

January 10, 2018

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.

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

Audience of Citizens: Allen Hull and Brad Hull.

Approval of Minutes: J. Firlik made a motion, seconded by L. Cooper to approve the 1/3/2018 meeting minutes as presented. All voted in favor of the motion. L. Cooper made a motion, seconded by R. Gray to approve the 1/8/2018 Tri-Board meeting minutes as presented. All voted in favor of the motion.

Unfinished Business:

a. North Sterling Road Gravel Bank: This application is scheduled to be received at the 1/23/2018 Zoning Board of Appeals meeting. J. Firlik made a motion, seconded by L. Cooper to table this item to the next meeting. All voted in favor of the motion.

b. Discussion Regarding Fracking Waste Ban: No new information. L. Cooper made a motion, seconded by J. Firlik to table this item to the next meeting. All voted in favor of the motion.

c. Retrofit Lighting at the Sterling Municipal Building, 1183 Plainfield Pike: No new information. L. Cooper made a motion, seconded by J. Firlik to table this item to the next meeting. All voted in favor of the motion.

d. Staff Meeting with O'Connor Davies, LLP: This meeting is scheduled for 1/31/2018 at 6:00 p.m. in Room #15 at the Sterling Municipal Building, 1183 Plainfield Pike, Oneco to discuss solutions to FY 15-16 audit findings. J. Firlik made a motion, seconded by L. Cooper to table this item to the next meeting. All voted in favor of the motion.

e. Excavation Application for Canterbury Realty, LLC – 76, 92 & 94 Sterling Road: A public hearing for Canterbury Realty, LLC is scheduled for later tonight.

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) Linda & David Williams, 3750 Chilly Spring Road, Maryville, TN 37803 for \$28.18; 2) David Williams, 3750 Chilly Spring Road, Maryville, TN 37803 for \$99.53. All voted in favor of the motion.

b. 2018 Housing Rehabilitation Programs or Existing Loan Repayment Funded Programs: R. Gray reported that he received a letter from L. Wagner & Associates, dated 12/27/2017 advising the Town that L. Wagner & Associates will no longer be offering professional services and technical support for new 2018 Housing Rehabilitation Programs or existing loan repayment funded programs. Discussion was held on whether or not an RFP (Request for Proposal) would be needed as professional services are exempt from the Town's Purchasing Procedures Ordinance and without going out to bid, would this prohibit the Town from seeking additional Rehabilitation Program money. Requirements and deadline to submit a 2018 application for new money was discussed. L. Cooper made a motion, seconded by J. Firlik to table this item to the next meeting. All voted in favor of the motion.

Any Other Business: None.

Adjournment: J. Firlik made a motion, seconded by L. Cooper to adjourn at 6:11 p.m. All voted in favor of the motion.

Attest: _____
Joyce A. Gustavson, Recording Secretary



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 Sterling Board of Selectmen Notice of Public Hearing

The Sterling Board of Selectmen will hold a public hearing on Wednesday January 10, 2018 at 6:30 p.m. in Room #15 of the Sterling Town Hall, 1183 Plainfield Pike, Oneco, CT.

The purpose of the public hearing is to accept written or verbal comments on an Excavation Application by Canterbury Realty, LLC for properties identified as 76 Sterling Road (Owner: Canterbury Realty, LLC) Map 03844, Block 16A, Lot 0002; 92 Sterling Road (Owner: Ernest J. Jr., & Rebecca Collelo) Map 03844, Block 16A, Lot 003A; and 94 Sterling Road (Owner: Ernest J. Collelo, Jr.) Map 03844, Block 16A, Lot 0003.

The proposal involves the restoration of an existing over excavated gravel operation and the excavation of approximately 314,000 yards of earth material from an additional parcel and existing in two (2) phases from an area 10.5 +/- acres in size of the 15.64 total acre sites. Annual excavation volume is 77,220 cubic yards (Phase 1); and 243,214 cubic yards (Phase 2). Activities proposed are crushing and screening. No blasting, rock splitting or washing is proposed. Hours of operation proposed are 7:30 a.m. to 5:00 p.m. Monday thru Friday and 8:00 a.m. to 2:00 p.m. Saturday. No work on Sundays or Major National Holidays.

