

March 25, 2014

Call to order: The monthly meeting of the Sterling Planning and Zoning Commission was called to order at 7:39 p.m.

Roll was called: Dana Morrow-present, Frank Bood-present, Ross Farrugia-present, Chris Turner absent, Cindy Donall-present, and Alternate Paul Ezzell-absent

There are still two alternate vacancies on the Commission.

Staff present-Jamie Rabbitt, and Joyce Gustavson.

Audience of Citizens: None

Approval of Minutes: C. Donall made a motion, seconded by F. Bood, to approve the meeting minutes of 2/25/2014 as written and presented. All voted in favor of the motion.

Correspondence: J. Rabbitt acknowledged receipt of a letter dated 3/25/2014 from Stephen Offler, Chairman of the Zoning Board of Appeals (ZBA) asking the Commission to consider an increase in the Zoning Board of Appeals application fee from \$310 to \$600 (\$540 application fee and \$60 State fee). J. Rabbitt suggested to add to next month's agenda and to refer ZBA's request to the Board-of Selectmen for their guidance on Land Use Fees. J. Rabbitt stated that three (3) legal notices are published for every application; two (2) for the hearing, one (1) for the decision. The cost of each notice is between \$100 and \$240, depending on the nature of the notice. F. Bood made a motion, seconded by D. Morrow to refer the Zoning Board of Appeals letter to the Selectmen for guidance. All voted in favor of the motion.

Unfinished Business:

a. **Referral of Excavation Ordinance Revisions:** Attorney Zizka is reviewing the Excavation Ordinance. Table to the next meeting.

b. **Meeting Procedures:** D. Morrow would like to discuss Farm Use, but first he would like to review the Rights of the Commission to do a walk through on property.

J. Rabbitt asked if it would be easier to do all Commission business first and move Meeting Procedures to the end of the meeting. D. Morrow made a motion, seconded by F. Bood to move Unfinished Business, Item b. to the end of the meeting. All voted in favor of the motion.

New Business:

- a. Two-Lot Subdivision Application by Timberwolf Enterprises, LLC, for 352 Main Street:** No one was at the meeting to present the application. J. Rabbitt explained that the Commission has an application before them on behalf of Timberwolf Enterprises, LLC for property located at 352 Main Street and this application was subject to some litigation with the Inland Wetlands Commission regarding the impact of a proposed bridge and culvert crossings. The Planning and Zoning Regulations states that every subdivision coming before the Commission or any lot being created needs frontage on a Town road. The Inland Wetlands & Watercourses Commission approved Timberwolf's application for a dual crossing for the property located at 352 Main Street at their 11/21/2013 meeting. J. Rabbitt stated that the Commission has an application before them where Timberwolf Enterprises, LLC feels they have met the frontage requirement with the understanding that if Planning and Zoning approves this application, they may still build a common driveway utilizing one of the two crossings that were approved. The Commission has options, as two (2) sets of plans were submitted tonight; one (1) set of plans shows two (2) driveways and the other set of plans show one (1) driveway.
- D. Morrow made a motion, seconded by F. Bood to accept the application as PZS-2014-01 and to refer it to staff for review. All voted in favor of the motion.

Any Other Business:

- a. 8-24 Referral on the Potential Sale of Lot 6 in the Sterling Industrial Park:** J. Rabbitt explained that Mike Sangermono, owner of Magnum Racing Products is proposing to build a 10,000-12,000 sq. ft. facility with the intention of doubling the size of the facility within five (5) years. Magnum Racing Products manufactures after-market car parts. F. Bood made a motion, seconded by C. Donall that the sale of Lot 6 to Magnum Racing Products is consistent with the Town's Plan of Conservation and Development. All voted in favor of the motion.

Unfinished Business- Continued:

- b. Meeting Procedures:** J. Rabbitt reminded the Commission that once an application is received in the Town, it becomes a live application; the clock starts (65 days) at the next regularly scheduled meeting, regardless, if the Commission has a quorum.
- 1) **Entering Property:** D. Morrow stated that he would like to discuss the Commission's rights about walk downs on property. J. Rabbitt stated that each application that is submitted to the Commission should have a clause in it that allows the Commission to enter the property. No one has to allow you to enter property; however, if someone should refuse you entering the property that is a reason to deny their application. Walk-ins should not be done as a quorum and should be conducted in silence; questions should be asked once you are off the site.
2. **Additions to Audience Comments:** F. Bood asked at any point in a meeting can a Board member make a motion to add "Audience Comments" to the Agenda.
3. **State Statute:** Is there any statute that would prevent adding "Audience Comments" in a meeting? J. Rabbitt stated that the conservative view is that it should be clearly identified on the agenda. He stated that adjustments can be made to the agenda by a three quarter vote, and is typically done at certain points on the formal agenda. F. Bood stated that there is no legal responsibility and/or allegation; however, can the Commission correspond with the audience.
- J. Rabbitt stated that on applications not before the Commission, the difficulty is the due process issue, of whether the subject matter before the Commission is properly noticed. He is meeting with three attorneys in the upcoming weeks and he will ask the specifics regarding engagement.
- J. Rabbitt will do a mock agenda for the Commission to review.
4. **Executive Session:** The following reasons were stated as to when a Commission can go into executive session: 1) land acquisition or some contract negotiations; 2) personnel – it can be open or closed session; 3) Litigation – pending litigation before the Commission.
5. **Interacting with the public outside of a meeting:** C. Donall asked if she can respond and discuss questions on an application that was submitted to the Commission before she became a member. J. Rabbitt stated that if you can right a wrong, as long as it is not pending litigation, it is okay to discuss the application.
- Adjournment:** A motion was made by C. Donall, seconded by F. Bood, to adjourn at 9:20 p.m. All voted in favor of the motion.

Attest:


Joyce A. Gustavson, Recording Secretary

Attest:

Christopher Turner, Secretary