

**Legal Notice
Town of Sterling
Planning and Zoning Commission
Notice of Public Hearing**

The Sterling Planning and Zoning Commission will hold a Public Hearing on Tuesday, May 26, 2015 in Room #15 of the Sterling Town Hall, 1183 Plainfield Pike, Oneco, CT beginning at 7:00 p.m. to hear written and/or verbal comments on the following:

Planning and Zoning Application PZ#2015-03 by Dalmik Well Drilling Company for property located at 0 Church Street, (Map 03828, Block 024, Lot 025A) for a two-lot (2) re-subdivision to correct an illegal subdivision of lots 25 and 25A.

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

Dated this 11th day of May 2015 at Sterling Town Hall, 1183 Plainfield Pike, Oneco, CT.

Sterling Planning and Zoning Commission
Dana Morrow, Chairman
Christopher Turner, Secretary

May 26, 2015

The public hearing was called to order at 6:50 p.m. by Chairman Dana Morrow.

Other members present-Ross Farrugia, Cindy Donall, Frank Bood, and Alternate Caren Bailey.

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

Also present-Andrea Truppa, Greg Glaude, and Ron and Lynn Desjardins.

The purpose of the public hearing is to accept written and/or verbal comments on the application by Dalmik Well Drilling Company for property located at 0 Church Street, (Map 03828, Block 024, Lot 025A) for a two-lot (2) re-subdivision to correct an illegal subdivision of lots 25 and 25A.

There is no correspondence to be read into the minutes.

Greg Glaude of Killingly Engineering Associates, representing the applicant, submitted the following:

Revised subdivision plans dated 4/29/2015, letters from the landowners, W. Heath, dated 5/11/2015 and J.

Adams, dated 5/25/2015 stating that they are aware of the application and are willing to accept the parcels

of land, and a letter from J. Rabbitt, Town Planner, dated 5/26/2015 addressing his preliminary review of

the re-subdivision plans submitted by Dalmik Well Drilling Company (copies on file). G. Glaude updated

the Commission on the property history of this 20 acre piece of land stating it is an illegal division that was

created by the previous owners of the two (2) parcels that are now in question. In 2002 the Vincent's sold

the entire 25 acres to the Dunbar's who then brought an application in front of the Inland Wetlands and

Planning Commission in 2005/2006 and the Commissions approved a nine (9) lot subdivision called

Patriot's Drive. Lot 8 contains the existing house that the Dunbar's were living in at the time. The mylars

were never filed, making the subdivision void. Later in 2006, the Dunbar's sold Lots 1, 2, 3, 4, 5, 6, and 7

and Parcel B to Church Street Properties, LLC and retained Lots 8 and 9; because the mylars were never

recorded they weren't eligible for a free split and that is when the illegal division was created. The

Dunbar's retained an easement over their driveway because they had no frontage on Church Street. Later, a

couple of boundary line adjustments were made between the Dunbar's and Church Street Properties, LLC,

selling Lot 9 to Church Street Properties, LLC and in return Church Street Properties, LLC sold Patriot

Drive and the frontage to the Dunbars. The Dunbar's later sold Lot 8 and Patriot Drive to Bouchard and

L'Barge which then had a foreclosure on the remaining lot of Church Street Properties, LLC and the lien

holder was Toutant Realty (also known as Dalmik Well Drilling Company) for the original piece, which

included all of Lots 1-7 and Patriot Drive. R. Toutant sold the remaining piece to Willard Heath.

Currently, Dalmik Well Drilling Company's piece has the entire frontage and consists of 20.66 acres and

Willard Heath's lot has no frontage and is 3 acres. The re-subdivision application presented tonight is

looking to correct that situation for two (2) lots that never went through the subdivision process.

Submitted with the original application was the fee in the amount of \$2,960, list of land abutters within 500

feet and the notice and mailing that went out to the abutters, and the Northeast District Department of

Health (NDDH) approval letter, dated 1/28/2013 for the proposed 20 acre development lot. Because there

is too much frontage to divide in half and give some to W. Heath and retain some for Dalmik Well Drilling

Company, the proposal is to combine a small portion of parcel A with and become an undivided portion of

land owned by J. Adams and parcel B, about three quarters (3/4) of an acre, would be deeded to W. Heath

and become an undivided portion of their lot. This proposal would create lots that conform, giving W.

Heath fifty (50) feet of frontage and the remaining 19.8 acres, which is the remaining land owned by

Dalmik would have (fifty) 50 feet of frontage. The lot owned by Adams has frontage, so they would be

gaining frontage. The revised site plans were discussed including the alternative driveway detail sheet

which shows that each lot could support an existing driveway in the future. G. Glaude also discussed open

space stating that he obtained comparable sales in and around Sterling and Plainfield to come up with a

value for the 20 acres. The average price is \$2,800 per acre times 20 acres at ten (10) percent yielding

\$5,600 for open space per acre.

J. Rabbitt went over his preliminary review of the re-subdivision plan (revised to 3/19/2015 – Sheets 1-3),

stating that he hopes the Commission understands the unique nature of this property and the fact that the

applicant is trying to rectify some transactions that have occurred over time. Based on the review of the

plans, the Commission needs to address a number of potential waiver requests that are necessary for the

application to comply with Town's regulations, as well as a number of items that still need to be addressed

by the applicant and/or Commission in order for the application to meet the regulatory requirements.

