

August 16, 2017

The meeting of the Sterling Board of Selectmen was called to order at 6:00 p.m.

Selectmen present-Russell Gray, Lincoln Cooper, and John Firlik.

Staff present-Joyce Gustavson.

Also present-Normand Thibeault.

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

Audience of Citizens: No comment.

Approval of Minutes: J. Firlik made a motion, seconded by L. Cooper to approve the 8/9/2017 meeting minutes as presented. All voted in favor of the motion.

Unfinished Business:

a. Excavation Application for 1148 Plainfield Pike – 1148 Plainfield Pike, LLC: N. Thibeault of Killingly Engineering Associates submitted a letter and revised plans dated 8/14/2017 stating changes have been made due to comments from the Town Engineer and Town Planner. Also submitted for the record is a letter dated 8/14/2017 from Don Aubrey, Town Engineer and a letter dated 8/16/2017 from Jamie Rabbitt, Town Planner (copies on file). N. Thibeault reviewed comments from the Town Planner pertaining to compliance with the zoning application for excavation for property located at 1148 Plainfield Pike and stated that he will be asking for four (4) waiver requests from Section 112.2, Site Plan Ingredients from the Sterling Planning & Zoning Commission Zoning Regulations. Clarification pertaining to fueling, soil and loam, proposed outlet conditions to the Moosup River prior to the removal of any material from the site, and erosion and sediment control surety and cost estimates were discussed. Upon completion of the gravel removal operation, it is the applicant's intent to construct a single family home. The following comments from the Town Engineer were reviewed: Installation of a paved driveway apron, Inland Wetland's Upland Review Area limits and the un-elevated FEMA designated 100 year flood plain limit, area site restoration should include only those areas being disturbed, contamination of construction materials, such as, stone and masonry, may be buried as bulky waste on site; wood, metal and contaminated materials may not, and inordinate amount of wood waste has been dumped and pushed over the easterly side of the berm into the nearby wetlands. J. Gustavson stated that the Board needs to address a number of potential waiver requests prior to any approval.

L. Cooper made a motion, seconded by J. Firlik to grant a waiver from the Sterling Planning & Zoning Commission Zoning Regulations, Supplementary Regulations, Appendix A, Section 112.2 Site Plan Ingredients, Item e, the location of all residential, commercial, and industrial buildings and accessory structures within two hundred (200) feet of the property line. All voted in favor of the motion.

J. Firlik made a motion, seconded by L. Cooper to grant a waiver from the Sterling Planning & Zoning Commission Zoning Regulations, Supplementary Regulations, Appendix A, Section 112.2 Site Plan Ingredients, Item f, the nature of uses on adjacent and nearby properties within one thousand (1,000) feet at 100 or 200 scale mapping. All voted in favor of the motion.

L. Cooper made a motion, seconded by J. Firlik to grant a waiver from the Sterling Planning & Zoning Commission Zoning Regulations, Supplementary Regulations, Appendix A, Section 112.2 Site Plan Ingredients, Item g, the surrounding general topography within one thousand (1,000) feet at contour intervals not exceeding ten (10) feet at 100 or 200 scale mapping. All voted in favor of the motion.

J. Firlik made a motion, seconded by L. Cooper to grant a waiver from the Sterling Planning & Zoning Commission Zoning Regulations, Supplementary Regulations, Appendix A, Section 112.2 Site Plan Ingredients, Item i, contour lines at two (2) foot intervals (Class T-2 or T-3) within the limits of disturbance and **extending a minimum of fifty (50) feet beyond the proposed limits of disturbance.**

The existing and proposed contours shall be shown for the entire area to be disturbed. In addition, the proposed depth of excavation shall be shown including detailing its relationship with the existing seasonal high ground water table determined by adequate seasonal water monitoring conducted during the high water table period of February 1st through May 31st, based on actual field data. Topography taken from USGS Quadrangle interpolation is not acceptable. A design drawing(s) including cross sections, with before and after elevations shown, of all proposed excavation activities shall be submitted and reviewed.

The proposed volume to be excavated shall be calculated, by phase if applicable, and be reported on the plan set. All voted in favor of the motion.

J. Firlik made a motion, seconded by L. Cooper to approve a Zoning Application for an Excavation submitted by 1148 Plainfield Pike, LLC for property located on 1148 Plainfield Pike referenced by Assessor's Map 00IOV, Block 022, Lot 0070 and plans entitled "Proposed Gravel Removal Operation, 1148 Plainfield Pike (Route 14A) & Providence Road, Sterling, Connecticut, Prepared for Plainfield Pike, LLC, applicant, Louis M. Magiera, Jr., Prepared by Killingly Engineering Associates, dated 5/18/2017 consisting of 4 Sheets and a Revision Date of 8/14/2017 with the following thirteen (13) modifications:

1. The applicant shall be limited to one operator/contractor for the removal of excavated material from the site. All loam/topsoil shall remain on the site until a final as-built for the site is approved by staff with regards to compliance with the approved plans.

2. The applicant shall show a minimum of eight (8) 4"x4"x8' pressure treated post delineating the proposed grades and limits of disturbance. The posts shall be shown on the plans. Final locations to be reviewed and approved by Town Planner.

3. The applicant shall add notes to the plans referencing maximum depth of excavation to be no more than 2' below finished grade.

