



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
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Revenue Collector: 860-564-7563
Selectmen: 860-564-2904
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Legal Notice Sterling Board of Selectmen Notice of Public Hearing

The Sterling Board of Selectmen will hold a public hearing on Wednesday May 30, 2018 at 6:00 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 16th day of May 2018 at Sterling Town Hall, 1183 Plainfield Pike, Oneco, CT

Russell M. Gray
Sterling First Selectman

May 30, 2018

The public hearing was opened at 6:00 p.m. by First Selectman, Russell Gray. Selectmen Lincoln Cooper and John Firlik were also present. There were five (5) people present.

Staff present-Joyce Gustavson and Don Aubrey.

The legal warning for the hearing was read by J. Firlik. The purpose of the hearing is to accept written and/or verbal comments on Excavation Application by Canterbury Realty, LLC for property located at 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 into record: Excavation Application, Revised Gravel Excavation Plans, plan review letter from Don Aubrey, Town Engineer, dated 5/2/2018, Abutter Notification Return Receipts/Certified Mail, and a letter from Norm Thibeault of Killingly Engineering Associates, dated 5/18/2018 addressing the gravel application and plan review from the Town Engineer (copies on file).

N. Thibeault of Killingly Engineering Associates stated that he is representing Canterbury Realty, LLC, one of the property owners and applicant Mr. Allen Hull from Canterbury Realty, as well as his legal representation. N. Thibeault also stated that as a result of numerous weather delays with the last application, time ran out before all of the comments from D. Aubrey could be addressed. The first application was withdrawn on 3/28/2018 and it was requested at that time to include all testimony from the previous application be incorporated into the record for this application. N. Thibeault stated that they are looking to excavate approximately 314,000 cubic yards of material and restoration of an existing over excavated area and as a result of that, there is approximately 18,000 yards of fill that will be kept on site to restore the site. A portion of this application is to bring that over excavated area into compliance with the Town's Gravel Ordinance. N. Thibeault reviewed and responded to D. Aubrey's fifteen (15) comments from his 5/2/2018 review letter, stating that the comments were minimal and there were no critical items.

In reference to the bond estimate, no new bond estimate for Soil and Erosion Control (E&S) has been submitted for the current application. The applicant has no issue with using the \$125,000 E&S bond amount which was discussed in the recently withdrawn application. The applicant is proposing phase bonding and is requesting that the Commission consider an allowance to phase the bonding as specified in the previously submitted bond estimate.

D. Aubrey stated that the first bond usually includes roadway, drainage, and the detention basin and once those things are installed and stabilized, the applicant could request a bond reduction for those items as they do not pertain to restoring the rest of the site.

N. Thibeault asked if anyone had any questions.

D. Aubrey discussed setting bond and supervision amounts and waiving the amount after the drainage, sedimentation basin and the roadway is installed; stating this should not present a problem after taking into account how much area is still disturbed. The Board of Selectmen should take into account the working hours, which the neighbors have concerns about. Another area of concern is the Massey property getting the evergreen buffer established early on in the project.

N. Thibeault stated it makes sense to do the buffer as soon as the over excavated area has been restored because that is when all the activity in that area will be completed.

D. Aubrey stated the hours of operation and making a decision on the grading encroachment would make it easier to stabilize the bank, in terms of the Massey property, and by installing the evergreens in the first year would have a calming effect on the neighborhood.

A. Hull stated that is no problem.

D. Aubrey stated he has no issues with the plan.

N. Thibeault stated that the comments that were addressed earlier appear to be minor details.

D. Aubrey discussed the waivers stating that the waivers could be set aside or dealt with tonight; however, the first thing that needs to be done is to deal with the waivers because if you do not deal with the waivers in a positive manner then the plans do not conform to the regulations. D. Aubrey read the possible waivers into the minutes and stated that he has no problem with any of the waivers. It is his recommendation that the Board of Selectmen grant the waivers.

