

July 22, 2014

Call to order: The monthly meeting of the Sterling Planning and Zoning Commission was called to order at 7:30 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, Demian Sorrentino, Russell Gray, and Joyce Gustavson. Also present- Andrea Truppa, Charles Corson, II, Bill O'Connor, Wayne & Therese Segrave, Robert Sullivan, Ginny Savoie, Derek Zisk and Bob Messier.

Audience of Citizens: No comment.

Approval of Minutes: F. Bood made a motion, seconded by R. Farrugia to approve the meeting minutes of 6/24/2014 as written and presented. All voted in favor of the motion. **Correspondence:** D. Morrow stated for the record the following correspondence has been received from Demian Sorrentino, Zoning Enforcement Officer: 1) A Denial of Zoning Permit Application #14-14 for a new single family dwelling, to Bruno Gilbert, for property located on Church Street, dated 7/15/2014. 2) A Notice of Violation & Order to Cease & Desist for an Excavation Permit that was issued by the Board of Selectmen on 9/28/2011 to Wayne Durrigan, record owner of property, for property located at 241 North Sterling Road, dated 7/5/2014.

Unfinished Business:

- a. **Zoning Board of Appeals Proposed Application Fee Increase:** D. Morrow read a memo into the minutes from the Board of Selectmen, dated 6/19/2014 requesting that the Zoning Board of Appeals application fee be raised to \$600. Discussion followed. J. Rabbitt stated that ZBA sent a letter to the Commission requesting a fee increase; it was then discussed at a P&Z level; and the matter was referred to the Board of Selectmen for guidance. Both ZBA and the Board of Selectmen are proposing an increase in the \$600 range. There was discussion amongst the Commission somewhere between \$250 and \$600. The Board of Selectmen have a fiduciary responsibility to the tax payers and they are recommending \$600. In order to change that section of the regulations staff will need to do a text amendment, prepare an application on behalf of the P&Z Commission to itself, and upon receipt of that, a public hearing can be scheduled. F. Bood made a motion seconded by C. Donall to authorize staff to draft the application to the Planning and Zoning Commission to have the Zoning Board of Appeals application fee increased to \$450 and be presented at next month's meeting. All voted in favor of the motion. J. Rabbitt stated he will prepare the application for the Chairman's signature.
 - b. **Referral of Excavation Ordinance Revision:** J. Rabbitt stated that he has received an email from Attorney Zizka regarding his comments and he is in the process of going through them and will submit a copy between now and next month's meeting as well as to the Board of Selectmen. Table to the next meeting.
 - c. **Zoning Permits for Work Exempt from Building Permits:** J. Rabbitt stated the building code has changed. Prior to 2006 anything less than 200 sq. ft was exempt from needing a building permit. Later that was modified removing the exemption for 200 sq. ft. and anything that was considered a structure needed a building permit. The building code was amended effective 10/31/2013 to exempt certain work items from building permit requirements; such as, any structure under 200 sq. ft. or any deck that is in essence, free standing, not attached to a structure that is no more than 30 inches off the ground that does not require a railing or an access point to any other structure. An individual may not need a building permit, but they may need a zoning permit, so the question is how does the Commission want to handle this and how should the Zoning Enforcement Officer handle this? D. Sorrentino submitted a draft letter, dated July 2014, addressed to Sterling Residents advising them of the building code changes and the question remains as how to get this information to them.
 - D. Sorrentino submitted a letter addressed to the H. George, Town Clerk, from Louis Soja, Town Planner for the Town of Plainfield, dated 7/10/2014 regarding a Text Amendment for Section 7.1a pertaining to sheds and floating decks and modify Section 15.6 fences for structures and detached decks not exceeding 200 sq. ft. This could have negative impact for the Sterling residents whose land abuts a Plainfield resident.
 - D. Morrow made a motion, seconded by F. Bood to move this to Any Other Business, item b. All voted in favor of the motion.
- New Business:**
- a. **Two-Lot Subdivision Application by Timberwolf Enterprises, LLC for 352 Main Street:** Andrea Truppa, representing Timberwolf Enterprises, LLC, stated that the first matter of business is the payment for the application and what the fee would be. A. Truppa submitted correspondence in regards to payments that have been submitted for earlier applications, which were later withdrawn, and it is unclear on the exact amount of the credit, which could be applied to this application. J. Rabbitt explained that within the regulations, applications that are submitted should comply with the regulations and part of the regulations is compliance with any and all other Town ordinances. The fee structure for this application is associated with a two-lot subdivision. J. Rabbitt stated the base fee would be \$1,500 and \$300 per lot, plus the \$60 State fee and any engineering fees as

