

September 23, 2014

The Planning and Zoning Commission Public Hearing was called to order at 7:19 p.m. by Chairman, Dana Morrow. Other members' present-Chris Turner, Frank Bood, Ross Farrugia and Cindy Donall.

Members' absent-Alternate Walter Moriarty and Alternate Paul Ezzell.

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

D. Morrow explained that the purpose of tonight's public hearing is to written and/or verbal comments to amend the Text Amendment associated with the Zoning Board of Appeals for Section 9.03 Fees; to increase the application fee from two hundred fifty dollars (\$250) to four hundred fifty dollars (\$450).

D. Morrow asked if anyone had any written and/or verbal comments.

Daniel Drew, 6 Deerfield Shores asked why the Commission is raising the application fee.

F. Bood stated that it is costing the Town money to do business and we are not in the business of giving money to people.

Steve Offiler, Chairman, Zoning Board of Appeals explained that according to Connecticut General Statute, when the Town receives an application, they are required to hold a public hearing and the requirement includes two (2) postings in the Norwich Bulletin that the meeting is going to happen and then it requires a subsequent posting after the meeting. The cost runs approximately \$150 for each posting.

D. Drew asked how much more would the fees go up after this and what is this Commission getting paid.

S. Offiler stated he does have an answer to that.

F. Bood stated that the Commission does not get paid, everyone is a volunteer.

D. Drew asked why raise the zoning fee if it does not cost anything.

F. Bood stated that it cost the taxpayer money, if we do not raise the fee.

D. Drew stated that his taxes are paid until January.

F. Bood stated that it will still cost you money.

D. Morrow stated that this has nothing to do with taxes.

S. Offiler explained it is an application fee, it is one time, it is not a tax; it is a fee.

C. Donall stated that we are getting off track and we need to bring it back to point of what we are here for this evening.

D. Morrow explained that D. Drew should come to a meeting and discuss his concerns. This meeting is to discuss fees because basically the Town cannot afford to run with the present fees. The fees are going to be to the applicant, not the Town.

D. Drew commented that taxes are going to go up along with it.

F. Bood stated it is the opposite. If a homeowner comes before the Board and it is \$450 to do business they are paying \$450; currently they are paying \$250 the overage is an increase to your taxes because the Town is paying the extra.

J. Rabbitt stated that the Town has three (3) Land Use Boards in Town – Planning and Zoning Commission, Zoning Board of Appeals Commission and Inland Wetland and Watercourses Commission. The Zoning Board of Appeals is where someone goes to when they do not meet a requirement in the Zoning Regulations.

J. Rabbitt stated that the purpose of the public hearing is to receive testimony and not be engaged in conversation. Currently the Zoning Board of Appeals charges an application fee in the amount of \$250 plus \$60 for the State and they asked the Planning and Zoning Commission if they would amend their regulations to \$600 plus the \$60 for the State. The Commission discussed this and referred the matter to the Board of Selectmen who also agreed with the proposed increase from the Zoning Board of Appeals. The Planning and Zoning Commission reached a compromise in the middle of the present fee of \$250 and the \$600 proposed fee, and decided the application fee would be increased to \$390 plus \$60 for the State, for a total application fee in the amount of \$450; which would cover the costs of the required legal notices by State Statute. This only applies to individuals who need to apply to the Zoning Board of Appeals; it is not changing the fee structure to the other Commissions.

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

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

The public hearing closed at 7:32 p.m.

September 23, 2014

**Call to order:** The special meeting of the Sterling Planning and Zoning Commission was called to order at 7:33 p.m.

Roll was called: Dana Morrow-present, Frank Bood-present, Ross Farrugia-present, Chris Turner present, Cindy Donall-present, Alternate Walter Moriarty-absent, (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- Charles Corson, III, Daniel Drew, John & Rose Bryant, Steve Offiler, Shawn Bourgeois, Ira & Christina Kettle and Andrea Truppa (7:35 p.m.)

**Audience of Citizens:** No comment.

**Approval of Minutes:** R. Farrugia made a motion, seconded by F. Bood to approve the monthly meeting minutes of 8/26/2014 and the special meeting minutes of 9/9/2014 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 the Town of Killingly regarding a referral under State Statutes regarding amendment to the regulations associated with their Aquifer Protection Regulations. J. Rabbitt recommends that we address this under Item VII – Any Other Business, Item b: Town of Killingly amendment to regulations associated with Aquifer Protection and two additional pieces of correspondence; one associated with Unfinished Business Item c: Two-Lot Subdivision by Timberwolf Enterprises, LLC and the other is associated with fees regarding Timberwolf Enterprises, LLC, which could be added under Any Other Business, Item c.

D. Morrow made a motion, seconded F. Bood to address the Town of Killingly amendment to regulations associated with aquifer Protection under Item VII – Any Other Business, Item b. and Fees regarding Timberwolf Enterprises, LLC as Item c. 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 reminded the Commission that any favorable action that is taken, an effective date will need to be set. If you post the legal notice at the end of the week and a potential appeal period of fifteen (15) days, you are looking around October 13, 2014 for an effective date.

D. Morrow made a motion, seconded by C. Donall to approve the increase to the application fee to four hundred fifty dollars (\$450) in the Sterling Zoning Regulations, Section 9.03 Fees, effective October 13, 2014.

**b. Referral of Excavation Ordinance Revision:** D. Morrow would like to schedule a special meeting in order to give the Commission additional time to review the proposed Excavation Ordinance Revisions. The last copy of revisions has a revision date of July 23, 2013. J. Rabbitt will forward a red-lined copy to everyone from Atty. Zizka. F. Bood made a motion seconded by C. Donall to table this item and to hold a special meeting on Wednesday, 10/15/2014 at 7:00 p.m. in Room #15, 1183 Plainfield Pike, Oneco, CT to discuss the proposed Excavation Ordinance Revisions and to include Item 7a. Map Reading. All voted in favor of the meeting.

