

February 24, 2015

**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-present, Cindy Donall-present, Alternate Walter Moriarty-absent, Alternate Caren Bailey-absent, and Alternate Paul Ezzell-absent.

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

Also present- Bruce Woodis, Bob Messier, Megan Johnson, Andrea Truppa, Charles Corson III, and Robin Cousens.

**Audience of Citizens:** No comment.

**Approval of Minutes:** F. Bood made a motion, seconded by C. Turner to approve the meeting minutes of 11/20/2014 as written and presented. All voted in favor of the motion.

**Correspondence:** None

**Unfinished Business:**

**a. Referral of Excavation Ordinance Revision:** The Board of Selectmen submitted a Zoning Text Amendment Application for Zoning Regulations proposing new excavation regulations in the Planning & Zoning Commission's zoning code. A public hearing will need to be scheduled as this is a new application to amend the regulations. The Board of Selectmen would like the public hearing to be scheduled for Tuesday, 3/24/2015 as legal counsel is available that night to answer questions.

R. Farrugia made a motion, seconded by D. Morrow to accept Zoning Text Amendment Application as #2015-01 ZTA by the Sterling Board of Selectmen proposing new excavation regulations in the Planning & Zoning Commission's zoning code and to schedule a public hearing for Tuesday, March 24, 2015 at 6:45 p.m. in Room #15 at the Sterling Town Hall, 1183 Plainfield Pike, Oneco, CT. All voted in favor of the motion.

**New Business:**

**a. Two-Lot Subdivision Application by Timberwolf Enterprises, LLC for 352 Main Street:** The following was submitted into record: A letter from the Law Office of Andrea L. Truppa, dated 1/20/2015 notifying the abutters of the proposed two-lot subdivision for property located at 352 Main Street (copy on file); abutter mail receipts; Subdivision Application and Record of Subdivision Map entitled "Timberwolf Ridge" Parcel "A" prepared for Timberwolf Enterprises, LLC, 352 Main Street, Sterling, CT, consisting of two (2) sheets, dated 10/2014; and a letter from James D. Rabbitt, Town Planner, outlining his review of the plans and potential waiver requests dated 2/23/2015 (copy on file). 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.

The receipt date of this application is 1/27/2015 (the meeting was cancelled due to the snow storm). The plans that are submitted tonight are the same plans that were submitted earlier, as this application was withdrawn on 10/28/2014. B. Messier stated that he submitted a list of waivers that are necessary for the application to comply with the Town's regulations. There are two (2) dwellings on one lot, and the intent is to give each dwelling a separate lot utilizing a shared driveway. Discussion followed regarding the location of the wells and could a waiver be requested. J. Rabbitt explained that zoning requirements cannot be waived. The Planning and Zoning Commission has no ability to waive a dimensional requirement; that is a rule that can only be done through a variance application through the Zoning Board of Appeals.

J. Rabbitt went over his review of the subdivision application stating that the Commission needs to address a number of potential waiver requests that are necessary for the application to comply with the Town's regulations. The following items were reviewed: Subdivision plan, application, and waiver requests. The Town Planner's findings and recommendations (24 items) were discussed (copy on file). The primary issue is the sightline; the property line to the north consists of a very large right of way. Without having the survey data or deed information to the north, it is unclear if the right of way comes back in.

C. Turner made a motion, seconded by F. Bood to table this as application PZ-#2015-01 to the next meeting. All voted in favor of the motion.

**b. Proposed Two-Lot Subdivision by Patricia Desmarais for 0 Margaret Henry Road:** The following was submitted into record: A letter from Bruce Woodis of KWP Associates, dated 1/21/2015 for the proposed Two-Lot Subdivision for property located on Margaret Henry Road; abutter mail receipts; Subdivision Application and Subdivision Plan prepared for Patricia Desmarais, Margaret Henry Road, Sterling, CT, consisting of three (3) sheets, dated 1/3/2015 with a revision date of 2/18/2015; Surface Sewage Disposal System Plan, consisting of one (1) sheet, prepared by Charlie Panteleakos, dated 9/2014; a letter from

