

July 28, 2015

The continued public hearing was called to order at 7:08 p.m. by Chairman Dana Morrow.

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

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

Also present-Greg Glaude, David McKay, 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.

Greg Glaude of Killingly Engineering Associates, representing the applicant, Dalmik Well Drilling Company, submitted revised subdivision plans through 7/16/2015. Also submitted for the record is a letter dated 7/22/2015 from Don Aubrey, Town Engineer of Towne Engineering, Inc., regarding the drainage and a letter dated, 7/28/2015 from Jamie Rabbitt, Town Planner, outlining his findings/recommendations and a draft approval motion (copies on file). G. Glaude stated that at last month's meeting there was one remaining item to address regarding the drainage coming down from the back of the parcel across the property that Heath's own and out to a drop inlet by Church Street which ultimately drains under Church Street and down into the river. A meeting was held with Norm Thibault of Killingly Engineering Associates, R. Gray, D. Aubrey, and J. Rabbitt to discuss the drainage design as it is a Town structure. G. Glaude discussed the Town Engineer's letter regarding the proposed drainage measures. "At the request of your Town Planner, I have reviewed the upgraded plans referenced by Subdivision Map, Prepared for Dalmik Well Drilling Company with regard to the final drainage measures proposed which do appear to adequately resolve all of my earlier concerns. The Town is aware that it will be necessary to clear the existing catch basin before any of the proposed drainage improvements can be properly installed". "The use of the 18 inch Class IV reinforced concrete pipe placed and structurally secured into modified and intermediate rip rap as shown on the current plan leading into and out of each basin will create a stable end treatment that is an adequate design measure in my opinion for the private site conditions proposed which also conform with the hydraulic capacities required in your Regulations. The design proposed will provide for both the existing and proposed conditions detailed on the current plans reviewed. This design will also correct an existing drainage and sedimentation nuisance which has for a long time been of concern to the Town. G. Glaude stated that the proposal includes a catch basin further down the road; about 26 feet away, which will intercept with the proposed basin that is being created which will intercept most of the swale to replace the undersized pipe. G. Glaude stated that at the last month's meeting a letter requesting a waiver pursuant to section 12.6.4 of the Town's Subdivision Regulations, asking the Commission to waive section 11.1 for a sanitary report was submitted and discussion was held regarding the fee in lieu of open space; \$5,600 per acre. J. Rabbitt stated that the revised plans were not sent to him for review and from an administrative standpoint, you have proposed infrastructure but you don't necessarily know when it will be completed. You have the design, but when and how do you build it and what mechanisms does the developer put forward to ensure that it is done; is it as part of the approval process with any surety, is it part of the approval process that it is completed prior to the issuance of a building permit, or is it surety associated with prior to the sale of the lot. It was noted that there is potential need for protection via rock or guard rail type system on the uphill side of one or both of the basins. G. Glaude stated that this would be done in conjunction prior to a Certificate of Occupancy being issued. He would like the public hearing to be closed tonight followed by an approval. J. Rabbitt inquired if the client has a preference to the construction sequence in regards to undertaking the work as the building permit is issued or posting surety during that process to ensure that it is done. G. Glaude stated that he does not believe that his client wants to post a surety bond, but would rather have it done before a certificate of occupancy or a building permit is issued. J. Rabbitt stated that in the construction sequence, the drainage swale on the north side of the proposed driveway can be roughed in so we have positive flow to the two proposed basins and the pipe under the existing driveway.

D. Morrow asked if anyone had any questions or comments.

J. Rabbitt stated for the record, that G. Glaude verbally proposed an open space fee of \$5,600 which was based on the evaluation of \$56,000 for the raw land being developed which represents ten percent (10%) or \$5,600 for the new lot being created. The evaluation of \$56,000 which relates to \$5,600 fee in lieu of open space is relatively consistent with the evaluations in resulting fees from prior subdivisions.

D. Morrow asked if anyone had any questions or comments.

R. Farrugia stated that the applicant has done an awfully lot of work here and has come before the Commission numerous times and he has a problem that this might get delayed one more month. The applicant has done a good job and he is making a correction to a problem that exists. The Commission needs to take action tonight.

