



Town of Sterling

Town Hall
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Legal Notice
Town of Sterling
Planning and Zoning Commission
Notice of Public Hearing

The Sterling Planning and Zoning Commission will hold a Public Hearing on Monday, October 17, 2022 in Room #15 of the Sterling Town Hall, 1183 Plainfield Pike, Oneco, CT beginning at 7:00 p.m. to hear written and/or verbal comments on the following:

Item I: Planning and Zoning Application PZ#2022-01 by Howard Haggett for property located at 0 Valley View Road (Map 04415, Block 001, Lot 0010) for a one-lot (1) re-subdivision of land.

Item II: Planning and Zoning Application PZ#2022-01A by the Town of Sterling Planning and Zoning Commission to consider the adoption of proposed Adult-Use Cannabis Regulations associated with the retail sale and manufacturing of cannabis products to the Sterling Planning & Zoning Commission, Zoning Regulations.

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

Dated this 29th day of September 2022 at Sterling Town Hall, 1183 Plainfield Pike, Oneco, CT.

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

"This institution is an equal opportunity provider and employer."

October 17, 2022

The public hearing was called to order at 7:15 p.m. by Chairman Frank Bood.

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

Staff present-Link Cooper, Jack Joslyn, Jamie Rabbitt, and Joyce Gustavson.

Also present-Ernest Cotnoir, Howard Haggett, Normand Thibeault, Jr., Rusty Dexter, and Steven Hebner.

The purpose of the public hearing is to accept written and/or verbal comments on Item I - application by Howard Haggett for property located at 0 Valley View Road (Map 04415, Block 001, Lot 0010) for a one-lot (1) re-subdivision of land and Item II - application by the Town of Sterling Planning and Zoning Commission to consider the adoption of proposed Adult-Use Cannabis Regulations associated with the retail sale and manufacturing of cannabis products.

Item I: Application by Howard Haggett - Normand Thibeault of Killingly Engineering Associates, representing the applicant, submitted the following into record: Revised subdivision map dated 9/21/2022, consisting of four (4) sheets, a letter from J. Rabbitt, Town Planner, dated 10/16/2022, summarizing the status of the original application, an approval letter from the Northeast District Department of Health, dated 9/8/2022 and a letter from Normand Thibeault, Jr., P.E. of Killingly Engineering Associates, dated 10/17/2022 requesting that the Commission accept a fee in lieu of open space (copies on file). N. Thibeault stated the property is a one-lot (1) subdivision on Valley View Road consisting of 4.9 acres. This lot is a reversed flag lot with the larger portion of the lot on Valley View Road and then a long strip of land that has frontage in the Town of Sterling and Town of Plainfield. The applicant is proposing a single-family home with a garage. There is an existing gravel/dirt drive which Mr. Haggett intends to improve to make it more accessible for vehicles. There are two (2) items on page two (2) of the revised subdivision plans that were added to the plans. 1) the utilities will be underground, and 2) The Commission was not interested in setting aside the strip of land to the North as conservation land. In lieu of that a fee in lieu of open space was discussed. N. Thibeault is respectfully requesting that the Commission accept a fee in lieu of open space in the amount of \$3,000 and payment of the fee at the time of issuance of the Certificate of Occupancy for the proposed residence.

N. Thibeault asked if the Commission has any questions or comments.

J. McLevy asked when the subdivided lots were completed.

N. Thibeault stated they were years ago, December 2002.

F. Bood asked if anyone in the audience has any questions or comments.

There were none.

J. Rabbitt read into the minutes a letter that he submitted dated 10/16/2022. He noted that there were three (3) outstanding items that need to be noted in a motion; 1) underground utilities are required 2) pin/monument lots prior to signing of mylars, and 3) fee in lieu of open space payment of \$3,000. The fee in lieu of open space is based off an assumed predevelopment proposal of \$30,000 for an assessment and the fee is ten (10) percent of the \$30,000.

Once the public hearing closes, the Commission has sixty-five (65) days to act.

