

January 21, 2020

**Call to Order:** The monthly meeting of the Sterling Planning and Zoning Commission was called to order at 7:31 p.m.

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

Alternate K. Smith-Barnett was seated for C. Bailey and alternate M. Rouillard was seated for R. Farrugia. Staff present-Jamie Rabbitt, Russell Gray, and Joyce Gustavson.

Also present-Alexander Moliver, David Levine, Jeff Natale, Trevor Bozeman, Rusty Sergeant, Dale Vandermark, Harry Fletcher, and George Lewis.

**Audience of Citizens:** No comment.

**Approval of Minutes:** D. Morrow made a motion, seconded by V. Robinson-Lewis, to approve the monthly meeting minutes of 11/19/2019 as written and presented. All voted in favor of the motion.

**Correspondence:** 1) F. Bood stated that he received a copy of a letter dated 1/8/2020 from Demian Sorrentino, Zoning Enforcement Officer, regarding an Official Notice of Violation and Order to Gerald and Jenny Ducharme for property located at 817 Margaret Henry Road stating that the property owners are found to be in violation of the Sterling Mobile Parks & Trailer Ordinance and several sections of the Sterling Zoning Regulations for placing and allowing the occupation of a camper trailer upon the property. The Ducharme's are ordered to appear before the Board of Selectmen at 6:00 p.m. on Wednesday, 2/5/2020 (copy on file). 2) National Business Institute seminar brochure for Land Use and Zoning: Working with Local Governments to be held in East Hartford, CT on 4/20/2020.

**Unfinished Business:**

**a. Discussion Regarding the Plan of Conservation and Development:** D. Morrow made a motion, seconded by V. Robinson-Lewis, to table this item to the next meeting. All voted in favor of the motion.

**b. Application by Connecticut Valley Hemp Drying & Extraction, LLC (Company Owner: David Levine, MD) to construct a 30' x 96' Temporary Greenhouse for Property Located at 29 Industrial Park Road North (Property Owner: ATMA Investments, LLC – Assessor's Map: 03842/017/IP15):** (This application has changed from constructing a 30' x 96' temporary greenhouse to constructing a hemp extraction facility within one (1) of the warehouses).

The following was submitted into record: Zoning Permit Application for CT Valley Hemp Drying & Extraction, LLC for 29 Industrial Park Road North, for a Hemp Oil Extraction Lab; Site plan showing previously applied for improvements; Improvement Location and Topographic Survey; Amended plans showing proposed improvements (4 sheets); Tax Assessor's street card; Application fee; Site plan review letter dated 1/15/2020 from J. Rabbitt, Town Planner, with a favorable draft motion to approve. J. Rabbitt also submitted an Improvement Location and Topographic Survey Prepared for ATMA Investments, LLC, 29 Industrial Park Road North, Prepared by Boundaries, LLC, and a 2018 Google Earth Aerial Photo. J. Rabbitt stated that the applicant submitted a historic site plan from Boundaries, LLC; however, the historic site plan from Boundaries, does not reflect the conditions that exists in the field. It was a proposal for improvements to be done on the site that was not completed; therefore, the 2018 aerial photo submitted by the Town Planner does not match that site plan.

D. Levine, owner of CT Valley Hemp introduced Rusty Sergeant, architect, to present the revised application to the Commission. R. Sergeant stated the project started with the applicant wanting to construct a greenhouse, but that has been sidetracked. The applicant is looking to get the use permitted and show some of the outside equipment that is involved. The proposed project is to construct a hemp extraction facility within one (1) of the warehouses with a climate-controlled lab within the existing warehouse. There will be a ground mounted electric transformer, an ethanol tank and several chillers and condensers on the exterior, as well as, the establishment of the light manufacturing use. The applicant is asking the Commission to verify the change of use from storage to manufacturing and to approve the location of the equipment on the outside of the building.

J. Rabbitt stated that regarding the way the regulations are laid out and the proposed activity located in the Industrial Park, on Industrial Park Road, it is proposed to be internal to the existing building, except for the ethanol, new transformer, and the proposed utility easement. J. Rabbitt reviewed his site plan review letter stating that the following items need to be clarified tonight in order for the Commission to take any favorable action: 1) Language that requires the applicant to detail the proposed utility easement on a site plan prepared by a licensed land surveyor; 2) Language that requires the applicant to clearly detail the limits of warehouse space and operations space; 3) Language that requires the applicant to clearly detail lease limits to building and other portions of the site; 4) Language that clearly depicts the limits of operation internal and external to the site; 5) Language that requires the applicant to restripe the employee parking area; and 6) Language that requires all utilities to the site to be underground.