applicable. The Commission could make a determination that a fee in the amount of \$2,160 could be a starting point and evaluate the necessity of the \$600 review fee. J. Rabbitt will concur with staff and discuss with the Board of Selectmen the amount of the credit as not all fees are refundable.

The following was submitted into record: Subdivision Application and Record of Subdivision Map entitled "Timberwolf Ridge" Parcel "A" prepared for Timberwolf Enterprises, LLC, 352 Main Street, Sterling, CT, dated 02/2013 for Sheet 1 and 03/2013 for Sheet 2. Bob Messier of Messier & Associates, Inc. representing Timberwolf Enterprises, LLC presented the application for a two lot subdivision for property located at 352 Main Street. Presently there are two dwellings on one lot, and the intent is to give each dwelling a separate lot. No additional buildings or bridges/crossings are being proposed.

D. Morrow made a motion, seconded by W. Moriarty to accept this application as PZS-2014-02 and to make a recommendation referring to the Board of Selectmen for a budgetary decision on the amount of credit that is given to Timberwolf Enterprises, LLC, showing the proper accounting as to when the fees were received and how they have been applied concerning a previous application, and once that is complete staff can review the application for conformity. All voted in favor of the motion.

Any Other Business:

a. Map Reading: D. Morrow made a motion, seconded by C. Donall to move Any Other Business, Item a. to follow directly after Audience Comments. All voted in favor of the motion.

Audience Comments: J. Rabbitt stated that if anyone is here to speak in regards to the Timberwolf Enterprises, LLC application, this is a live application and if we take comment at this time, we could be accused of having a public hearing. Staff will be available shortly after the meeting to answer any questions, as well as representatives for the applicant.

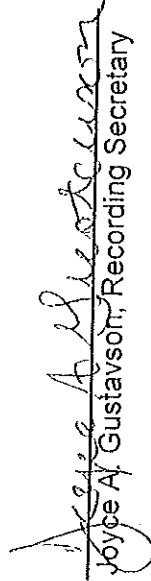
Any Other Business Continued:

a. Map Reading: F. Bood made a motion, seconded by C. Donall to table to next month. All voted in favor of the motion.

b. Text Amendment for Zoning Permits for Work Exempt Building Permits: J. Rabbitt stated that in regards to the notice received by the Town Clerk, dated 7/10/2014 regarding the Town of Plainfield's request for a text amendment change for Section 7.1a pertaining to sheds and floating decks and modify Section 15.6 fences, according to State Statute they are required to refer to the abutting municipalities and in the Commission's review, you are allowed to comment and they have to note receipt of those comments at the hearing. The review is primarily based on potential impact to your municipality. D. Sorrentino discussed earlier how Sterling is handling the matter within consistencies to changes in the building permit. Sterling and Plainfield both have side and rear yard setbacks. Plainfield is proposing to eliminate the setbacks for the smaller structure, and new structures could be within very close proximity to a land owner in Sterling. This text amendment could have adverse impact to Sterling residents. D. Morrow made a motion, seconded by F. Bood to have staff draft a letter to the Town of Plainfield making the Commission's position known regarding the new adjustment to the regulations. All voted in favor of the motion

Adjournment: A motion was made by F. Bood, seconded by C. Donall, to adjourn at 8:40 p.m. All voted in favor of the motion.

Attest:


Joyce A. Gustavson, Recording Secretary

Attest:

Christopher Turner, Secretary