J. Firlik made a motion, seconded by L. Cooper that the Board of Selectmen grant the following waivers from the Sterling Planning & Zoning Commission, Zoning Regulations, Supplementary Regulations, Appendix A, in the Application of Canterbury Realty, LLC for the Excavation Application located at 76 Sterling Road (Route 14) - Map 03844 Block 16A Lot 0002 and 92 Sterling Road (Route 14) - Map 03844 Block 16A Lot 003A and 94 Sterling Road (Route 14) - Map 03844 Block 16A Lot 0003 as shown on plans entitled "Proposed Gravel Excavation 76, 92 & 94 Sterling Road (Route 14) Sterling, Connecticut Prepared for: Canterbury Realty, LLC, Prepared by Killingly Engineering Associates, October 2017; Revised 12/28/2017, 2/13/2018, 3/21/2018, 4/20/2018 & 5/18/2018".

- 1) Section 112.2: Mapping at 40 scale (60 scale plans have been submitted).
- 2) Section 112.2 f: The nature of the uses on adjacent and nearby properties within one thousand (1,000) feet at 100 or 200 scale mapping.
- 3) Section 112.2 g: The surrounding general topography within one thousand (1,000) feet at 100 or 200 scale mapping.
- 4) Section 112.2 i: (in part): including cross sections, with before and after elevations shown, of all proposed excavation activities
- 5) Section 113: Stormwater computations need to be provided 2, 5, 10, 25, 50, and 100 year design storms.
- 6) Section 116.13 b: Applications involving significant truck traffic (i.e. 25,000 cubic yards annual excavation or fifteen (15) or more trucks per day) shall provide a detailed traffic study, impact analysis, and mitigation plan to avoid any adverse impacts resulting from the activity proposed. The Selectmen shall determine the scope of said traffic/impact/mitigation plans or studies.

All voted in favor of the motion.

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

Julie Fontaine, 105 Sterling Road stated that the Massey property gets to have the boundary, but what about the Brown's, do they get to have buffers or trees planted on their side.

D. Aubrey stated no because they meet the requirement of the regulations which is two hundred (200) feet and there are still trees there.

J. Fontaine asked if the Brown's will get extra trees.

D. Aubrey stated they will get a fence at the two hundred (200) foot limit.

J. Fontaine asked if there will be fifteen (15) or more trucks or a total of fifteen (15) trucks per day as that keeps on changing.

J. Firlik stated that was part of the waivers, Section 116.13b – Applications involving significant truck traffic which would be 25,000 cubic yards annual excavation or fifteen (15) or more trucks per day. That is part of the application, part of the plans that the Selectmen are waiving.

D. Aubrey stated that N. Thibeault may want to address that because it is still an item that the Board of Selectmen have jurisdiction over and could place limits of any kind.

J. Fontaine stated that she prefers no Saturdays because she does not want to listen to that and who will occasionally check on them, R. Gray, L. Cooper, D. Aubrey, J. Firlik.

R. Gray stated that D. Aubrey generally checks on the gravel operations.

J. Firlik asked N. Thibeault, for the record, to address the actual number of anticipated truck loads.

N. Thibeault stated that it was previously testified that the applicant is looking at about twenty-five (25) trips per day if things are really busy. The regulations set the criteria for fifteen (15) trucks per day in order for the Commission to evaluate, and if you are under that threshold they do not consider having a traffic study. The information was provided to the Connecticut Department of Transportation (DOT) and DOT did not perceive it as a major traffic impact.

Patty Massey, 104 Sterling Road asked if the trucks are coming and going; twenty-five truck loads per day or just going and coming back doesn't count.

N. Thibeault stated it is coming and going; twenty-five loads per day which is fifty (50) trips per day. DOT counts one (1) load as two (2) trips.

P. Massey asked if the waiver regarding the two hundred (200) feet or less than two hundred (200) feet from her dwelling be explained again.

