



# 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 Thursday, March 19, 2020 in Room 15 at the Sterling Town Hall, 1183 Plainfield Pike, Oneco, CT beginning at 6:00 p.m. to hear written and/or verbal comments on the following:

Application #ZBA20-01 by Habitat for Humanity of Eastern Connecticut, Inc., 13 Pond Street (Map 00IOV, Block 029, Lot 0035) for a variance to reduce Section 6.01 Well and Septic System Locations – Well – from 75' to 31.4' to construct a three (3) bedroom home.

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

Dated this 4<sup>th</sup> day of March 2020 at Sterling Town Hall, 1183 Plainfield Pike, Oneco, CT.

Sterling Zoning Board of Appeals  
Stephen Offiler, Chairman  
Stacy Abua, Secretary

July 21, 2020

The public hearing was called to order at 6:04 p.m. by Stephen Offiler, ZBA Chairman. Other members present – Stacey Abua, Robert Lassan, Russell Dexter, Alternate Derek Anforth, Alternate Link Cooper, and Alternate Betsy Chamberland.

Staff present – Patricia Ball and Melissa Gil.

Also present – Frank M. Bood, James & Mary Mortimer, Roxanne Turenne, and David McKay.

The purpose of this hearing is to accept written and/or verbal comments on Application #ZBA20-01 by Habitat for Humanity of Eastern Connecticut, Inc. for a Variance from Section 6.01 Well and Septic System Locations – Well - from 75' to 31.4' to construct a three (3) bedroom home for property located at 13 Pond Street (00IOV-029-0035). The public hearing originally scheduled for Thursday, March 19, 2020 did not have a quorum and was continued. Chairman Offiler read for the record a timeline of the prior proceedings so that all in attendance tonight would be updated on what had transpired. Public Hearing TIMELINE:

Thursday 2/20: Application formally received. Connecticut General Statutes (CGS) provides a maximum of 65 days to open Public Hearing, which would be Saturday 4/25. Public hearing scheduled for Thursday 3/19.

Wednesday 3/11: Novel Coronavirus Disease, Covid-19, declared a pandemic by World Health Organization.

Friday 3/13: National Emergency declared in the USA regarding Covid-19.

Saturday 3/14: Governor Lamont issued Executive Order #7B which suspended the in-person requirement for open meetings.

Thursday 3/19: Public hearing opened as originally scheduled. No quorum, hearing was continued. GCS requires the public hearing to be closed within 35 days, which would be Thursday 4/23: Special meeting of ZBA scheduled to follow and cannot be held due to lack of quorum.

Saturday 3/21: Governor Lamont Executive Order #71 “...Any time deadlines... that may pass or expire during the public health and civil preparedness emergency declared by [Gov. Lamont] on March 10, 2020... are extended by an additional 90 days for...the following circumstances: the commencement or completion of any public hearing; the rendering of any decision required to be made within a particular period...”

Thus, the requirement to close the public hearing by Thursday 4/23 is extended a maximum of ninety (90) days which is Wednesday 7/22.

Thursday 6/18: Applicant provides written agreement to schedule the continued public hearing for Tuesday 7/21.

Today, Tuesday 7/21, is still within the legal requirements. This public hearing must be closed by tomorrow (Wednesday 7/22) at the latest, or time extensions would need to be granted by the applicant.

David McKay of Boundaries LLC, stated that he is representing the applicant, Habitat for Humanity of Eastern Connecticut, Inc. The following was submitted for the record: A letter from Terri O'Rourke, Habitat for Humanity of Eastern Connecticut, Inc. dated 6/18/2020 and a copy of the certified letter sent to abutting property owners dated 2/24/2020 along with the certified mail receipts. McKay stated the Town of Sterling zoning regulations require that wells are 75 feet from any property lines. In order to meet the requirements of the health code separating wells from septic systems by 75 feet, and also from 25 feet around the house, there is a need to put the well closer than the 75 feet from the property line. In this case the well would be 31.4 feet from the western property line. What is unique about this property is its small size and it was

created before Sterling zoning regulations required wells to be 75 feet from the property lines. McKay depicted with the aerial view map the location of the well and the neighboring properties. McKay asked if there were any questions from the members.

S. Offiler asked if there are any other alternate locations for this well? And if not, why not?

D. McKay response was that the public health code has a strict requirement of 75 feet for well and septic tank. This property offers no other location to meet that health code requirement.

R. Lassar asked what is the distance from the well to the septic, is it 75 feet? Response from D. McKay was yes, the distance between the two is at the 75-foot mark.

S. Abua asked about the septic system adjoining the neighboring property. Response from D. McKay, no the septic is just on this property. S. Abua also asked about the existing building on the property. D. McKay stated there was a garage on the property but that will be removed.