V. Robinson-Lewis made a motion, seconded by M. Rouillard, to approve application PZ #19-02 by Connecticut Valley Hemp Drying & Extraction, LLC, (Owner: David Levine, MD), Assessor's Map 03842/017/IP15 for the construction of a hemp extraction facility within one (1) of the warehouses located at 29 Industrial Park Road North for property owned by ATMA Investments, LLC which include plans prepared by Russell E. Sergeant, A.I.A., Architect for a renovation of a portion (10,000 square feet) of an existing building with the addition of support utilities to support drying and extraction Hemp business as referenced by plans entitled Hemp Extraction Lab for Connecticut Valley Hemp, 29 Industrial Park Road North, Sterling, CT – Revised Site Plan dated December 6, 2019 and December 23, 2019; Revised Layout Plan dated November 16, 2019; Schematic Mech./Elec. Layout Revised December 3, 2019 and Improvement Location and Topographic Survey prepared for ATMA Investments, LLC, 29 Industrial Park Road North, Sterling, CT with the following eight (8) modifications: 1) The applicant shall detail the

proposed utility easement on a site plan prepared by a licensed land surveyor; 2) The applicant shall clearly detail the limits of warehouse space and operations space; 3) The applicant shall clearly detail lease limits to building and other portions of the site; 4) The applicant shall depict the limits of operation internal and external to the site; 5) The applicant shall restripe the employee parking area; 6) The applicant shall add a note to the plans requiring all new utilities to the site to be underground; 7) The applicant shall submit a revised plan detailing the changes to the town prior to the issuance of a zoning permit to construct the facility; and 8) The applicant shall submit as-built plans to the Town Planner to determine compliance with the approved revised plans. The as-built plans shall include utilities (depth, size, location, type). The Town Planner may require additional information deemed necessary to determine compliance with all approvals. All voted in favor of the motion.

**c. Discussion Regarding 177 Gibson Hill Road – aka Gibson Park, LLC:** F. Bood stated that he received a letter from Normand Thibeault, Jr., of Killingly Engineering Associates, dated 1/13/2020 stating...in part... that the owner of Gibson Hill Park, LLC will not be submitting an application for a zone change for the Age Restricted Housing Overlay District (ARHOD) at this time in order to be able to offer camping for the coming season (copy on file). F. Bood stated that the property is in violation of the court ordered stipulated agreement. They can either have seasonal camping or a zone change for the ARHOD; the agreement does not say that they can have both. F. Bood asked for a motion to enter into executive session to discuss the stipulated judgement agreement to decide how to handle the proceeding under the judgement.

V. Robinson-Lewis made a motion, seconded by M. Rouillard to enter into executive session to discuss the stipulated judgment (ie. Town of Sterling vs. Gibson Park, LLC) and the Commission's rights to exercise judicial proceeding under the judgement. Present during executive session were: Frank Bood, Dana Morrow, Victoria Robinson-Lewis, Michael Rouillard, Kim Smith-Barnett, and Jamie Rabbitt.

Entered executive session at 8:00 p.m. and left executive session at 8:34 p.m.

There were no actions or motions taken and/or made.

The Commission discussed 177 Gibson Hill Road, aka Gibson Park, LLC and has a motion.

V. Robinson-Lewis made a motion, seconded by D. Morrow to refer the (Town of Sterling vs. Gibson Park, LLC), stipulated agreement to Town Counsel to seek guidance on enforcement. All voted in favor of the motion.

**New Business:** None.

**Audience of Comments:** None.

**Any Other Business:**

**a. Commission Workshop – Roles, Responsibilities, Policies and Procedures:** 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.

Adjournment: V. Robinson-Lewis made a motion, seconded by K. Smith-Barnett, to adjourn at 8:35 p.m. All voted in favor of the motion.

Attest: \_\_\_\_\_  
Joyce Gustavson, Recording Secretary

Attest: \_\_\_\_\_  
Dana Morrow, Secretary