N. Thibeault stated that the way the ordinance reads is that there is not suppose to be any activity within two hundred (200) feet of any residence. There is already activity closer than two hundred feet due to the

over excavated area. Mr. Hull is asking to go back in there and clean it up and make the slopes more compliant.

P. Massey stated that at the last public hearing, Mr. Hull stated he had no problem planting spruce trees instead of white pines.

N. Thibeault agreed to that statement.

P. Massey asked if the trees would be planted this year.

N. Thibeault stated it would be as soon as that area is restored.

L. Cooper stated the applicant is proposing a nine and a half (9 ½) hour work day and if six (6) vehicles came and went per hour, that would be fifty-seven (57) trips per day. He is talking about 50 trips coming and going, which is less than six (6) trucks per hour.

D. Aubrey stated no one has asked what direction the trucks would be going based on the business that Mr. Hull has.

N. Thibeault stated he suspects towards the highway.

D. Aubrey stated through Moosup.

A. Hull stated, yes, most of them.

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

R. Gray stated the last thing to work on is the Saturday operation of hours.

J. Fontaine stated that she is against Saturdays. She would like a compromise of eliminating Saturday work from June through September. She would be good with that. She does not want to listen to the trucks every Saturday.

B. Dumeer stated that we heard from the applicant that a lot of site work will take place on Saturdays and he understands that the neighbors are concerned about the site itself, concerns about planting the trees, and safety issues on the site and he feels to get those safety concerns taken care of as soon as humanly possible, site work needs to take place on Saturdays and he feels that Saturday is an important piece to this application.

J. Firlik stated that he thinks in one of the previous hearings there was a compromise to focus on remediation and not trucks on Saturdays.

N. Thibeault stated that there may be some truck traffic on Saturdays and that Mr. Hull testified at one of the previous hearings that the activity on Saturdays is typically extremely limited.

R. Gray stated that all other gravel operations in Town are allowed to work on Saturdays along with the five (5) day work week.

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

B. Dumeer stated he would request, on behalf of the applicant, as was spoken at the last public hearing when we formally filed our withdrawal, that we formally accept all the testimony and documents/evidence that were presented to the Board in that prior application be incorporated into this application prior to closing the public hearing tonight.

J. Firlik made a motion, seconded by L. Cooper to formally include all the testimony to date and all of the hearings to date for the purposes of closing this hearing. All voted in favor of the motion.

D. Aubrey stated that there is a draft motion for a condition of approval and the one change, based on these plans is under Reductions, item ii, should read that a reduction in the separation distance to a residence on an adjacent parcel from 200 feet to 160 feet and not 170 feet.

L. Cooper made a motion, seconded by J. Firlik to close the public hearing at 6:45 p.m. All voted in favor of the motion.

May 30, 2018

Item I: The special meeting of the Sterling Board of Selectmen was called to order at 6:46 p.m. with Russell Gray, Lincoln Cooper, and John Firlik.

Staff present-Joyce Gustavson and Don Aubrey.

Also present-Brian Dumeer, Allen Hull, Julie Fontaine, and Patty Massey.

Item II: Consider & Act on Application for Excavation Permit by Canterbury Realty, LLC for Property Located at 76, 92, and 94 Sterling Road: For the record, D. Aubrey stated there are a few

changes to the draft approval motion; an additional revision date of 5/18/2018 needs to be added and under Reductions, Item ii, change the parcel feet from 170 feet to 160 feet. Also the Lot Number for 92 Sterling Road needs to be changed from 0003A to 003A.

