



Town of Sterling

Town Hall
1183 Plainfield Pike
P.O. Box 157
Oneco, Connecticut 06373-0157

Assessor: 860-564-3030
Building Official: 860-564-2275
Economic Development: 860-564-4752
Library: 860-564-2692
Recreation: 860-564-2136
Registrar of Voters: 860-564-2654

Revenue Collector: 860-564-7563
Selectmen: 860-564-2904
Town Clerk: 860-564-2657
Treasurer: 860-564-8488
Wetlands Agent: 860-564-2275
Zoning Official: 860-564-2275

Legal Notice
Town of Sterling
Zoning Board of Appeals
Notice of Public Hearing

The Sterling Zoning Board of Appeals will hold a Public Hearing on Tuesday, August 22, 2017 in Room 15 at the Sterling Town Hall, 1183 Plainfield Pike, Oneco, CT beginning at 6:30 p.m. to hear written and/or verbal comments on the following:

Application #ZBA-17-01 by Wayne Pelletier, Jr. for 84 Old Cranston Road, (Map 03842, Block 017, Lot 231B) for a variance from Section 4.04A Setbacks to reduce the front setback from fifty feet (50') to twenty-five feet (25') and to reduce the right side setback from twenty-five feet (25') to ten feet (10') to construct a proposed 24' x 40' garage.

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

Dated this 7th day of August 2017 at Sterling Town Hall, 1183 Plainfield Pike, Oneco, CT.

Sterling Zoning Board of Appeals
Stephen Offiler, Chairman
Christine Farrugia, Secretary

August 22, 2017

The public hearing was called to order at 7:04 by Stephen Offiler, ZBA Chairman.

Other members' present-Christine Farrugia, Stacy Abua, Alternate Russell Dexter, and Alternate Betsy Chamberland.

Staff present-Joyce Gustavson.

The purpose of the hearing is to accept written and/or verbal comments on Application #ZBA-17-01 by Wayne Pelletier, Jr., for 84 Old Cranston Road (Map 03842, Block 017, Lot 231B) for a variance from Section 4.04A Setbacks to reduce the front setback from fifty feet (50') to twenty-five feet (25') and to reduce the right side setback from twenty-five feet (25') to ten feet (10') to construct a proposed 24' x 40' garage.

Wayne Pelletier, applicant, submitted a survey prepared by KWP Associates (copy on file).

S. Offiler stated that the way things work is that anyone who wishes to speak on behalf of the application would present first, then anyone who opposes the application would speak next, followed by anyone who does not wish to be associated with either group and wants to speak, and lastly, the applicant has the final word. The hearing is open and the applicant can state his case. W. Pelletier summarized his situation using the Assessor's base and satellite maps explaining how his lot was subdivided, as well as the survey map prepared by KWP

Associates showing marked stakes every 50 feet around the buildable area and up in the back.

The driveway is located in the southwest corner making that the ideal location for the proposed garage. From the road to where the house is located, the lot is flat; after that, there is a rapid hill until it reaches a small creek. The garage could be constructed at the bottom of the first hill, but that presents the following issues: 1) it would require much more site work; 2) trees would need to be cleared, land leveled, and a six foot (6') retaining wall would need to be put in place staying one hundred feet (100') away from the river; 3) getting power to the garage would be costly; and 4) it defeats the purpose of having a garage if it is located two hundred feet (200') away from the home. W. Pelletier stated that the unique feature of the land is the enormous rock in his back yard and the topography of this lot is different than most.

S. Offiler asked if anyone has any questions or comments.

S. Abua asked if the other option was discussed with Demian Sorrentino, Zoning Enforcement Officer, and is that option something that he looked at and would approve.

W. Pelletier stated that he discussed it with Demain and stated that he believes he could keep it away from the setbacks but he is not suppose to clear-cut or significantly alter the land within one hundred feet (100') of the river which he thinks he would have to do to maintain a flat enough area. D. Sorrentino's recommendation was to apply for a variance and if that did not work, as far as zoning is concerned, it should be okay.

S. Offiler asked why the proposed garage construction is not closer to the house as depicted on the base and satellite maps in reference to the topographical contour lines which show very little slope. W. Pelletier stated that behind the house is a deck and there is a rock that is at least the size of this room (Room #15 at the Sterling Town Hall/Municipal Building).

There is also another rock very close to the first one and he cannot find the bottom of either rock. He cleared out approximately ten to twenty feet (10' to 20') feet around the rock. The northeast corner of the garage will be as close to the rock as possible and I am asking for a variance, a little more than what is probably needed because the exact placement of the proposed garage is to be determined based on the rock and I don't want to have to come back to the Board for another five or ten feet (5' or 10') if needed.

