



# Town of Sterling

Town Hall  
1183 Plainfield Pike  
P.O. Box 157  
Oneco, Connecticut 06373-0157

Assessor: 860-564-3030  
Building Official: 860-564-2275  
Economic Development: 860-564-4752  
Library: 860-564-2692  
Recreation: 860-564-2136  
Registrar of Voters: 860-564-2654

Revenue Collector: 860-564-7563  
Selectmen: 860-564-2904  
Town Clerk: 860-564-2657  
Treasurer: 860-564-8488  
Wetlands Agent: 860-564-2275  
Zoning Official: 860-564-2275

Legal Notice  
Town of Sterling  
Zoning Board of Appeals  
Notice of Public Hearing

The Sterling Zoning Board of Appeals will hold a Public Hearing on Tuesday, November 17, 2015 in Room 15 at the Sterling Town Hall, 1183 Plainfield Pike, Oneco, CT beginning at 6:30 p.m. to hear written and/or verbal comments on the following:

Application #ZBA-15-01 by Robert & Susan McLevy for 33 Miller Road, (Map 03278, Block 010, Lot 0027) for a variance from Section 6.01 Well and Septic System Locations to reduce the well setback from seventy-five feet (75') to twenty-five feet (25') from proposed line.

A copy of this application is available for review at Sterling Town Hall, 1183 Plainfield Pike, Oneco, CT during normal business hours.

Dated this 2<sup>th</sup> day of November 2015 at Sterling Town Hall, 1183 Plainfield Pike, Oneco, CT.

Sterling Zoning Board of Appeals  
Stephen Offiler, Chairman  
Christine Farrugia, Secretary

November 17, 2015

The public hearing was called to order at 6:32 by Stephen Offiler, ZBA Chairman. Other members' present- Christine Farrugia, Robert Lassar, Diane LeDuc, Stacy Abua, and Lincoln Cooper.

Staff present-Joyce Gustavson

The purpose of the hearing is to accept written and/or verbal comments on Application #ZBA-15-01 by Robert and Susan McLevy for 33 Miller Road (Map 03278, Block 010, Lot 0027) for a variance from Section 6.01 Well and Septic System Locations to reduce the well setback from seventy-five (75') to twenty-five (25') from the proposed boundary line.

Robert McLevy, applicant, submitted the following: Concept Plan No. 2 dated 7/20/2015, Alternate Concept Plan No. 1 dated 7/20/2015, Concept Plan No. 2 correlating with three (3) photographs, a letter from Northeast District Department of Health (NDDH) dated 11/16/2015 (copy on file) and two (2) emails from Demian Sorrentino, Zoning Enforcement Officer, dated 11/16/2015 and 11/17/2015 (copies on file). R. McLevy presented the application stating that the property located at 33 Miller Road is six (6) or seven (7) acres, however, the Town has it listed as 9.10 acres. R. McLevy stated that he is looking to split two (2) plus acres with an existing residence and later sell it and retain the balance of the four (4) plus acres for existing agricultural use, family usage and the potential for irrigation or pumping from the pond which is spring fed/brook fed. The pond needs maintenance; it is a berm pond, permitted through the State. R. McLevy is asking for a variance to reduce the well setback from seventy-five (75') feet to twenty-five (25') feet from the proposed boundary line for access and maintenance of the pond. In order to split the property and sell the house with the two (2) acre minimum lot requirement, a variance is needed to reduce the well setback from the proposed boundary line. This will allow a nice use and maintenance of the existing property and leave a good lot to go with the residence. Without the variance, you lose access to the pond and the ability to maintain the entryway to the pond, thus bringing the configuration of the lot with the existing residence for sale into a wetlands area.

S. Offiler asked if anyone had any questions or comments.

R. McLevy stated that although this request may be outside of a defined hardship, the seventy-five (75') feet setback in this case would result in a deprivation of certain areas in regard to future agricultural and personal use by our family. The proposed plan, including the variance, leaves the remaining land with useful, well balanced dimensions. I hope in this unique situation, that we have provided a common sense factor for your decision.

S. Offiler asked if anyone else had any other questions or comments.

S. Offiler stated that we received guidance from staff and asked if everyone has a copy of Demian Sorrentino's email.

S. Offiler asked if anyone else had any other questions or comments.

There were no other comments.