F. Bood asked if anyone else has any other questions or comments.

J. Joslyn asked how close the property is to the brook.

N. Thibeault stated it is more than 100 feet away.

V. Robinson-Lewis made a motion, seconded by R. Farrugia to close the public hearing at 7:28 p.m. All voted in favor of the motion.

Item II: Application by the Town of Sterling Planning and Zoning Commission to consider the adoption of proposed Adult-Use Cannabis Regulations associated with the retail sale and manufacturing of cannabis products to the Sterling Planning & Zoning Commission, Zoning Regulations.

J. Rabbitt stated that the Commission has an application before you sponsored by the Planning & Zoning Commission. The language was solidified at the September meeting. This is an addition to the existing regulations that would propose regulations associated with adult/recreational cannabis sales and the manufacturing/processing within the Town of Sterling. There are two (2) aspects associated with the regulations: 1) Manufacturing or value added for production to cannabis flower, which would be a permitted use if it occurred in the Industrial Park Road property; and 2) Retail sale of adult/recreational cannabis. Those provisions are primarily allowed on any State route in Town and there are also setback provisions from a school, church, public park, or playground.

F. Bood asked if the Commission has any questions or comments. There were none.

F. Bood asked if anyone in the audience has any questions or comments.

Steve Hebner, 331 Valley View Road, asked what the intentions are from the Planning & Zoning Commission. Do they have an application before them to open a business in the Town of Sterling or what is the motivation to put the regulations in place.

F. Bood stated we have a choice to opt out or allow to regulate. If we choose to opt out, come July 1, 2023, every individual, twenty-one (21) and older in Town can grow three (3) plants at their residence. The Commission would like to regulate and control where it goes verses a free for all. A benefit to the Town would be if someone did come in and offer to set up shop, it could be a beneficial windfall for the Town.

S. Hebner asked what the income projection is.

F. Bood stated there are none as we have no applications.

S. Hebner asked how we know if it will be a good size income for the Town.

F. Bood stated if you go to the State website you can look it up and the average split for a Town is three (3) percent per month.

J. Rabbitt stated for clarity the purpose of the public hearing is to receive comments from the public. It is not a conversation.

Other questions that were not related to this public hearing were stated by S. Hebner.

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

F. Bood asked again if anyone has any questions or comments. There were none.

R. Farrugia made a motion, seconded by D. Morrow to close the public hearing at 7:40 p.m. All voted in favor of the motion.

October 17, 2022

Call to Order: The monthly meeting of the Sterling Planning and Zoning Commission was called to order at 7:40 p.m.

Roll was called: Frank Bood-present, Dana Morrow-present, Ross Farrugia-present, Victoria Robinson-Lewis-present, John Angelone-absent, Alternate Jon Turban-absent, Alternate Jason McLevy-present, and Alternate Kim Smith-Barnett-absent.

Alternate J. McLevy was seated for J. Angelone.

Staff present-Link Cooper, Jack Joslyn, Jamie Rabbitt and Joyce Gustavson.

Also present-Normand Thibeault, Jr., Ernest Cotnoir, and Howard Haggett.

Pledge of Allegiance: Everyone stood to recite the Pledge of Allegiance.

Audience Comments: No comment.

Approval of Minutes: V. Robinson-Lewis made a motion, seconded by R. Farrugia to approve the monthly meeting minutes of 9/19/2022 as written and presented. All voted in favor of the motion.

Correspondence: F. Bood stated that he received a copy of a letter from Joseph Boucher of Towne Engineering, Inc. dated 9/23/2022 regarding the Excavation Permit of the Estate of Charles Corson, Jr., for property located at 131 Church Street (copy on file).