George Maerkle, 78 Old Cranston Road stated that he has no objection to the work being done and constructing the garage close to the property line.

The house was built in 1986 and zoning/setbacks were not in place at that time. He purchased the home in 2015.

S. Offiler asked if anyone else had any other questions or comments.

Discussion was held on whether or not this application hinges on a hardship, which is not financial in nature, but a unique feature of the land rendering it useless.

S. Offiler asked if anyone else had any other questions or comments. There were none.

C. Farrugia made a motion, seconded by R. Dexter to close the public hearing at 7:30 p.m.

All voted in favor of the motion.

August 22, 2017

The Zoning Board of Appeals special meeting was called to order at 7:31 p.m. by Stephen Offiler, ZBA Chairman. Other member's present-Stacy Abua, Christine Farrugia, Alternate Russell Dexter, and Alternate Betsy Chamberland. Member's absent- Diane LeDuc, Robert Lassen, and Alternate Lincoln Cooper.

Staff present-Joyce Gustavson.

Also present-Wayne Pelletier, George Maerkle, and Normand Thibeault.

Alternate R. Dexter was seated for R. Lassen and Alternate B. Chamberland was seated for D. LeDuc.

Audience of Citizens: No comment.

Approval of Minutes: C. Farrugia made a motion, seconded by R. Dexter, to approve the 7/25/2017 quarterly meeting minutes as written and presented. All voted in favor of the motion.

Unfinished Business:

a. Application #ZBA-17-01 by Wayne Pelletier, Jr. for a Variance from Section 4.04A Setbacks – Front 50' Required, 25' Proposed and Side 25' Required, 10' Proposed for Property Located at 84 Old Cranston Road (03842/017/231B): S. Offiler stated the public hearing closed earlier tonight and the Board has sixty-five (65) days to make a decision. The applicant was well prepared and the Board understands the issue and realizes that fiscal hardship should not be considered. The rock is the hardship making this property unique in nature. Case law has tested what constitutes a unique hardship and the Board needs to be able to explain the rationale when approving a variance and the unique feature of the property. When looking at logistics of possible locations, and there is an apparent conforming location where you don't need the variance, that location has to be looked at very carefully. The rock appears to be extremely large and immovable making this a unique situation. S. Abua stated that the zoning laws were in effect a year and half ago when you bought the property and you had ample opportunity to research the property and the zoning rules in our Town. She also stated that she grasps the uniqueness of the situation, but there is another option, which is more costly, and cannot be considered a hardship. S. Offiler stated that whether or not an alternate location, closer to the brook, is an option and was discussed with the Zoning Enforcement Officer, the Board could decide to not make a decision tonight and seek counsel from staff. B. Chamberland made a motion, seconded by S. Abua, to table this item and get official input from the Zoning Enforcement Officer and the Wetlands Agent. All voted in favor of the motion.

New Business:

a. Application by Louis M. Magiera, Jr. for a Variance from Section 6.01 Well and Septic System Locations – Well – from Seventy-Five (75') Feet to Two (2') Feet and to Reduce Section 6.01 Well and Septic System Locations – Septic – from Fifty (50') Feet to Ten (10') Feet for Property Located at 68 Deerfield Drive (03832-029-0100): N.

Thibeault of Killingly Engineering Associates, representing the applicant, submitted an Improvement Location Survey dated June 2012. The property is a 0.3 acre parcel; created in 1962. The lot was approved by the Sterling Inland Wetland Commission in 2013. The proposal is to construct a 2 bedroom home on a slab, with onsite septic and well within the upland review area. The original survey was done by Eric Seitz of Eric Seitz Land Surveying, Inc. The Inland Wetland Commission had concerns about water quality and that is when N. Thibeault was asked to do stormwater renovations and the septic design. In 2017, the applicant applied for a building permit and was informed by the Zoning Enforcement Officer that the design does not meet the seventy-five foot (75') required well setback nor the twenty-five foot (25') required septic setback. The application meets the health requirements and other lots on the street. The Commission accepted this application as #ZBA-17-02 for review and a public hearing was scheduled for Tuesday, September 26, at 6:30 p.m. in Room #15 at the Sterling Municipal Building, 1183 Plainfield Pike, Oneco, CT. (With two (2) bars left, the battery on the tape recorder died at 7:55 p.m.)

Any Other Business: None.

Adjournment: C. Farrugia made a motion, seconded by R. Dexter to adjourn at 8:00 p.m. All voted in favor of the motion.

Attest: _____
Joyce A. Gustavson, Recording Secretary

Attest: _____
Christine Farrugia, Secretary