspapers: Hartford Courant (1764-1987)  
pg. 18B

**Lebanon**

# Lake Zoning Change Sought

LEBANON — A proposal that a category of "limited exceptions" be added to zoning regulations has been made by Peter Buscemi, representing members of the Lake Williams Beach Association, to the Planning and Zoning Commission (PZC).

Lake residents who are now violating zoning laws by occupying seasonal dwellings year-round would no longer be in violation if Buscemi's proposal were adopted.

Buscemi said at Wednesday night's PZC meeting that only exception to the zoning regulations allowed now is a variance granted in cases of individual hardship by the Zoning Board of Appeals.

He said the term "hardship" is difficult to define and that decisions in such cases can be appealed.

If a category of "limited exceptions" were added to the zoning ordinances, the board of appeals would determine if an applicant were eligible for this category.

Buscemi also suggested the category be limited as to the time in which people could apply for an acceptance. Determination would also be made that no sanitary laws were being violated.

Petitions signed by about 200 persons supporting Buscemi's proposal were presented to the PZC by Mrs. Mary Anderson, secretary of the Lake Williams Beach Association. More than 100 residents of the three towns bordering the lake attended the meeting.

Buscemi said that if a significant number of people would benefit from a zoning change, a change should be considered.

Buscemi described his proposal as "the best possible solution to all involved. It would eliminate the need for litigation, which is both costly and make for neighborhood ill-will." He said present zoning regulations result in "people being denied the use of their house and land which they paid for."

Harold Liebman, acting PZC chairman, told Buscemi the commission will consult with Lake, because the establishment of non-conforming use in an about his "constructive proposal." He said state sanitarian John Petrofsky was granted permission for a proposed subdivision at one 20-acre lot on Goshen Hill and York roads.

Liebman explained the zoning regulations requiring one acre lots for year-round dwellings were adopted to avoid pollution of the town's lakes and soils because the town has no central sewage or water systems.

William Gravalec, a Red Bank Lake property owner, said, "I am more concerned about my lake than you are. I own a part of it." He said the lake residents should be able to "enjoy our lovely town as much as other taxpayers."

In other business at the meeting, the commission decided to authorize Zoning Officer Carroll Dunham to send permanent certificates of occupancy to Mrs. Theodore Bailey of Amston Lake, because the establishment of non-conforming use in both cases was proved.

The commission told Paul Garthwait it could not consider his proposed subdivision on Clubhouse Road near Tobacco Street until he presented more detailed maps and a letter from the town health officer and state sanitarian.

The Lebanon Acres Civic Association will sponsor a yard sale today at 173 Rita Drive from 9 a.m. to 7 p.m. All proceeds will be donated to the Eastern Connecticut Drug Action program, an area program based in Willimantic.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.