



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 February 6, 2019 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 320,400 cubic 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 77,200 cubic yards (Phase 1); and 243,200 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 22nd day of January 2019 at Sterling Town Hall, 1183 Plainfield Pike, Oneco, CT.

Russell M. Gray
Sterling First Selectman

February 6, 2019

The 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-Joyce Gustavson and Joseph Boucher.

Also present-Normand Thibeault, Allen Hull, Brian Dumeer, Geoffrey Cooper (6:09 p.m.), and Patty Massey (6:19 p.m.).

R. Gray made introductions.

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 320,400 yards of earth material from an existing an additional parcel. The following was submitted into record: Revised Excavation Plans, a letter from Norm Thibeault of Killingly Engineering Associates, dated 1/30/2019 addressing review comments from Towne Engineering's letter dated 1/11/2019, as well as dust containment and mitigation measures, and a statement from Ernest Collelo, Jr., authorizing Canterbury Realty to submit a gravel application, a plan review letter from Don Aubrey, Town Engineer, dated 2/5/2019, and Abutter Notification Return Receipts/Certified Mail (copies on file).

N. Thibeault stated that he is representing Canterbury Realty, LLC, for the proposed gravel operation and is requesting that all testimony that was presented from the previous application which is nearly identical to this application be incorporated into the record for this application. The application is broken down into two (2) phases; 77,200 cubic yards of material from Phase One (1) which would also require the restoration of an overly excavated area of non compliant slopes and Phase Two (2), 243,200 cubic yards of material. The difference in this application from the previously submitted application is the result of a modification to Section 116.7 to the Sterling Planning and Zoning Commission, Zoning Regulations, Supplementary Regulations, Appendix A, which allows for a setback reduction in the processing operations. The applicant is requesting screening and crushing on this site and in order to do that, two (2) components need to be met; 1) The applicant must maintain a minimum setback of five hundred (500) feet from any residential structure and one hundred (100) feet from the property lines adjacent to any properties that could not be developed at anytime in the future, and 2) The second component in regards to reductions in setbacks requires a minimum fifty (50) foot difference in elevation.

N. Thibeault reviewed eleven (11) comments dated 1/11/2019 from Town Engineering, Inc. and reviewed the request for potential waivers.

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

J. Boucher asked if there will be an onsite water source for dust control.

N. Thibeault stated no, but there is a well.

J. Boucher asked how much of the material will crushed versus screened.

N. Thibeault stated that it goes together. What doesn't go through the screens as a useful product out of the ground is going to be crushed.

J. Boucher stated that for the Board of Selectmen, Towne Engineering's narrative dated 2/5/2019 outlines reductions and conditions of approval. Since the last approval (May 2018), a reduction to Section 116.7, (Zoning Regulations) is for the separation from 1000 feet to 500 feet to residential structures and from 200 feet for on-site processing to the property line, has been added, as depicted on the plan. The conditions of approval are the same as from the first application, except for the addition of Section 116.13.d (Zoning Regulations) which requires that if a Stormwater Permit is required from DEEP then the permit needs to be provided to the Board of Selectmen before excavation can commence. Another change includes the timing of the permit, which shall be valid for a period of five (5) years, commencing fifteen (15) days following publication of the Notice of Approval.

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

G. Cooper, 111 Sterling Road, asked if any covenants are going with the application in regards to if the gravel bank was sold and a new owner came who wanted to mine the ledge because some of the wells are only one hundred (100) feet and are in the ledge. If a crack was opened below, some of the wells could be drained.

N. Thibeault stated that there is no proposal for blasting on this property.

G. Cooper stated that he is talking about someone else coming in at a later date who buys the property.

R. Gray stated that the permit goes with the property and the not the property owner.

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

P. Massey, 104 Sterling Road, stated that the abutter letter stated that the meeting would start at 6:30 and the meeting is underway.

N. Thibeault stated we would stay past 6:30 so if anyone else attends, they will have the opportunity to speak.

P. Massey asked for a recap and if there would be a buffer between her house and the excavation area and shall spruce trees be planted.