D. LeDuc made a motion, seconded by R. Lassar to close the public hearing was closed at 7:05 p.m. All voted in favor of the motion.

November 17, 2015

The Zoning Board of Appeals special meeting was called to order at 7:06 p.m. by Stephen Offiler, ZBA Chairman. Other member's present-Diane LeDuc, Robert Lassar, Stacy Abua, Christine Farrugia, and Alternate Lincoln Cooper. Member's absent-Alternate Russell Dexter.

Staff present-Joyce Gustavson.

Also present-Robert, Susan & Jason McLevy, Lewis Shamback, V, Lewis Shamback, Jr., Jill & Emily Shamback.

**Audience of Citizens:** No Comment.

**Approval of Minutes:** D. LeDuc made a motion, seconded by R. Lassar, to approve the 10/27/2015 quarterly meeting minutes as written and presented. All voted in favor of the motion.

**Unfinished Business:**

**a. Application #ZBA-15-01 by Robert & Susan McLevy for a Variance from Section 6.01 Well and Septic System Locations for Property Located at 33 Miller Road (03278/010/0027):** D. LeDuc stated that she is in favor of granting the variance stating that it is a reasonable plan. The pond and the wetlands that surround it make it a unique situation to this property and it has an existing well. Planning and Zoning Regulations, Section 6.01, states in part, that "no well shall be drilled, dug or otherwise installed for the purposes of supplying drinking water unless such well is located 75 feet or more from all lot boundaries..." The way the land is situated, it is apparent that what is beyond the twenty-five (25') feet will not be impacted by that well. S. Offiler stated that the variance goes with the land for all future generations and this will be a buildable lot in the future where a well may need to go and there will be some limitations. The ordinance states that there needs to be 150 feet between wells. There will need to be 125 feet from the existing well in order to dig a new well onto the new parcel. The applicant has made a reasonable case for uniqueness of the land. Protection and usage of the pond on the property would be difficult. Granting of this variance is based on the hardship that has been demonstrated by the location of the pond: 1) it is a unique situation to that piece of property; 2) the access to the pond to provide maintenance and the continued use of the pond is necessary and reasonable and; 3) granting the variance does not appear to be detrimental or in conflict with our Plan of Conservation and Development.

D. LeDuc made a motion, seconded by S. Abua to approve #ZBA Application-15-01 by Robert & Susan McLevy for 33 Miller Road, (Assessor's Map 03278, Block 010, Lot 0027) for a variance from Section 6.01 Well and Septic System Locations for property located at 33 Miller Road on "Concept Plan No. 2 Showing Existing Conditions Prepared for Robert J. McLevy and Susan M. McLevy" consisting of one sheet dated 7/20/2015. All voted in favor of the motion.

**New Business:**

**a. Consider and Act on 2016 Schedule of Meetings:** D. LeDuc made a motion, seconded by R. Lassar to approve the 2016 Meeting Schedule. All voted in favor of the motion.

**b. Election of Officers:** Nominations were opened for the position of Chairman. Stephen Offiler was nominated for Chairman. There were no other nominations. R. Lassar made a motion, seconded by S. Abua to elect S. Offiler as Chairman. All voted in favor of the motion. Nominations were opened for the position of Vice Chairman. Diane LeDuc was nominated for Vice Chairman. There were no other nominations. R. Lassar

made a motion, seconded by S. Abua to elect D. LeDuc as Vice Chairman. All voted in favor of the motion. Nominations were opened for the position of Secretary. Christine Farrugia was nominated for Secretary. There were no other nominations. R. Lassar made a motion, seconded by S. Abua to elect C. Farrugia as Secretary. All voted in favor of the motion. R. Lassar made a motion, seconded by S. Abua to close nominations. All voted in favor of the motion.

**Any Other Business:** None.

**Adjournment:** R. Lassar made a motion, seconded by D. LeDuc to adjourn at 7:20 p.m. All voted in favor of the motion.

Attest: Joyce A. Gustavson  
Joyce A. Gustavson, Recording Secretary

Attest: \_\_\_\_\_  
Christine Farrugia, Secretary