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

D. Morrow made a motion, seconded by R. Farrugia to close the public hearing at 7:30 p.m. All voted in favor of the motion.

July 28, 2015

Call to Order: The monthly 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-absent, Cindy Donall-present, Alternate Walter Moriarty-absent, Alternate Caren Bailey-present, and Alternate Paul Ezzell-absent.

Alternate C. Bailey was seated for C. Turner.

(W. Moriarty has been absent from many meetings and D. Morrow will write him letter regarding this matter).

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

Also present-David McKay, Greg Glaude, and Ron and Lynn Desjardins.

Audience of Citizens: No comment.

Approval of Minutes: C. Donall made a motion, seconded by D. Morrow to approve the public hearing minutes and the meeting minutes of 6/23/2015 as written and presented. All voted in favor of the motion.

Correspondence: 1) A letter dated 6/29/2015 from the State of Connecticut, Connecticut Sitting Council, regarding the Cellco Partnership d/b/a/ Verizon Wireless notice of intent to modify an existing telecommunications facility located at 5 Exeter Driver, Sterling, CT (copy on file). 2) Demian Sorrentino, Zoning Enforcement Officer, sent a letter dated 7/1/2015 to Kara Fishman, Sterling Assessor regarding the status of two (2) parcels of land located on Miller Road, owned by Alfred J. and Jamie P. Chilson, Trustees. D. Sorrentino stated that, "Based upon my review of available municipal records and the Sterling Zoning Regulations, my opinion is that the two (2) parcels were added to the Sterling Assessor's map erroneously based on the herein referenced survey plan, and without the filing of corresponding deeds which would have created the two separate and distinct parcels, they are not considered separate "Lots of Record" (copy on file).

Unfinished Business:

D. Morrow made a motion, seconded by F. Bood to move Unfinished Business, Item b. ahead of Unfinished Business, Item a. so the Town Planner can write a "draft" approval letter for the Commission to review. All voted in favor of the motion.

b. Application PZ-#2015-04 by Town of Sterling for an Alternative Truck Access Drive for Existing Commercial/Industrial Building for Property Located at 110 Industrial Park Road:

The following items were submitted into record: Revised site plans dated through 7/24/2015, a letter dated 7/27/2015 from Don Aubrey of Towne Engineering, Inc., stating that the revised site plans have no remaining technical issues as currently proposed (copy on file), and a letter from Jamie Rabbitt, dated 7/28/2015 summarizing the status of the application for the site plan approval by the Town of Sterling to construct a new truck entrance and associated modified parking and drainage at 110 Industrial Park Road and a draft motion of approval. D. McKay stated that the application is for a new truck entrance that will allow truck traffic to enter the site, go to the rear of the building where the loading docks are, unload, and exit the site without having to travel through the employee parking area. The revisions include a proposed drainage leak-off at the new driveway from eighteen inches (18") to three feet (3'), a modified riprap spillway with an overflow elevation to maintain the existing armor overflow location has been added to the plan, a hay bale barrier has been changed to a stone check dam and the detail for the stone check dam has also been added to the plans, and the new entrance has been revised with a "softer" radii from twenty-five feet (25') to thirty feet (30') on the west side and from fifteen feet (15') to twenty (20') feet on the east side and the driveway width has been modified to twenty feet (20'). J. Rabbitt stated that he has reviewed the revised plans and given the status of the application, he has prepared a favorable motion. Staff needs to be aware of the construction, final inspections to occur, as-built to occur and staff be allowed some leeway in the field to make minor field adjustments based on conditions found in the field during construction.

