

September 26, 2017

The public hearing was called to order at 6:31 by Stephen Offiler, ZBA Chairman.

Other members' present-Stacy Abua, Robert Lassar, and Alternate Betsy Chamberland.

Staff present-Russell Gray, Demian Sorrentino, and Joyce Gustavson.

The purpose of the hearing is to accept written and/or verbal comments on Application #ZBA-17-02 by Louis M. Magiera, Jr., for 68 Deerfield Drive (Map 03832, Block 029, Lot 0100) for a variance from Section 6.01 Well and Septic System Locations – Well – from seventy-five feet (75') to two feet (2') and to reduce Section 6.01 Well and Septic System Locations – Septic – from twenty-five feet (25') to ten feet (10') to construct a two (2) bedroom home. On the Notice of Public Hearing, the septic setback has been corrected from fifty feet (50') to twenty feet (25'). Norm Thibeault of Killingly Engineering Associates, representing the applicant, Louis M. Magiera, Jr., is requesting a variance for the well and septic setbacks. Submitted into record are the Approval to Construct or Repair Sewage Disposal System and the approval to construct a two (2) bedroom home from Northeast District Department of Health. A little over year ago, L. Magiera obtained approval from the Sterling Inland Wetland Commission to construct the two bedroom home. The applicant has also received approval from the Department of Health to install the septic system. When the applicant applied for a building/zoning permit to construct, D. Sorrentino, Zoning Enforcement Officer, noted four (4) items in the plan that did not comply with the zoning regulations; two (2) of the four (4) items have been resolved, leaving the request for a variance for well and septic system locations. N. Thibeault stated that the well has to be located seventy-five feet (75') from whole lot boundaries. Both Sterling's Zoning Regulations and Subdivision Regulations require that the entire well radius be located on the property itself. All health code requirements have been met. The second variance is requesting a reduction for the septic system location setback from the required twenty-five feet (25') from the property line to ten feet (10').

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

S. Abua asked for clarification regarding the survey prepared by Eric Seitz of Eric Seitz Land Surveying, Inc. N. Thibeault stated that this survey was prepared by Eric Seitz who does not have an engineer in house, and when he has engineering issues that need to be addressed he works with Killingly Engineering. The issue that the Wetlands Commission had concern with pertained to restoring the embankment so that runoff from the site did not have any detrimental effect on the Moosup River.

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

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

R. Lassar made a motion, seconded by S. Abua to close the public hearing at 6:50 p.m. All voted in favor of the motion.

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The Zoning Board of Appeals special meeting was called to order at 6:50 p.m. by Stephen Offiler, ZBA Chairman. Other member's present-Stacy Abua, Robert Lassar, and Alternate Betsy Chamberland. Member's absent-Christine Farrugia, Diane LeDuc, Alternate Lincoln Cooper, and Alternate Russell Dexter.

Staff present-Russell Gray, Demian Sorrentino, and Joyce Gustavson.

Also present-Normand Thibeault.

Alternate B. Chamberland was seated for D. LeDuc.

Audience of Citizens: No comment.

Approval of Minutes: S. Abua made a motion, seconded by R. Lissan to table the approval of the 8/22/2017 public hearing minutes. All voted in favor of the motion. S. Abua made a motion, seconded by B. Chamberland, to approve the 8/22/2017 special 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): Submitted into the record is an email dated 8/23/2017 from S. Offiler addressing the potential site for the proposed structure located towards the rear of the property (copy on file). D. Sorrentino stated that at the beginning of September he was approached by S. Offiler to discuss the application. D. Sorrentino also spoke via email and telephone to S. Abua regarding her concerns. Due to the fact that the public hearing is closed, it is not appropriate for Commissioners to visit the site without the presence of staff. Commission members are able to gain additional information after the public hearing is closed through staff and a site meeting was scheduled to visit the site. Submitted into the record are six (6) photographs of the property (copies on file). D. Sorrentino stated that based on the site walk there are ways to work around the rock. To grant the front variance would not be consistent with development in the immediate area. To grant the side variance would be consistent with the development on the immediate adjacent property. S. Abua made a motion, seconded by B. Chamberland to approve #ZBA Application-17-01 by Wayne Pelletier, Jr., for 84 Old Cranston Road, (Assessor’s Map 03842, Block 017, Lot 231B) for a variance from Section 4.04A Setbacks – side yard setback from required twenty-five feet (25’) to proposed ten feet (10’) based on the unique physical characteristics of the property including topography, large boulder/ledge as referenced by photographs taken by D. Sorrentino, Zoning Enforcement Officer, dated September 2017 and a motion to deny the variance from Section 4.04A Setbacks – front yard setback required fifty feet (50’) to proposed twenty-five feet (25’). All voted in favor of the motion.

b. Application #ZBA=17-02 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 Twenty-Five Feet (25’) to Ten Feet (10’) for Property Located at 68 Deerfield Drive (03832-029-0100): S. Offiler stated that the public hearing closed earlier tonight. Discussion was held. All health requirements have been met. S. Abua made a motion, seconded by R. Lissan to approve #ZBA Application-17-02 by Louis M. Magiera, Jr., for 68 Deerfield Drive, (Assessor’s Map 03832, Block 029, Lot 0100) for a variance from Section 6.01 Well and Septic System Locations – Well - from seventy-five feet (75’) to two feet (2’) and to reduce Section 6.01 Well and Septic System Locations – Septic – from twenty-five feet (25’) to ten feet (10’) based on the physical size of the lot, a lot of record since 1962, situated on a private lane, and the location of the sanitary and water supply improvements on adjacent properties referenced by plans entitled, “Improvement Location Survey” Prepared for Louis Magiera consisting of two (2) sheets dated June 2012 with revision dates 7/2/2012, 10/23/2012, 2/26/2013, 4/12/2013, 4/26/2013, and 7/26/2017. All voted in favor of the motion.

New Business: None.

Any Other Business: None.

Adjournment: R. Lissan made a motion, seconded by S. Abua to adjourn at 7:35 p.m. All voted in favor of the motion.

Attest: _____
Joyce A. Gustavson, Recording Secretary

Attest: _____
Christine Farrugia, Secretary