**c. Two-Lot Subdivision Application #PZS-2014-02 by Timberwolf Enterprises, LLC for 352 Main Street:** J. Rabbitt reported that staff is in receipt of correspondence from Andrea Truppa, attorney representing Timberwolf Enterprises, LLC, dated 9/23/2014 regarding an extension according to Connecticut State Statute. There are a few outstanding items in regards to submission of information for compliance with the subdivision requirements. Connecticut General Statute allows the Commission to grant up to an additional 65 days. C. Turner made a motion, seconded by C. Donall to extend the filing period for Timberwolf Enterprises, LLC for 352 Main Street for an additional 65 days. All voted in favor of the motion.

**d. Delta Property (Fallon Subdivision) Finish Surface on Easy Street:** J. Rabbitt reported that the road was paved two weeks ago. In speaking with D. Aubrey, Town Engineer, there are a few “housekeeping items” with regards to the final completion of the road. A couple of catch basins/drainage structures/manhole structures outside of the pavement areas, two drainage runs that run from the main road out to the detention basins and plunge pools that they need to locate and do final inspections to make sure that the top grade is mortared to the structure underneath. When the final inspection occurs, D. Aubrey will report to the Board of Selectmen who can then put it on their Agenda to accept as a Town Road.

**e. Executive Session to Discuss Pending Litigation for Sterling Trails, LLC Sterling Road (Route 14):** D. Morrow made a motion, seconded by F. Bood to enter into executive session to discuss pending litigation for Sterling Trails, LLC and to include R. Gray in the session. All voted in favor of the motion.

Entered executive session at 7:46 p.m. and left executive session at 8:00 p.m.

There were no votes taken during executive session.

**New Business:** J. Rabbitt reported that an additional piece of correspondence via email to him regarding a telephone conversation with Rose and John Bryant, who own Parkside Deli on 41 Main Street. D. Morrow made a motion, seconded by C. Donall to add 41 Main Street to New Business, Item a. All voted in favor of the motion.

**a. Parkside Deli for 41 Main Street:** J. Rabbitt reported that Demian Sorrentino, Zoning Enforcement Officer was approached last Wednesday during office hours regarding Parkside Deli. The Bryant’s are potentially looking to convert the existing non-conforming commercial structure to a single family residence. D. Sorrentino is asking the Commission for a determination that he can approve the Zoning Permit on behalf of the Planning and Zoning Commission when application is made. J. Rabbitt stated that it is an existing non-conforming structure that they would like to change the use. The Commission allows all uses and all zones so long as they meet the required regulations. They do not meet the minimum lot size, but it exists as a lot, they do not meet the setbacks but the building exists, they would only be converting what is inside the walls, from commercial to residential. This would be done in the appropriate application format and in a conforming manner.

**Any Other Business:**

**a. Map Reading:** A special meeting has been scheduled for Wednesday, 10/15/2014 at 7:00 p.m. in Room #15, 1183 Plainfield Pike, Oneco, CT to discuss map reading and the proposed Excavation Ordinance Revisions. All voted in favor of the motion.

**b. Town of Killingly – Zone Text Amendment Change Application – Aquifer Protection Overlay:** J. Rabbitt reported that the Town of Killingly is proposing to amend their Aquifer Overlay Zone which affects some of the land in the northern portion of the Town. This is an administrative function and doesn't necessarily affect the use of land, but affects the application process for the Town of Killingly. Based on the Commission's review of 8-30g, D. Morrow made a motion, seconded by C. Turner to have staff write a favorable letter to the Town of Killingly stating there is no adverse inter-municipal impact. All voted in favor of the motion.

**c. Timberwolf Enterprises, LLC – Fees:** The following correspondence was submitted into the record: Letters dated 9/22/2014 from J. Rabbitt and 9/23/2014 from the Law Office of A. Truppa regarding refunding/returning fees paid to the Town of Sterling for a 3-Lot Subdivision application that was withdrawn by the applicant in 2010 (copies on file). After reviewing with legal counsel, Kari Olsen, it has been established that application fees associated with land use applications were never intended to be refundable. However, the ordinance also states that the ordinance's purpose is to underwrite the actual administrative cost of reviewing, evaluating, processing and monitoring land use applications. If the prior fees were allocated towards the two new applications that was recently submitted; one for a two-lot subdivision for 352 Main Street and the other for Lot 11, Industrial Park Road, there would be no actual "refund" to the applicant, and therefore, no technical violation of the Town's Fee Ordinance. Given the circumstances associated with this matter, it appears to be both equitable and legal to apply the fees to the two new land use applications. C. Turner made a motion, seconded by D. Morrow to make a recommendation to the Board of selectmen to re-allocate all unused fees to the current application for Timberwolf Enterprises, LLC. All voted in favor of the motion. C. Turner made a motion, seconded by F. Bood to add Item 7d to the agenda to discuss the Planning and Zoning Commission's Secretary position. All voted in favor of the motion.

**d. Planning & Zoning Commission's Secretary Position:** C. Turner stated that for the next four (4) scheduled meetings, he will be unable to attend. He is not tending a resignation at this time, but he could resign from the Secretary position in order to allow another member to become the Secretary or remain a seated member or resign that position and become an alternate member and have W. Moriarty become a regular member or take no action at this time. It was the consensus of the Commission to take no action at this time.

**Audience Comments:**

**Adjournment:** A motion was made by F. Bood, seconded by C. Donall, to adjourn at 8:35 p.m. All voted in favor of the motion.

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

Attest: \_\_\_\_\_  
Christopher Turner, Secretary