

March 28, 2018

The continued public hearing was opened at 6:00 p.m. by First Selectman Russell Gray. Selectmen Lincoln Cooper and John Firlik were also present.

Staff present-Don Aubrey and Joyce Gustavson.

Also present-Michael Zizka, Brian Dumeer, Allen and Brad Hull, Normand Thibeault, Jr., Pattie Massey, and Julie Fontaine.

It was noted that the 2/7/2018 meeting was cancelled due to the weather. The 2/21/2018 meeting was cancelled at the request of the applicant. The 3/7/2018 meeting was also cancelled due to the weather.

The purpose of the hearing is to accept written and/or verbal comments on the Excavation Application by Canterbury Realty, LLC for property located on 76, 92, and 94 Sterling Road (Map 03844, Block 16A, Lots 0002, 003A, and 0003). The application is for 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.

The following was submitted for the record: Revised Gravel Excavation Plans; letters (2) from Killingly Engineering Associates, dated 1/31/2018 addressing comments in a review letter prepared by the D. Aubrey, Town Engineer, and J. Rabbitt, Town Planner; a letter from Carlson & Dumeer, LLC, dated 2/21/2018 addressing late arrival of changes to the proposed plans; a letter from Killingly Engineering Associates, dated 2/21/2018 requesting the Board of Selectmen table the pending application; a letter dated 2/23/2018 from Towne Engineering, Inc., dated 2/23/2018 addressing inconsistencies and drafting errors in the excavation plans and to identify where that proposal does not conform with Appendix A of the Sterling Zoning Regulations; and a letter from the State of Connecticut, Department of Transportation, dated 2/28/2018, stating that a final determination has been made and find the proposal acceptable (copies on file).

Norm Thibeault of Killingly Engineering Associates stated that he is representing Mr. Hull and Canterbury Realty, LLC. N. Thibeault addressed comments from D. Aubrey's letter dated 2/23/2018 concerning phasing of the project, restoration and stockpiling of topsoil and subsoil, plotted plans at the correct scale of 1" = 60', groundwater monitoring, re-hauling of materials offsite (no proposal), and an approval letter from the State of Connecticut, Department of Transportation. Other items that were discussed include: 1) Permission from Ernest Collelo, Jr. allowing Canterbury Realty to apply for an excavation permit for the parcels owned by E. Collelo; 2) Proposed hours of operation – Monday through Friday 7:30 a.m. to 5:00 p.m. and Saturday from 8:00 a.m. to 2:00 p.m. except major holidays; 3) The possibility of revising the regulations to allow for reductions in setbacks as the required setbacks for processing and screening cannot be met on the site; and 4) Final grading, potential waivers, and bond estimates. N. Thibeault requested on behalf of the applicant, bonding by phase, as it is a two (2) phase project. For Phase I, post the bond for Phase I during Phase I; and for Phase II, roll the bond over and amend it accordingly or roll the bond over if there is any additional portion of the bond rather than posting the entire \$121,000 at the beginning, as it may be several years before Phase II begins.

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

D. Aubrey discussed the current plan and stated that there is no other person available during the day, besides himself, to meet with contractors, approve soil and erosion control, or answer questions. Discussion followed regarding the need for semi-annual inspections by the Town's agent and annually by the Town's engineer, removal and disposal of existing debris, and putting up a durable, safe and secure fence, where no child can get through and have the fence remain in

place until the trees are six (6) feet tall. It was suggested that the trees should be planted this year.

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

B. Dumeer, attorney representing Mr. Hull stated that with no Zoning Enforcement Officer visiting the site and the Town Engineer having unrestricted access to the site, his concern is the lack of a set fee schedule so the applicant knows the upfront costs. With the need for semi-annual site visits, or a visit due to a rain event, and little travel time, etc., those allowances to the site, with the extent of no fixed fee, appears to be an open checkbook for the client and finds the need for a set fee schedule so his client knows what to expect on an annual basis. Keeping that in mind, B. Dumeer is asking the Board, upon granting of the application, to tailor a set fee schedule, so Mr. Hull knows what he can expect on a yearly basis. Another concern is that to date, the applicant has not seen any bills.

P. Massey, 104 Sterling Road stated that she has a problem with Saturday operations and how many trucks are expected to run per day.

B. Dumeers stated it will change on a daily basis. He estimates about fifty (50) trucks per day. Discussion followed regarding twenty-five/fifty (25/50) trucks on a daily basis to an average of twenty-five (25) truckloads per day.

P. Massey asked if Brown's garage will be removed, the status of the brick house and what will the site look like when finished regarding the existing hole.