Unfinished Business:

a. Discussion Regarding Plan of Conservation and Development: F. Bood stated for the record that the Plan of Conservation and Development has been updated and is current. J. Rabbitt stated that we are waiting for the Office of Policy and Management (OPM) to review the application. He placed another call to Rebecca Auger of OPM. The Town has been waiting six (6) months for approval.

b. Discussion Regarding New Cannabis Regulations as it Pertains to the Town (Senate Bill 1201): F. Bood stated that he does not have anything to add to the Cannabis Regulations. J. McLevy stated that maybe there needs to be some understanding for people who aren't at these meetings every month to clarify what opt out means. It doesn't mean that we don't have cannabis in our Town; it means we cannot regulate it. J. Rabbitt stated that he will send the Selectmen's Office a link to the State's webpage that has question and answers about how cannabis was approved, legislation associated with it, regulations, and the time frames for permitting. V. Robinson-Lewis made a motion, seconded by R. Farrugia to approve #PZ-2022-01A application submitted by the Town of Sterling Planning and Zoning Commission for the proposed Adult-Use Cannabis Regulations associated with the retail sale and manufacturing of cannabis products to the Sterling Planning & Zoning Commission, Zoning Regulations with an effective date of October 31, 2022. All voted in favor of the motion.

c. Land Use Training (Section 9 of Public Act No. 21-29): V. Robinson-Lewis made a motion, seconded by R. Farrugia to table this item to the next meeting. All voted in favor of the motion.

d. Affordable Housing Plan (Connecticut General Statute, Title 8, Chapter 126a, § 8-30j): J. Rabbitt stated that Link Cooper, First Selectman, submitted a letter to Office of Policy and Management in August explaining the Town's plan to do an amendment in the next fiscal year being 7/1/2023 to 6/30/2024 as an update to the Plan of Conservation and Development (POCD) giving another ten (10) years for the next update. When the POCD gets adopted and a separate housing plan is added to the regulations, that changes the date. D. Morrow made a motion to table to the next meeting. All voted in favor of the motion.

e. Accessory Dwelling Units (Substitute House Bill 6107-Public Act No. 21-29): J. Rabbitt distributed draft language for the accessory dwelling units. We have accessory dwelling units in our current regulations under in-law apartments. The new State law says we cannot call them in-law apartments thus making the regulations non-compliant. The draft language would remove the section in-law apartments and replace with accessory dwelling units. Under the new regulations you are allowed to renovate an existing structure, build an attached or addition to the existing structure, or you can do a standalone detached structure. D. Morrow made a motion, seconded by R. Farrugia to table this item to the next meeting. All voted in favor of the motion.

f. Re-Subdivision Application by Howard Haggett for Property Located on 0 Valley View Road:
The public hearing closed earlier tonight.

V. Robinson-Lewis made a motion, seconded by D. Morrow to approve PZ Application #2202-01 by Howard Haggett for a one (1) lot re-subdivision for property located a 0 Valley View Road (Map 04415, Block 001, Lot 0010) with the following modifications to the plans and items to be completed prior to the signing of the mylars for subdivision plans titled and dated: Re-subdivision Map Prepared for Haggett by Killingly Engineers, consisting of four (4) sheets dated 7/20/2022 with the last revision dated 9/21/2022. 1) The applicant shall place a note in a prominent location on the lot to be developed stating that underground utilities are required. The requirement for underground utilities shall also be added to the notes on the site

plan; 2) The applicant shall be required to pin/monument lots prior to the signing of mylars or provide financial security for pins/monument; and 3) The applicant shall pay the Town of Sterling a fee-in-lieu of open space payment of \$3,000. This amount shall be paid prior to the issuance of a building permit on any proposed structure on the lot or upon transfer of ownership/title to the property, whichever comes first. A caveat shall be filed on the land records to provide notice of this provision. All voted in favor of the motion.

New Business: None.

Audience Comments: No comment.

Any Other Business To Come Before the Planning & Zoning Commission

a. Commission Workshop:

1. Roles of Commission Members
2. Responsibilities
3. Policies and Procedures

V. Robinson-Lewis made a motion, seconded by R. Farrugia to table all Commission Workshop items to the next meeting. All voted in favor of the motion.

Adjournment: V. Robinson-Lewis made a motion, seconded by D. Morrow to adjourn at 8:12 pm. All voted in favor of the motion.

Attest: _____
Joyce Gustavson, Recording Secretary

Attest: _____
Dana Morrow, Secretary