



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
Planning and Zoning Commission
Notice of Public Hearing**

The Sterling Planning & Zoning Commission (P&ZC) will conduct a Public Hearing on Tuesday, November 20, 2018 in Room #15 of the Sterling Town Hall, 1183 Plainfield Pike, Oneco, CT beginning at 7:30 p.m. to consider the following:

The P&ZC proposes to amend the Sterling Zoning Regulations, specifically:

1. Amendment Section 6.0 to add Section 6.04 to allow In-Law Apartments as permitted use of right under certain conditions.
2. Amendment Section 4.04 (Setbacks) to allow reduction of setbacks for lots in existence prior to September 4, 2009.

Copies of the proposed amendments are available for public inspection in the Office of the Sterling Town Clerk. At the public hearing, all interested parties are invited to be heard and written correspondence will be accepted.

Dated this 5th day of November 2018 at Sterling Town Hall, 1183 Plainfield Pike, Oneco, CT.

Sterling Planning and Zoning Commission
Frank Bood, Chairman
Dana Morrow, Secretary

November 20, 2018

The public hearing was called to order at 7:31 p.m. by Chairman Frank Bood.

Other members' present-Ross Farrugia, Victoria Robinson-Lewis and Dana Morrow.

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

Also present-Kim Smith-Barnett.

The legal warning for the public hearing was read by F. Bood. The purpose of the hearing is to accept written and/or verbal comments on the proposal to amend the Sterling Zoning Regulations to allow in-law apartments as permitted use of right under certain conditions and allow reduction of setbacks for lots in existence prior to September 4, 2009 (copy on file).

F. Bood asked if anyone had any questions or comments.

R. Gray asked F. Bood to explain the proposed amendments.

F. Bood stated that back in 2004 zoning was instituted in the Town of Sterling. At that time, the Planning and Zoning Commission took a hard look at zoning and building regulations and asked the Town where they felt the directive was going. Over the years, the Commission listened to the grievances that the regulations created and came up with text amendments to help fix the bigger grievances. The first (1st) proposal is to allow in-law apartments, giving the homeowner an opportunity to expand their home for a family member; parent, grandparent, child, nephew, niece, etc. allowing them to have a separate address. Under the current regulations, the Commission cannot grant the addition of an in-law apartment unless the homeowner has a minimum of four (4) acres, the necessary road frontage, etc. The second (2nd) proposal addresses setbacks. Many lots in Town were created twenty (20), thirty (30), or forty (40) years ago that are one hundred (100) feet wide by two hundred (200) feet deep and under the current regulations, the setbacks seventy-five (75) - (front yard), twenty-five (25) - (side yard), and twenty-five (25) - (rear yard); with a one hundred (100) foot lot, you have fifty (50) feet where you can build. The smaller lots in Town, such as the mill lots, cannot build a shed under the current regulations. This won't solve all the problems, but will give homeowners a little more room to grow and utilize their property.

In summary, the in-law apartment is approximately seven hundred (700) square feet with the idea that most people have a two or three (2/3) car garage that they can convert keeping it in a space which is not too big, not too small, and gives someone a feeling of their own private space. The reduction in setbacks will allow you to build closer to the side yard setback utilizing more of your property without an issue.

Kim Smith-Barnett, 31 Porter Pond Road asked about "granny pods". Would they be excluded because they do not have to be attached to the residence?

D. Morrow asked for clarification as to what a "granny pod" is.

F. Bood stated "granny pods" basically are tiny homes and can come in on a shipping container or a trailer unit, basically small, secondary residences to the property. The Commission is trying to eliminate the few residents who have trailers on their property. Most of the residents who come to the Town Hall want to add on to their home for their parent or loved one and legally they have not been able to add on. Tying these units to the existing home, limits well, septic, and the electrical connections which would in turn keep the residence a residence and not a duplex.

R. Gray asked what happens to the in-law apartment when an in-law passes away.

F. Bood stated that under the definition of in-law apartment, it gives someone the ability to have a second or "B" address. When an individual moves on, the homeowner can remove the door between the units to become a larger single family residence.

J. Rabbitt stated that the Commission uses the term "in-law", but it can be any member of the family unit. In the process, the homeowner has to sign a sworn affidavit stating that it is not a rental unit, that it is living quarters for a family member, which gets filed in the land records. This is an administrative process which goes before the Zoning Enforcement Officer. It is not designed to be a rental unit; it is designed to be a bigger house that gives independent living to a member of that family.

F. Bood asked if anyone else had any other questions or comments. There were none.

F. Bood asked if anyone else had any other questions or comments. There were none.

D. Morrow made a motion, seconded by R. Farrugia to close the public hearing at 7:45 p.m. All voted in favor of the motion.

November 20, 2018

Call to Order: The monthly meeting of the Sterling Planning and Zoning Commission was called to order at 7:45 p.m.

Roll was called: Frank Bood-present, Dana Morrow-present, Ross Farrugia-present, Victoria Robinson-Lewis-present, Caren Bailey-absent, and Alternate Michael Rouillard-absent.

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

Also present-Kim Smith-Barnett.

J. Gustavson stated that K. Smith-Barnett is interested in joining the Planning and Zoning Commission and introduced her to the members.

Audience of Citizens: No comment.

Approval of Minutes: V. Robinson-Lewis made a motion, seconded by D. Morrow to approve the public hearing minutes and the monthly meeting minutes of 10/16/2018 as written and presented. All voted in favor of the motion.