Northeast District Department of Health (NEDDH) dated 10/22/2014; and a letter from James D. Rabbitt, Town Planner, outlining his review of the plans and potential waiver requests dated 2/23/2015 (copy on file). The receipt of this application is 1/27/2015 (the meeting was cancelled due to the snow storm). Bruce Woodis of KWP Associates, representing the applicant presented the application for a three-lot subdivision, not a two-lot subdivision. J. Rabbitt pointed out, after the submittal of the two-lot subdivision, that even though two (2) new building lots are being created with the remaining land of seventy-five acres (75), there is no such thing as a two-lot subdivision with remaining land, it is technically a three-lot subdivision. The applicant is proposing to divide two (2) four (4) acre lots. B. Woodis stated that the plans include the applicant's proposed development area of her lot because a few months ago when the applicant started the process of getting a building permit, she had a different engineer. B. Woodis stated that he took the other engineer's plans and digitized the area so these record plans for the subdivision show the build area of the third lot. J. Rabbitt went over his review of the subdivision application stating that the Commission needs to address a number of potential waiver requests that are necessary for the application to comply with the Town's regulations. The following items were reviewed: Subdivision plan, application, and waiver requests. The Town Planner's findings and recommendations (30 items) were discussed (copy on file). A good majority of the recommendations are from technical aspects associated with the fact that a two-lot subdivision was submitted and a three lot subdivision is before the Commission tonight. Discussion followed regarding Public Open Space – Section 8 of the Planning and Zoning Regulations. There is no proposal for dedication of open space and/or fee in lieu of. The Commission has the ability within this section to require up to ten (10) percent of the land being developed or divided to be preserved as open space or in most instances, the Commission has preferred a fee in lieu of open space, which is based on ten (10) percent of the appraised value.

F. Bood stated that in the past ten (10) years, the Commission has required open space or fee in lieu of because it is for profit. If this property was going to stay in the family for a minimum of five years, the Commission would waive the fee in lieu of. If the applicant has to pay a fee in lieu of open space, she will not be able to finish her house. J. Rabbitt stated that staff's recommendation will be a fee in lieu of open space because that has been the direction that the Commission has given to staff on prior applications for a number of years and unless the land is usable for the purpose of the residents of the community being either active, recreation or passive, it needs to be connected to a much bigger system that provides access to it. B. Woodis noted that there are provisions in the regulations that talk about preservation of woodland areas, prime farm land, marshes, swamps, and other things that fall under the regulations. J. Rabbitt stated that it is at the complete discretion of the Commission.

F. Bood made a motion, seconded by D. Morrow to table this as application PZ-#2015-02 to the next meeting. All voted in favor of the motion.

**c. Connecticut Land Use Law for Municipal Land Use Agencies, Boards, and Commissions, Wesleyan University, Saturday, March 21, 2015:** Five (5) members have registered to attend the Connecticut Land Use Law Conference on Saturday, March 21, 2015, at Wesleyan University in Middletown, CT.

**d. Election of Officers:** Nominations were opened for the position of Chairman. Dana Morrow was nominated for Chairman. There were no other nominations. F. Bood made a motion, seconded by C. Donall to elect D. Morrow as Chairman. All voted in favor of the motion. Nominations were opened for the position of Vice Chairman. Frank Bood was nominated for Vice Chairman. There were no other nominations. C. Donall made a motion, seconded by D. Morrow to elect F. Bood as Vice Chairman. All voted in favor of the motion. Nominations were opened for the position of Secretary. Chris Turner was nominated for Secretary. There were no other nominations. C. Donall made a motion, seconded by F. Bood to elect C. Turner as Secretary. All voted in favor of the motion. C. Donall made a motion, seconded by D. Morrow to close nominations. All voted in favor of the motion.

F. Bood made a motion, seconded by C. Donall to vote on the slate of officers. All voted in favor of the motion.

**e. Removal of Caveat for Fallen Subdivision:** J. Rabbitt reported that in the Fallen Subdivision there was a requirement for fee in lieu of open space. This fee can be paid in a lump sum or it occurs upon a change in title. The Commission approved it and charged a fee per lot that was suppose to go with change of title and Mr. Fallon chose to pay it in a lump sum that was accepted by the Town. During that transitional period, a caveat was placed on the land records requiring that the fee be paid upon transfer of title. No one was aware that action needed to be taken to remove the caveat that was placed on each individual lot. No additional money has been collected. D. Morrow made a motion,

seconded by C. Turner to remove the caveat on the Fallon Subdivision located off of Calvin French Road know as Easy Street. All voted in favor of the motion.

**Audience Comments:** None

**Any Other Business:**

**a. Commission Training:** J. Rabbitt brought copies of a golf course so Commission members could see the layout and all the topography and drainage associated with that and how from a staff perspective you take a large set of plans, multiple sheets, and makes sense of a whole bunch of lines on a set of plans.

**Adjournment:** A motion was made by F. Bood, seconded by C. Turner, to adjourn at 9:12 p.m. All voted in favor of the motion.

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

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