J. Firlik made a motion, seconded by L. Cooper to approve the Excavation Permit Application of Canterbury Realty, LLC for the Excavation Application located at 76 Sterling Road (Route 14) - Map 03844 Block 16A Lot 0002 and 92 Sterling Road (Route 14) - Map 03844 Block 16A Lot 003A and 94 Sterling Road (Route 14) - Map 03844 Block 16A Lot 0003 as shown on plans entitled "Proposed Gravel Excavation 76, 92 & 94 Sterling Road (Route 14) Sterling, Connecticut Prepared for: Canterbury Realty, LLC, Prepared by Killingly Engineering Associates, October 2017; Revised 12/28/2017, 2/13/2018, 3/21/2018, 4/20/2018 & 5/18/2018" with the following permitted reductions and conditions of approval:

Reductions:

- i. 116.6: A reduction from 100 feet to 50 feet from the excavation to the northern, eastern, western, and southern property lines.
- ii. 116.8: A reduction in the separation distance to a residence on an adjacent parcel from 200 feet to 160 feet.
- iii. 116.8: A reduction in the separation distance for excavation to a residence on the subject parcel from 200 feet to 45 feet.

Conditions of Approval:

- a) That the rear monitoring well and one front well be monitored every two (2) weeks for groundwater levels yearly from February 1st through April 15th, reported to the Town, and any grading conflicts corrected to provide a four (4) foot separation to the seasonal high water table.
- b) That an initial bond be posted in the amount of \$125,000.00 for Erosion and Sedimentation and site restoration for the life of the permit.
- c) That no excavation be conducted in Phase 2 until a Licensed Environmental Professional reports to the Town that the site has been cleaned up to his or her satisfaction including the removal of the old garage building, any buried tanks, and all of the tires and other buried debris and automotive repair wastes currently located onsite.
- d) That the site be inspected by the Design Engineer monthly with any observations including deficiencies noted and reported to the Selectmen within three (3) days along with additional inspections made and reported to the Selectmen following any two (2) inch rainfall event or greater.
- e) That the Town Engineer inspect the site semi-annually and following large stormwater events at a minimum plus any necessary follow-ups due to deficiencies noted to secure their resolve and that quarterly inspections be conducted by the Town's Land Use Agent.
- f) That the Town's Application review costs are paid in full by the Applicant and that a \$5000.00 deposit is made with the Town in cash for onsite supervision; such amount to be returned to the \$5,000.00 deposit level as \$2,500.00 of that amount becomes depleted upon notice from the Town.
- g) That the hours of operation be limited to Monday through Friday 7:30 a.m. to 5:00 p.m. and Saturday from 8:00 a.m. to 2:00 p.m. That no work shall be conducted on Sundays, State or National Holidays.
- h) That the maximum number of truck loads of material removed from the site be twenty-five (25) loads per day.
- i) That if at any time the supervision fees become deficient or the bond amount lapse, that the permit will become void.
- j) That no topsoil or arable subsoil be permitted to be exported from the site until the site is fully excavated, restored and stabilized.
- k) That no stumps or land clearing debris be buried or permanently stockpiled onsite.
- l) That no screening, crushing, washing, or processing of materials be permitted onsite, and that no blasting or rock splitting (hammering) shall likewise be permitted except in conformance with the Zoning Regulations.

- m) That no offsite materials be brought to the site except those necessary for the driveway construction and construction of the E&S measures proposed unless approved by the Board specifically, now or as a modification later.
- n) That any changes to the Conditions of Approval or Approved Plans are returned to the Board of Selectmen for approval or disapproval as a modification requiring a Public Hearing.
- o) That prior to the development of Lot 2 that approval shall be granted in accordance with the Zoning Regulations and that any new well be drilled and tested for both landfill and hydrocarbon parameters in addition to the standard testing parameters and be approved as potable by the Health District prior to commencing construction.
- p) That the technical issues raised in the May 2nd Town Engineer's memorandum be addressed.
- q) That final mylars be recorded in the Town Clerk's Office subject to the endorsement of the Town Engineer and First Selectman.

Said permit shall be valid for a period of five (5) years commencing on the sixteenth (16th) day after publication.

All voted in favor of the motion.

Item III: Adjournment: L. Cooper made a motion, seconded by J. Firlik to adjourn at 6:55 p.m. All voted in favor of the motion.

Attest: _____
Joyce Gustavson, Recording Secretary