A copy of the proposed application can be viewed during normal business hours at the Sterling Town Hall.

Dated this 26th day of December 2017 at Sterling Town Hall, 1183 Plainfield Pike, Oneco, CT

Russell M. Gray
Sterling First Selectman

January 10, 2018

The public hearing was opened at 6:30 p.m. by First Selectman, Russell Gray. Selectmen Lincoln Cooper and John Firlik were also present. There were sixteen (16) people present. The legal warning for the hearing was read by R. Gray. The purpose of the hearing is to accept written and/or verbal comments on and Excavation Application by Canterbury Realty, LLC.

B. Dumeer of Carlson & Dumeer stated that he is representing the applicants and Mr. Hull is the owner of Canterbury Realty, LLC. The Collelo's have not signed the application, but there is a deal in place to purchase the property should this application go forward to the extent of condition of approval. Allen Hull is the sole owner of Hull, LLC and has been in business for over thirty-five (35) years. B. Dumeer turned the presentation of the application over to Norm Thibeault.

The following was submitted for the record: Proposed Gravel Excavation Plans, Gravel Removal Quantities, test borings data from Clarence Welti Associates, Inc., dated 8/10/2011, a letter from the State of Connecticut, dated 12/22/2011 stating the approval of the plans for the proposed gravel removal operation, Department of Transportation (DOT) vehicle traffic counter for Sterling Road (Route 14), a letter outlining Preliminary Comments from Don Aubrey, Town Engineer, dated 12/1/2017, and a letter outlining issues that need to comply with the requirements of the Town's Zoning Regulations from Jamie Rabbitt, Town Planner, dated 12/30/2017.

N. Thibeault of Killingly Engineering Associates stated that he is representing Mr. Hull and Canterbury Realty, LLC, and stated that Phase I shall consist of remediating an area that was previously excavated by removing a little over 77,000 cubic yards of gravel. There is a portion of the pit that was over excavated and does not comply with the slope requirements that the Town enforces in their regulations. This is located on the southwest portion of the site and represents the area that needs to be filled. Items to be addressed as part of this application include remediating the over excavated area, bringing the slopes back into compliance, and restoring the area in a safe condition. The access road shall be extended around the site, working around the perimeter of the area. The position of the driveway remains the same and shall be properly maintained to control dust and mud to prevent such from being tracked onto Sterling Road. The staging area shall contain a sediment storage area to address runoff from the site, the installation of a temporary cross culvert pipe with modified riprap on each end, as well as, the installation of a continuous line of silt fence backed with staked hay bales, and a crushed stone berm adjacent to a box culvert to run underneath the railroad to maintain the sediment on the site. As per the Town's Excavation Regulations, the site shall be restored with loam and seed; eight (8) inches of subsoil and four (4) inches of topsoil. The applicant proposes up to twenty-five (25) truckloads per day; fifty (50) trips. A traffic counter had been installed at the Town line (traffic counter 5014) and the results are available through the DOT. The report indicates the latest count is 2,200 vehicles per day. Restoration of Phase I includes revegetating the area with Evergreen trees along the boundary of the Massey property. As a corrective measure, 18,000 cubic yards of fill will be needed to bring the site back up to compliance. To address runoff, silt fencing with staked hay bales, an anti traffic pad, no trespassing signs, and protective fencing associated to the gravel mine activity shall be adhered to.

N. Thibeault stated that Phase II is located along the northern part of site where the existing garage is located. Environmental issues are a concern as the garage was previously a vehicle repair facility. The removal and disposal of all on-site tires, automotive parts and debris shall be removed in accordance with State solid waste disposal requirements. Another concern is the possibility of an existing buried tank. There is no record of a buried tank, but there is a fill spout on the site near the building; any testing that is required by the Connecticut Department of Energy and Environmental Protection (DEEP) shall be conducted as necessary; if needed, and the tank shall be disposed of according to (DEEP) hazardous

waste disposal requirements. Phase II is where the bulk of the excavation activity shall take place with the removal of approximately 243,214 cubic yards of gravel. Once completed, this area could be used as a small commercial site or restored to a grass surface and have the site left natural. Protective measures, from Phase I shall be extended out to Phase II including silt fencing with staked hay bales or wood chip berms, as well as, the stone berm at the cross culvert.