A. Hull stated that the garage will come down but has no intent to take down the brick house.

N. Thibeault stated that the site will be finished to a 3:1 slope. Presently, the site is at a vertical slope.

P. Massey asked if her well will be affected.

A. Hull stated not at all.

P. Massey asked about the fence between the house and the site if it could be something that the neighborhood children cannot climb.

M. Zizka questioned the gradient on a 3:1 slope.

N. Thibeault stated 33 percent.

P. Massy stated that is still a steep slope.

N. Thibeault stated that once the slopes are graded out to the final grades, a 3:1 slope is walkable and you wouldn't be concerned that a child could fall off and get injured.

Discussion followed about the gradient and the percent being thirty-three (33) percent.

M. Zizka stated that he doesn't think the gradient is thirty-three (33) percent. Thirty-three (33) percent gradient is not walkable and if you are talking thirty-three (33) percent gradient then the whole lot becomes unbuildable under the regulations. He would like to know what the gradient is.

B. Dumeer stated that he "Googled" it and a 3:1 slope is nineteen (19) percent.

M. Zizka stated he asked because under the regulations if you have anything over 20 percent that is not considered a buildable lot.

P. Massey asked instead of planting white pines, if spruces could be planted as they are thicker and last longer.

A. Hull stated that should not be a problem.

P. Massey asked for clarification regarding the reduction waiver (Section 116.8) requesting a reduction in the separation distance to a residence on an adjacent parcel from 200' to 170' and a reduction in the separation distance to a residence on the subject parcel from 200' to 50'.

N. Thibeault stated that the requested waiver is for minor excavation to restore the slopes within 160' feet of your property and to soften the slopes and decrease the vertical slope.

J. Fontaine, 105 Sterling Road stated that she is against Saturday operations. She does not want to listen to the noise on the weekend and that perhaps Mr. Hull could suspend operation from the second (2nd) week in June to September.

A. Hull stated that he will not compromise on the time frame.

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

J. Fontaine asked where the tires will go.

A. Hull stated they will go off-site.

D. Aubrey stated that there is not enough time to work through this permit and R. Gray agreed.

D. Aubrey stated that the Board of Selectmen could deny this application and the applicant could resubmit with no fees.

M. Zizka stated that another option would be for the applicant to withdraw their application and suggested the Selectmen could adopt a motion that if the applicant withdraws the current application the Board of Selectmen would allow the application to be immediately resubmitted with no further application fees and the record of the hearing of the existing application be transferred to the next application.

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

J. Firlik made a motion, seconded by L. Cooper to close the public hearing at 7:26 p.m.

March 28, 2018

Item I: The special meeting of the Sterling Board of Selectmen was called to order at 7:27 p.m. with Russell Gray, Lincoln Cooper and John Firlik. Staff present-Don Aubrey and Joyce Gustavson. Also present-Mike Zizka.

Item II: Consider & Act on Application for Excavation Permit by Canterbury Realty, LLC for 76, 92, & 94 Sterling Road: The public hearing closed earlier tonight. Brian Dumeer, attorney representing Canterbury Realty, LLC submitted a letter dated 3/28/2018 stating "The applicant, Canterbury Realty, LLC, hereby withdraws its application for Excavation Permit by Canterbury Realty, LLC for 76, 92, & 94 Sterling Road". J. Firlik made a motion, seconded by L. Cooper to accept the withdrawal of the current application by Canterbury Realty, LLC and allow them to resubmit without fees and to transfer the public hearing record to their new application. All voted in favor of the motion.

Item III: Schedule Special Town Meeting to Approve the Expenditure not to Exceed \$500,000 from the Town's General Fund Balance to the Sewer Authority for Safety Upgrades and Maintenance Repairs: The Board of Finance at their meeting held 3/14/2018 voted to approve the expenditure not to exceed \$500,000 to the Sewer Authority for safety upgrades and maintenance repairs. L. Cooper made a motion, seconded by J. Firlik to hold a Special Town Meeting on Wednesday, April 11, 2018 at 6:30 p.m. at the Sterling Municipal Building, Room #15, 1183 Plainfield Pike, Oneco to vote to approve the expenditure not to exceed \$500,000 for safety upgrades and maintenance repairs to the Sewer Authority. All voted in favor of the motion.

Item IV: Schedule Special Town Meeting for Annual Report: J. Firlik made a motion, seconded by L. Cooper to hold the Annual Town Meeting on Wednesday, April 25, 2018 at 6:00

p.m. at the Sterling Municipal Building, Room #15, 1183 Plainfield Pike, Oneco to act on the reports of the town, authorize borrowing for the ensuing year, and designate banks for town depositories. All voted in favor of the motion.

Item V: Adjournment: L. Cooper made a motion, seconded by J. Firlik to adjourn at 7:36 p.m. All voted in favor of the motion.

Attest: _____
Joyce A. Gustavson, Recording Secretary