

August 26, 2014

Call to order: The monthly meeting of the Sterling Planning and Zoning Commission was called to order at 7:40 p.m.

Roll was called: Dana Morrow-present, Frank Bood-present, Ross Farrugia-present, Chris Turner absent, Cindy Donall-present, Alternate Walter Moriarty-present, (7:40 p.m.) and Alternate Paul Ezzell-absent.

There is one alternate vacancy on the Commission.

Staff present-Jamie Rabbitt, Russell Gray, and Joyce Gustavson.

Also present- Andrea Truppa, Charles Corson, III, and Bob Messier.

Audience of Citizens: No comment.

Approval of Minutes: D. Morrow made a motion, seconded by W. Moriarty to approve the meeting minutes of 7/22/2014 as written and presented. All voted in favor of the motion.

Correspondence: J. Rabbitt stated for the record that the Commission has received a letter from Demian Sorrentino, Zoning Enforcement Officer, dated August 2014, addressed to Sterling Residents regarding the issue associated with sheds and decks in response to the building code changes. J. Rabbitt recommends that we address this under Item VII – Any Other Business, Item b: Building Code Revision Discussion. F. Bood made a motion, seconded C. Donall to address the Zoning Enforcement Officer's letter regarding Building Code Revision under Item VII – Any Other Business, Item b. All voted in favor of the motion.

Unfinished Business:

a. Consider and Possible Action on Text Amendment to Zoning Regulations – Schedule Public Hearing (ZBA Application Fee Increase): J. Rabbitt reported that he has a handout dated 8/26/2014 with information on the proposed text amendment associated with ZBA fees for Section 9.03 Fees; change Zoning Board of Appeals fees from two hundred fifty dollars (\$250) to four hundred fifty dollars (\$450). The proposed change is being undertaken at the request of the Zoning Board of Appeals and the Board of Selectmen.

F. Bood made a motion, seconded by W. Moriarty to schedule a Public Hearing on Tuesday, September 23, 2014 at 7:15 p.m. in Room #15, 1183 Plainfield Pike, Oneco, CT to amend the Zoning Regulations, Section 9.03 Fees; to increase the application fee from two hundred fifty dollars (\$250.00) to four hundred fifty dollars (\$450.00). All voted in favor of the motion.

b. Referral of Excavation Ordinance Revision: J. Rabbitt passed out copies of the proposed Excavation Ordinance revisions. The proposed changes in the existing zoning regulations contained in pages one through ten (1-10) with the primary change in section 6.03 where excavation was added and that references Appendix A which contains the regulatory aspects associated with excavation. The primary changes between the original draft and the one reviewed by Atty. Zizka, dated 7/23/2013 is that the reference to special permit has been eliminated. The change from special permit to permitted use is due to statutory references on who has authority over special permits versus who has zoning authority over general permits. A workshop will be scheduled for late September.

c. Two-Lot Subdivision Application #PZS-2014-02 by Timberwolf Enterprises, LLC for 352 Main Street: J. Rabbitt read a letter into the minutes dated 8/26/2014 submitted by Andrea Truppa (copy on file), requesting to have the Commission table any decision until certain technical issues can be resolved. A. Truppa is requesting a Special Meeting be held on or before 9/16/2014 for a final review of the application. J. Rabbitt stated that the Commission has a time sensitive application scheduled later on the agenda regarding a site plan on the Industrial Park and they would like to piggyback the application for 352 Main Street into that meeting. D. Morrow made a motion, seconded by C. Donall to table Item V. Unfinished Business, Item c. Two-Lot Subdivision until the application Under New Business, Item a. has been discussed. All voted in favor of the motion.

New Business:

a. Zoning Application by Timberwolf Enterprises, LLC and NuStone Thin Veneers for Lot #11, Industrial Park Road: J. Rabbitt stated that the Commission has received an application entitled "Improvement Location Plan Prepared for Timberwolf Enterprises, LLC by Messier & Associates, Inc. and NuStone Thin Veneers, Industrial Park Road, Sterling, CT consisting of one sheet with revision dates of 8/12/2014 and 8/26/14 labeled as Progress Prints prepared by Messier & Associates, Inc. for site plan approval for a site on Industrial Drive, Lot IP 11 for the development of an industrial type facility to cut stone inside the building. The Commission has 65 days to make a decision from receipt of the application. J. Rabbitt read a letter into the minutes dated 8/26/2014 submitted by A. Truppa (copy on file), requesting the Commission convene a Special Meeting on or before 9/16/2014 due to the time sensitive nature of this application. Also submitted into the record is a letter from Don Aubrey, Town Engineer, dated 8/20/2014 and a memo dated 8/26/2014 from Sharon Chviek, Economic Development Coordinator. J. Rabbitt has done a site walk and stated there are three (3) primary drainage issues. The existing cistern on the property that has existing groundwater within a foot of the surface and that cistern is tied on to a secondary cistern on the edge of the property and when the mill was developed and the housing associated with the mill, there was a series of wells within the Industrial Park that supplied domestic water to both the mill and the housing authority and

most of them still exist and one is located on Lot 11. The well has been pumped out and in essence filled right backup. There is a surface water spillway and when it fills up, water comes down an existing access way and has nowhere to go. The Town is looking into handling that condition as a Township.