Correspondence: F. Bood stated that he received a letter from Demian Sorrentino, Zoning Enforcement Officer, dated 11/15/2018 regarding the proposed re-use of industrial property located at 10 Exeter Drive, Assessor's ID: 33842-017-IP14. This letter is in response to Louisa Lamarre of Regional Industrial Services Corporation request for correspondence regarding the potential re-use of industrial property and/or

the building(s) situated for a Construction and Demolition (C&D) Material and Scrap Metal Recycling Facility.

Unfinished Business:

a. Discussion Regarding the Plan of Conservation and Development: J. Rabbitt stated that Plan of Conservation and Development (POCD) expires in January and letters shall be in place. It is a coordinated effort with the Office of Policy and Management (OPM) for the processing. If a Town's POCD expires you do not ask for a waiver unless you are applying for grant money from the State. If you are in the process and OPM is aware that you are in process, they grant the waivers. V. Robinson-Lewis made a motion, seconded by D. Morrow to table this item to the next meeting. All voted in favor of the motion.

b. Discussion and Possible Action on Application #PZ-2018A – Proposed Text Amendment to Allow In-Law Apartments as Permitted Use of Right under Certain Conditions, and Setbacks for Lots in Existence Prior to September 4, 2009 by the Town of Sterling Planning and Zoning Commission: The public hearing closed earlier tonight. Discussion was held on whether or not the rear lot setback would be changed. If there is a need to amend the rear lot setback, an additional amendment change could be discussed at the next scheduled meeting. R. Farrugia made a motion, seconded by V. Robinson-Lewis to approve #PZ-2018A application submitted by the Town of Sterling Planning and Zoning Commission for the proposed text amendment to the Sterling Zoning Regulations, specifically to amend Section 6.0 to add Section 6.04 to allow in-law apartments as permitted use of right under certain conditions and to amend Section 4.04 (Setbacks) to allow reduction of setbacks for lots in existence prior to September 4, 2009 with an effective date of December 3, 2018. All voted in favor of the motion.

New Business:

a. Consider & Act on 2019 Schedule of Meetings: D. Morrow made a motion, seconded by R. Farrugia to approve the 2019 Meeting Schedule. All voted in favor of the motion.

b. Election of Officers: Nominations were opened for the position of Chairman. Frank Bood was nominated for Chairman. There were no other nominations. D. Morrow made a motion, seconded by V. Robinson-Lewis to elect F. Bood as Chairman. All voted in favor of the motion. Nominations were opened for the position of Vice Chairman. Ross Farrugia was nominated for Vice Chairman. There were no other nominations. D. Morrow made a motion, seconded by V. Robinson-Lewis to elect R. Farrugia as Vice Chairman. All voted in favor of the motion. Nominations were opened for the position of Secretary. Dana Morrow was nominated for Secretary. There were no other nominations. R. Farrugia made a motion, seconded by V. Robinson-Lewis to elect D. Morrow as Secretary. All voted in favor of the motion. V. Robinson-Lewis made a motion, seconded by R. Farrugia to close the nomination of officers. All voted in favor of the motion.

V. Robinson-Lewis made a motion, seconded by R. Farrugia to accept the slate of officers. All voted in favor of the motion.

c. Discussion Regarding Current Ordinance Concerning the Establishing of Race Tracks in the Town of Sterling: F. Bood stated that an individual in Town has a parcel of property that abuts three (3) other parcels. This individual has been advertising on-line for donations to maintain his facility. Per the Town's Ordinance Concerning the Establishing of Race Tracks in the Town of Sterling...in part...No race track of any size or description for the running of stock cars, racing cars, motorcycles or any other mechanical vehicle shall be permitted in the Town of Sterling. F. Bood stated that a mechanical vehicle, as defined by the State, is any vehicle that has gas and/or electric motor. This includes dirt bike, quad, side by side, and electric bike. The Town has a resident who is illegally running a race track in his yard. R. Gray stated that he has been in contact with legal counsel. Demian Sorrentino, Zoning Enforcement Officer (ZEO) is in the process of issuing an Official Notice of Zoning Violation & Order to Cease and Desist. J. Rabbitt stated that any use that is established in the Town of Sterling requires a zoning permit and in speaking with the ZEO a zoning permit has not been issued for this property. It is a single family home with no other permitted use other than that single family home. F. Bood also stated from the Ordinance...in part...no exhibitions, meets, rodeos or other form of racing...shall be permitted in the Town of Sterling. He will confer with legal counsel and update the Commission at the next scheduled meeting. R. Farrugia made a motion, seconded by D. Morrow to table this item to the next meeting. All voted in favor of the motion.

Audience of Comments: K. Smith-Barnett stated that she moved to Town three (3) years ago and is interested in joining the Commission and getting involved. K. Smith-Barnett also stated that she has a degree in Historic Preservation and Conservation and has spent a few years on community development committees where she did design review and has been treasurer on several non-profit development company boards.

Any Other Business:

a. Commission Workshop – Roles, Responsibilities, Policies and Procedures: D. Morrow made a motion, seconded by R. Farrugia to table this item. All voted in favor of the motion.

b. Connecticut Land Use Law for Municipal Land Use Agencies: J. Rabbitt reported that information will be forthcoming for the March, 2019 land use workshop at Wesleyan University in Middletown.

Adjournment: D. Morrow made a motion, seconded by R. Farrugia to adjourn at 8:20 p.m. All voted in favor of the motion.

Attest: _____
Joyce A. Gustavson, Recording Secretary

Attest: _____
Dana Morrow, Secretary