J. Rabbitt asked if anyone had any questions or comments.

F. Bood asked about C. Corson's lot.

J. Rabbitt stated that C. Corson's lot was part of a lot line adjustment and that can be clarified in the deed

stating that when it was transferred it shall say "to become an unconsolidated piece to the original". If

transferred in title only, that created a lot and that is not allowed under statute.

D. Morrow asked if anyone had any questions or comments. There were none.

D. Morrow addressed the thirty-one (31) outstanding items and stated that even though this is an unusual

situation where the applicant is trying to correct the usage that occurred before, we have before us tonight

thirty-one (31) hits and the Commission is not going to rush and approve something that came across our

table with this many hits. The regulations are clear and J. Rabbitt is available to you. G. Glaude stated that

he understands and he has spoken to J. Rabbitt. D. Morrow made the recommendation to have the Town

Engineer review this application and J. Rabbitt concurred due to the nature of the drainage tying into the

Town's system that it should be reviewed by the Town Engineer.

J. Rabbitt stated that the application from an administrative standpoint was received last month, the initial

hearing was set for this evening, and the hearing has to close within thirty-five (35) days and the next

regular scheduled hearing is within that time frame, so there is no need for an extension at this time.

D. Morrow asked if anyone had any other questions or comments. There were none.

D. Morrow asked if anyone had any other questions or comments. There were none.

The public hearing was continued to Tuesday, June 23, 2015 at 7:00 p.m. in Room #15 at the Sterling Municipal Building, 1183 Plainfield Pike, Oneco with the regular meeting immediately following. The public hearing closed at 7:25 p.m.

May 26, 2015

Call to Order: The monthly meeting of the Sterling Planning and Zoning Commission was called to order at 7:35 p.m.

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

C. Bailey was seated for C. Turner.

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

Also present-Andrea Truppa and Jeff LeFevre.

Audience of Citizens: No comment.

Approval of Minutes: C. Donall made a motion, seconded by F. Bood to approve the meeting minutes of 4/28/2015 as written and presented. All voted in favor of the motion.

Correspondence: None

Unfinished Business:

a. 301 Church Street: J. Rabbitt reported that he attended a special meeting on 5/13/2015 with the Board of Selectmen, the Building Official, and the Zoning Enforcement Officer. D. Sorrentino, Zoning Enforcement Officer went through the process he had adhered to with regards to the notice of violation that was issued and K. Collins, Building Official went through his letter regarding his building inspection and his order to vacate the property due to the fact that neither a building permit had been issued nor a certificate of occupancy since the building permit for the structure had never been applied for. Discussion was held regarding courses of action and the Selectmen support staff's order to vacate the building and the notice of violation regarding zoning regulations.

The landowner for property located at 301 Church Street indicated that he would be vacating the property within twenty-four (24) hours. Discussion was also held on process; in order to get a building permit, you need to be current with taxes so arrangements needed to be made for tax payments, and once tax payments are made, a building permit could be applied for and issued. J. Rabbitt stated that to date, a building permit has not been sought. R. Gray stated that he and K. Collins went to the property on 5/15/2015 and did a walkthrough of the house and K. Collins pointed out different items that need to be fixed. The homeowner is aware that he is behind on taxes and was going to present a letter to the Selectmen requesting a variance. R. Gray stated that the Town looked into finding funds (the old Radon money) but the Town has no real funds to assist and because the house needs so much work, the State would not okay the Town to use the money. J. Rabbitt stated that the landowner has been advised that staff is available to assist him with any needs that we can provide. J. Rabbitt has also reached out to a couple of departments in Hartford regarding funding; however, it is difficult because this is being viewed as new construction. There is a lot of rehab money available, but that is for buildings that have a Certificate of Occupancy. Once a building permit has been processed, the work will be undertaken, inspected, and then evaluated under the building code. If everything meets the building code sufficient enough to occupy as a structure then a Certificate of Occupancy could be issued for whatever structure is opposed, including a capped foundation, as long as it is deemed a dwelling structure with the appropriate plumbing, electrical and egress.

b. Two-Lot Subdivision Application PZ-#2015-03 by Dalmik Well Drilling Company for 0 Church Street: The public hearing on this application has been continued to Tuesday, June 23, 2015 at 7:00 p.m.

New Business:

a. Request by Timberwolf Enterprises, LLC for a 60 Day Extension to File Mylars for the 352 Main Street Subdivision:

Originally the applicant had requested a sixty (60) day extension to file mylars, but after speaking with the Town Planner, it was advised to request the full extension of one hundred eighty (180) days. For the record, Andrea L. Truppa submitted a letter dated 5/20/2015 on behalf of Timberwolf Enterprises, LLC requesting the full extension of one hundred eighty (180) days for property located at 352 Main Street to file mylars, allowing him more time to remove and/or relocate the existing garage and tree removal (copy on file). F. Bood made a motion, seconded by C. Donall to grant and extension of one hundred eighty (180) days to Timberwolf Enterprises, LLC for property located at 352 Main Street to file mylars. All voted in favor of the motion.

Audience of Comments: A. Truppa stated that C. Corson, Timberwolf Enterprises, LLC has removed a significant portion of the structure and has hired someone to remove trees which would facilitate the removal of the structure, but there has been some delay in getting the tree removal people to show up.

Any Other Business:

a. Commission Training: The tape was turned off at 8:25 p.m. and the Commission entered a workshop to discuss review of regulatory and administrative procedures.

Adjournment: C. Donall made a motion, seconded by D. Morrow to adjourn at 8:53 p.m. All voted in favor of the motion.

Attest: _____
Joyce A. Gustavson, Recording Secretary

Attest: _____
Christopher Turner, Secretary