C. Corson explained that he has a saw 24 ft. x 24 ft. and 12 ft. high coming from Italy the third week of September, which takes four (4) months to arrive and was ordered two (2) months ago. Mr. Corson was going to put it at his current location and was recently told his was not allowed to. It is too late to cancel the arrival of the saw.

J. Rabbitt addressed the concern of two (2) engineers working on the site. D. Aubrey is working on behalf of the Planning and Zoning Commission to make sure that the site is developed in a manner that doesn't impact the existing system for downstream property.

B. Messier is trying to represent Mr. Corson to get through the permitting process. That outside issue in dealing with the existing cistern and the time frame of dealing with the existing cistern is a task that may not be on that engineering firms same time frame as an expedited permitted process.

R. Farrugia made a motion, seconded by D. Morrow to accept this application as PZ-2014-03 and to schedule a special meeting on Tuesday, September 9, 2014 to review the plan and get feedback from D. Aubrey with a backup date on September 16, 2014) at 7:30 in Room #15 to discuss the zoning application by Timberwolf Enterprises, LLC and NuStone Thin Veneers for Lot #11, Industrial Park Road. All voted in favor of the motion.

b. Request by Delta Property (Fallon Subdivision) for Extension to Finish Surface on Easy Street: J. Rabbitt stated that D. Aubrey sent an email, dated 8/11/2014 regarding the "punch list" items that need to be done. There is some monumentation that still needs to be finalized, the road has not been paved, and the catch basins need to be cleaned. Joe Santillia contacted J. Rabbitt regarding the time frame to pave the road. They are looking for a little flexibility, no later than the second week in September to do the paving. F. Bood made a motion, seconded by R. Farrugia to grant an extension to 9/15/2014 and at the next regularly scheduled Planning and Zoning meeting pull the bond if the paving is not completed and put out to bid now to be ready for 9/15/2014 if the road is not completed. All voted in favor of the motion.

c. Settlement for Camplin v. Sterling Board of Appeals: This matter has been resolved.

Any Other Business:

a. Map Reading: D. Morrow made a motion, seconded by W. Moriarty to table this item to the next meeting. All voted in favor of the motion.

b. Building Code Revision Discussion: J. Rabbitt reported that he has correspondence from D. Sorrentino regarding a proposed letter to the residents of Sterling (copy on file). Section R105.2 of the Connecticut Building Code was amended in 2013 to exempt certain work items from Building Permit requirements. The Commission reviewed the letter and there were no issues.

c. Text Amendment for Zoning Permits for Work Exempt Building Permits (Plainfield): J. Rabbitt reported that correspondence was sent to Plainfield concerning Work Exempt Building Permits, staff did not attend; however, the Zoning Enforcement Officer attended as a Plainfield Resident and submitted a letter on behalf of the Commission. The text amendment may be withdrawn by the Town of Plainfield.

Unfinished Business Continued:

d. Two-Lot Subdivision Application #PZS-2014-02 by Timberwolf Enterprises, LLC for 352 Main Street: J. Rabbitt reported that the request to have a special meeting for the two-lot subdivision application for 352 Main Street is a request to have this application heard at a special meeting, but the Commission does not have a statutory obligation. The Commission has sixty-five (65) days to act on this application. It was the consensus of the Commission to maintain this application at the next regularly scheduled meeting.

Discussion followed on the status of the financial aspect for Timberwolf Enterprises, LLC for 352 Main Street. J. Rabbitt stated that Atty. Zizka is on vacation.

A recess was taken at 8:40 p.m. and the meeting reconvened at 8:50 p.m.

F. Bood made a motion, seconded by R. Farrugia, that on 9/9/2014 the Commission has correspondence from Counsel regarding the fees and ability to waive or give back any unused fees pertaining to the subdivision application. All voted in favor of the motion.

Audience Comments: D. Morrow reminded the audience that they cannot address or make comments on any active application, but if you have questions, staff will be available after the meeting.

Adjournment: A motion was made by F. Bood, seconded by R. Farrugia, to adjourn at 8:52 p.m. All voted in favor of the motion.

Attest: _____
Joyce A. Gustavson, Recording Secretary

Attest: _____
Christopher Turner, Secretary