4. The applicant shall add a note to the plans stating that:

Upon completion of the work authorized, the ground area excavated or otherwise disturbed areas shall be prepared or restored as follows: The top layer of any arable soil (classified as top soil and/or loam), to a depth of not less than **four inches** with a suitable underlying subsoil layer of **eight inches**, shall be retained on the parcel and spread over the entire disturbed area with any large stones removed, and the area shall then be fertilized, limed, seeded with a perennial grass, mulched and maintained until the ground has been completely stabilized with a dense cover of grass and there exists no danger of erosion unless as provided for in a final site plan approved of by the Selectmen for a permitted site use.

5. The applicant is responsible for all costs associated with the review and processing of the application which shall be paid in full prior to the signing of mylars and filing of a permit.

6. A preconstruction meeting shall be held with town staff (i.e., Planner, Engineer, ZEO, Building Official) prior to any construction, tree clearing, grading and/or excavation activity at the site.

7. The applicant shall deposit an initial \$1,600 for construction inspections with the Town of Sterling to be used to pay the cost to oversee excavation at the site regarding conformance with the approved site plan. The applicant shall be responsible for the actual costs associated with an inspection to insure conformance with the approved site plan. All costs shall be paid prior to the release of any surety posted for the project. If the cost to inspect the site exceeds the initial deposit, funds shall be withdrawn from the applicant's surety.

8. The applicant shall post a total financial surety in the amount of \$ \$15,750 (\$13,750 + \$2,000) with the Town of Sterling prior to any construction, grading and/or excavation activity at the site for soil and erosion control measures. Two thousand (\$2,000) of the total surety shall be held in cash (bank check) and shall be given to the Town of Sterling and held as an emergency contingency fund. The type of the final surety shall be reviewed and approved by the Planning and Zoning Commission's legal counsel. Surety may be broken down by phase(s).

9. The applicant shall submit an as-built for a particular phase or phases for review for reduction of surety, as each phase is completed prior to moving on to a subsequent phase. As-built shall include final grades and drainage. As-built may include additional information deemed necessary by town staff to determine compliance with approvals.

10. The applicant shall note on the plans the entire site between the access roadway from Providence Road and the existing berm along the westerly and northerly reaches of the site is comprised largely of bare ground leftover from previous excavation and grading activities. The area of the site restoration should include only those areas disturbed.

11. The applicant shall submit an application for a Driveway Construct Permit in the amount of \$1,500 (to be refunded upon completion) plus \$35 for the application fee.

12. The applicant shall add a note to the plans stating that:

Upon completion that the excavated area to be filled to final grades shown. Uncontaminated foundation materials, such as, stone and masonry may be buried as bulky waste on site; wood, metal, and contaminated materials may no. Once the operator has an excavation permit, over excavation of the site commences so that other waste materials and junk fill can be placed in order to conform to the approved site plan unless restricted by any final plan approval conditions.

13. The Inland Wetlands Agent shall inspect the inordinate amount of wood waste that has been dumped and pushed over the easterly end of the berm into the nearby wetlands, as this sort of activity is not environmentally appropriate.

All voted in favor of the motion.

b. Discussion Regarding Replacement of Sumola Bridge Located off of River Road: The Board of Selectmen received an approval letter to reconstruct Sumola Bridge dated 8/16/2017 from Joseph Theroux, Sterling Wetlands Enforcement Officer. The bridge replacement bid will be considered and acted on under new business later tonight.

c. Special Town Meeting for Annual Report: The Annual Town Meeting is scheduled for Wednesday, August 30, 2017 at 6:00 p.m. in Room #15 at the Sterling Town Hall/Municipal Building, 1183 Plainfield Pike, Oneco, CT to act on the reports of the town, authorize borrowing for the ensuing year, and designate banks for the town depositories.

d. North Sterling Road Gravel Bank: The Board of Selectmen received an email dated 8/10/2017 from Demian Sorrentino, Sterling Zoning Enforcement Officer, addressing the unpermitted dumping – recycling of road sand for property located on North Sterling Road, Sterling, CT, stating that such activity may be a violation of the “Littering & Illegal Dumping Ordinance” (copy on file). R. Gray stated the Department of Energy and Environmental Protection (DEEP) is working with the applicant. Due to a medical emergency, Todd Howell, owner of 12-13 Associates, LLC was not able to attend the meeting that was scheduled for Friday, 8/11/2017. Another meeting will be scheduled. L. Cooper made a motion, seconded by J. Firlik to table this item. All voted in favor of the motion.

New Business:

a. Request of Refund of Excess Tax Payments: J. Firlik made a motion, seconded by L. Cooper to approve the request for refunds to: 1) Richard W. Partelo, 917 West High Street, South Hill, VA 23970 for \$182.92; 2) Dean N. Roussel, 49 Laiho Road, Sterling, CT 06377-1401 for \$288.10 and \$51.74 All voted in favor of the motion.

b. Consider & Act on Sumola Bridge Replacement Bids: The Board of Selectmen received the following bids for the assembly and installation of a thirty-four (34’) foot bridge for the Sumola Bridge replacement located off of River Road: 1) Big R Bridge, \$52,975; and 2) U.S. Bridge, \$46,355. J. Firlik made a motion, seconded by L. Cooper to award the bid for the purchase of a prefabricated modular steel vehicle bridge superstructure, thirty-four (34’) feet in length and sixteen (16’) feet in width to U.S. Bridge, 201 Wheeling Avenue, P.O. Box 757, Cambridge, OH 43725 for \$46,355. All voted in favor of the motion.

Any Other Business: None.

Adjournment: L. Cooper made a motion, seconded by J. Firlik, to adjourn 6:50 p.m. All voted in favor of the motion.

Attest: _____
Joyce A. Gustavson, Recording Secretary