R. Lassar asked if the health department approved. Yes, received for the record on file.

S. Offiler asked if any in the audience wished to make comments.

M. Mortimer stated her property on 10 Newport Road is used to grow hay and with that requires the spread of manure. Her property is closest to the well. Should this be a concern for the well?

D. McKay stated the well is mostly in the wooded area along the edge of the property and does not extend very far into the property.

S. Offiler stated it shows in the aerial view and invited the audience to come to get a closer look at the aerial map. He also stated the Department of Health has already provided their approval; the activity of animals is incorporated in their decision.

Roxanne Turenne, 1135 Plainfield Pike, stated she is worried the new well would take pressure from her well and would affect the water pressure on her property for her animals.

Frank Bood, 230 Harris Road, stated the town has lots of farms that have high nitrate levels; unfortunately, with the state, there is not a statute that covers that.

S. Offiler stated this variance does not affect that property.

S. Offiler stated we have a document, a set of zoning regulations, that relate to setbacks on property, when a development of this nature is being considered it is necessary to attempt to meet all the regulations of that document, when one regulation does not meet the requirements that is the purpose of this hearing. The zoning enforcement official is in the room and she would be the best person to have a conversation with regarding those concerns. Turenne stated she understood and thanked the board for the answers to her questions.

M. Mortimer asked how many acres was this property. An audience member stated 0.8 acres and that this is a lot of record, an existing non-conformity lot and not required to meet the 2-acre minimum.

S. Offiler asked if anyone else had any more questions and if members of board had a good understanding of the hardship in this case.

L. Cooper stated the lot is 150 wide and, in a nutshell, the only place on the lot available for the well is where it is located.

S. Offiler asked if any other inputs from the audience.

M. Mortimer stated that the last person who wished to develop this property had a problem with developing the lot; something to be considered was the steepness of the driveway. Response from McKay was that once the driveway is cut in, the property will have a 14% slope which is allowable for construction equipment.

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

R. Lassar made a motion, seconded by R. Dexter, to close the public hearing at 6:27 p.m. All voted in favor of the motion.

July 21, 2020

The Zoning Board of Appeals special meeting was called to order at 6:27 p.m. by Stephen Offiler, ZBA Chairman. Other members present – Russell Dexter, Robert Lassar, Stacy Abua, Alternate Lincoln Cooper, Alternate Derek Anforth, and Alternate Betsy Chamberland. Members absent – Christine Farrugia.

An alternate was not seated for C. Farrugia.

Staff present – Patricia Ball and Melissa Gil.

Also present – David McKay, Frank M. Bood, James & Mary Mortimer.

**Audience of Citizens:** No comment.

**Approval of Minutes:** R. Lassar made a motion, seconded by R. Dexter to approve the 2/20/2020 special meeting minutes and the 3/19/2020 public hearing and special meeting minutes as written and presented. All voted in favor of the motion.

**Unfinished Business:**

**a. Application #ZBA 20-01 by Habitat for Humanity of Eastern Connecticut, Inc. for a Variance from Section 6.01 Well and Septic System Locations – Well – from 75’ to 31.4’ for Property Located at 13 Pond Street (00IOV-029-0035):** S. Offiler discussed the uniqueness of the property and the issue before the board related to the hardship of the applicant regarding this property. He stated, “if we denied, we effectively reduce this lot to useless”. Members agreed there was no other spot on the property to locate the well and a variance would be the only option for this lot, a lot on record, to have the required septic and well. R. Dexter made a motion, seconded by S. Abua to approve application #ZBA 20-01 by Habitat for Humanity of Eastern Connecticut, Inc. for 13 Pond Street (Assessor’s Map 00IOV-029-0035) for a variance from Section 6.01 Well and Septic System Locations – Well – from 75’ to 31.4’. All voted in favor of the motion. Statement for the record of the nature of the hardship: There is no other location on this property suitable for a well, making this a very unique piece of property. This uniqueness creates a hardship for the applicant.

**New Business:** None

**Any Other Business:** S. Offiler introduced the new Zoning Enforcement Officer Melissa Gil and stated that the Board of Selectmen received a letter of resignation dated June 17, 2020 effective July 1, 2020 from Demian A. Sorrentino (letter on file). L. Cooper wished to state for the record, the town was very lucky to have Demian, he was very good, very professional, and provided the town with knowledgeable advice in regard to his position. M. Gil thanked the board for the warm welcome and assured the board she brings years of experience working in Canterbury, CT and hopes to provide the same level of professionalism as the previous zoning enforcement officer.

**Adjournment:** R. Lassar made a motion, seconded by R. Dexter to adjourn at 6:43 p.m. All voted in favor of the motion.

Attest: \_\_\_\_\_  
Patricia Ball, Recording Secretary

Attest: \_\_\_\_\_  
Stacy Abua, Secretary