D. Morrow made a motion, seconded by F. Bood to approve application PZ-#2015-04 by the Town of Sterling (Map 03842/017/0IP8) for a proposed driveway for property located at 110 Industrial Park Road as referenced by plans entitled Improvement Location & Topographic Survey – "Proposed Driveway" prepared for: Town of Sterling by Boundaries, LLC consisting of two (2) sheets with the revision dates of 5/4/2015 and 7/24/2015 with the following four (4) modifications: 1) A preconstruction meeting should be held with Commission/Town staff (Planner, Engineer, Zoning Enforcement Officer, Building Official) with site contractor prior to any construction, grading and/or excavation activity associated with the construction of the drainage and/or building; 2) Minor field adjustments to grading and landscaping may be made based on field condition upon written approval from the Town Planner (consult with town Engineer if necessary), who has been given the authority on behalf of the Town's Planning and Zoning Commission to act on their behalf. The Town Planner cannot approve any change that jeopardizes the integrity of the original design (approved plans); 3) The applicant shall be required to file an approved site plan (revised to incorporate conditions) on mylar with signature blocks for the Town Engineer and Chairman of the Planning and Zoning Commission for recording with the Town Clerk. Prior to the signing and recording of the mylars with the Town Clerk, Planning and Zoning Commission staff shall review the plans for compliance with the above conditions/modifications; and 4) Final as-built shall be submitted to the Town to determine compliance with the approval plans. As-built shall include final grades, landscaping, buildings, utilities (depth, size, location, type) and drainage. As-built may include additional information deemed necessary by Town staff to determine compliance with approvals. All voted in favor of the motion.

a. Two-Lot Subdivision Application PZ-#2015-03 by Dalmik Well Drilling Company for 0 Church Street:

The public hearing on this application closed earlier tonight. J. Rabbitt reported that the Commission needs to deal with the waiver request for the submission of information and he has prepared a favorable motion to approve a two-lot subdivision for property located at 0 Church Street with five (5) modifications.

D. Morrow made a motion, seconded by C. Donall to grant a waiver from the Sterling Subdivision Regulations, Section 11 for the requirement of the sanitary report and well report. All voted in favor of the motion.

F. Bood made a motion, seconded by C. Donall to approve application PZ-#2015-03 by Dalmik Well Drilling Company (Map 03828/024/025A) for a two-lot (2) re-subdivision to correct an illegal division of lots 25 and 25A for property located at 0 Church Street as referenced by plans entitled Subdivision Map

prepared for Dalmik Well Drilling Company consisting of four (4) sheets with the following revision dates: Sheets 1, 3 and 4 with revision dates of 4/29/2015, 6/2/2015, 6/23/2105, 7/10/2015, and 7/16/2015; Sheet 2 with revision dates of 4/29/2015,6/2/2015, 6/23/2105, 7/9/2015, and 7/16/2015 with the following five (5) modifications: 1) The applicant shall pay in full all costs associated with the review and processing of the application prior to the signing of mylars; 2) The applicant shall be required to pin/monument the lots prior to the signing of mylars or provide surety for pins/monuments. The amount of surety shall be reviewed and approved by the Town Engineer. Any proposed surety shall be in the form of cash and/or irrevocable letter of credit; 3) The applicant shall submit final easement language including area descriptions for driveway and utilities to the Commission for review and approval prior to the signing of the mylars; 4) The applicant's appraised value of \$56,000 appears to be consistent with land values in this area; therefore, the fee-in-lieu of open space would be \$5,600 per lot for the one new lot that will be created. The fee is due upon the initial transfer of title to the lot; and 5) The applicant shall construct the drainage improvements as required by Town staff prior to the issuance of a Building Permit and/or construction of the proposed driveway depicted on the approved plans. Improvements may be phased throughout the construction process as approved by Town Staff; however, all improvements shall be installed, inspected, and approved prior to the issuance of a building permit. The applicant shall pay any costs associated with the inspection of the proposed improvements prior of the issuance of a final Certificate of Zoning which is required prior to the issuance of a Certificate of Occupancy. All voted in favor of the motion.

New Business: None

Audience of Comments: No Comment.

Any Other Business:

a. **Commission Training:** The tape was turned off at 8:20 p.m. and the Commission entered a workshop to discuss policies, procedures and administration of applications and a brief explanation of Town and State street right of ways and highway lines. No decisions will be made during the workshop training.

Adjournment: F. Bood made a motion, seconded by C. Donall to adjourn at 9:08 p.m. All voted in favor of the motion.

Attest: _____
Joyce A. Gustavson, Recording Secretary

Attest: _____
Christopher Turner, Secretary