N. Thibeault reviewed the twenty-six (26) preliminary comments from the Town Engineer and stated that he is working on resolving the items. It was noted that two potential waiver requests would be necessary for the application to be complete; 1) Section 112.2 of the Zoning Regulations – Site Plan Ingredients, the foot scale should be at sixty feet (60) instead of forty feet (40); and 2) Section 116.6 – Site Plan Evaluation and Standards for Review, reducing the excavating from abutting street or property line from one hundred (100) feet to fifty (50) feet with the use of appropriate buffers.

N. Thibeault also reviewed eight (8) regulatory statements from the Town Planner, and stated that he is working on correcting them as well. The Town Planner noted that the conceptual site plan for future development on the site does not comply with the Town's Zoning Regulations and modifications will need to be made for parking in the front yard setback and the proposed building.

R. Gray asked if anyone had any questions or comments.

N. Cook, 541 Gibson Hill Road asked what the completion date of the project is, bonding, and what will the site look like when finished.

N. Thibeault stated that we do not have a completion date at this time, bonding is required and set by the Town, and the area will be 3:1 slopes, grass, vegetated, and possibly a small commercial building in front.

P. Massey, 104 Sterling Road, stated that the presentation was very well done. She asked the following questions: Will the garage and brick house be taken down? Mr. Hull doesn't currently own the property, but will get a letter from Mr. Collelo. In past dealings, I have trouble believing what he says and why is he asking for a permit when he does not own the property.

N. Thibeault stated that he believes the house will stay.

Mr. Hull stated that he is under contract with Mr. Collelo and the lender.

P. Massey asked if the excavation could remain at one hundred (100) feet away from the gravel operation to her property line. She also expressed concern with the number of truckloads per day, limiting the proposed hours of operation to Monday through Friday, for the Town to establish a fine when the permit is breached, consider performing weekly inspections as opposed to monthly inspections, and lastly, if the operation destroyed her well, who would be responsible for the repairs.

N. Thibeault stated that the previous owner's reputation precedes him and this client is not Mr. Collelo. Regarding the well, the biggest cut would be thirty-eight (38) to forty (40) feet and if your well is three hundred sixty (360) feet deep, this should have no affect on your well; if it does, it would be a legal issue.

N. Thibeault also stated that a bond shall go in place which ensures the site is restored properly and erosion and sedimentation controls are maintained throughout construction.

K. Costa, 177 Gibson Hill Road, asked about Mr. Corson's established pit and the brook/stream running down Main Street; who will protect the run off onto Main Street and Charlie's pit.

R. Gray stated that the water does not come from Collelo's pit; the water comes from Sterling Pond and has no bearing on this excavation application. The water flows west, right into the Moosup River.

J. Fontaine, 105 Sterling Road, asked if the proposed Saturday work hours from 8:00 a.m. to 2:00 p.m. could be changed to 8:00 a.m. to noon. She does not want to hear it on Saturday.

R. Gray asked if anyone else had any questions or comments.

C. Corson, 166 Sterling Road, asked what the height is from the railroad bed to the bottom of the pit.

N. Thibeault stated the lowest point of elevation for the sedimentation basin is seventy-eight (78) feet.

R. Gray asked if anyone else had any questions or comments. There were none.

L. Cooper made a motion, seconded by J. Firlík to continue the public hearing to Wednesday, 2/7/2018 at 6:00 p.m. in Room #15 at the Sterling Municipal Building, 1183 Plainfield Pike, Oneco, CT.

The hearing adjourned at 7:50 p.m.

Attest: _____
Joyce Gustavson, Recording Secretary