N. Thibeault stated it is essentially the same application; the difference is the passing of a text amendment in the Zoning Regulations allowing for a reduction in setbacks for screening and/or processing and spruce trees shall be planted as shown on the plans.

P. Massey stated that when she arrived at the meeting there was discussion regarding crushing and screening and she didn't think there would be crushing.

N. Thibeault stated processing; crushing, screening, washing, and rock splitting are all the different operations that processing defines. The applicant is requesting screening and whatever larger pieces as a result of the screening will require crushing. More screening than crushing will take place.

P. Massey asked what would happen if the application did not get approved and how it affects the applicant's operation.

N. Thibeault stated if it doesn't get approved, then no operation.

J. Boucher stated that the abutter asked about spruce trees and you have white pine trees on the plans. Does it make a difference?

A. Hull stated that he told the abutter that he would plant whatever she wants.

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

B. Dumeer stated that there was an initial request that the prior testimony from the prior hearing be incorporated into this hearing and if the Board is inclined to do that he would appreciate an action on that.

L. Cooper made a motion, seconded by J. Firlik to include the previous testimony into this application. All voted in favor of the motion.

J. Firlik made a motion, seconded by L. Cooper to close the public hearing at 6:39 p.m. All voted in favor of the motion.

February 6, 2019

The meeting of the Sterling Board of Selectmen was called to order at 6:39 p.m.

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

Staff present-Joyce Gustavson.

Also present- Normand Thibeault, Allen Hull, Brian Dumeer, and Geoffrey Cooper.

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

Audience of Citizens: No comment.

Approval of Minutes: L. Cooper made a motion, seconded by J. Firlik to approve the 1/16/2019 meeting minutes as presented. All voted in favor of the motion.

Unfinished Business:

a. Commission Vacancies (Inland Wetland & Watercourses Commission, Economic Development Commission, and Planning & Zoning Commission): L. Cooper made a motion,

seconded by J. Firlik to table this item to the next meeting as there are no candidates. All voted in favor of the motion.

b. Solar Presentation by Titan Energy and Greenskies: R. Gray reported that Titan Energy and Greenskies shall meet with the Board of Education and the Energy Committee on Monday, 2/11/2019 at 6:00 p.m. at the Sterling Community School, 251 Sterling Road, Sterling, CT.

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. Special Excavation Application by Canterbury Realty, LLC for Property Located at 76, 92, & 94 Sterling Road: L. Cooper made a motion, seconded by J. Firlik that the Board of Selectmen grant the following waivers from the Sterling Planning and 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 0003A 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, December 2018; Revised 01/30/19" in accordance with the Sterling Planning and Zoning Commission, Zoning Regulations, Supplementary Regulations, Appendix A, **Revised effective December 3, 2018.**

Waivers:

- 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 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.

L. Cooper made a motion, seconded by J. Firlik that the Board of Selectmen 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 0003A 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, December 2018, Revised 01/30/19" with the following permitted reductions and conditions of approval in accordance with the Sterling Planning and Zoning Commission, Zoning Regulations, Supplementary Regulations, Appendix A of the Zoning Regulations Town of Sterling, Connecticut **Revised effective December 3, 2018**

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. 116.7: A reduction from 1000 feet to 500 to residential structures and from 200 feet of any property line to 100 feet for onsite processing.
- iii. 116.8: A reduction in the separation distance to a residence on an adjacent parcel from 200 feet to 160 feet.

- iv. 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 a bond be posted and maintained 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 in writing to the Selectmen within three (3) days along with additional inspections made and reported in writing 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 12:00 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 null and 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 other land clearing debris be buried or permanently stockpiled onsite.
- l) That no blasting, washing, or rock splitting (hammering) shall likewise be permitted unless additional Approvals are granted.
- 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 be 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 prior to the start of excavation that evidence of compliance DEEP Stormwater Permitting requirements in accordance with Section 116.13.d of the Regulations has been provided to the Board of Selectmen.
- q) Within 90 days of Approval two (2) sets of signed and sealed final plans and one set of mylars suitable for filing in the Land Records with the approved Conditions of Approval added to the plans shall be submitted for review to the First Selectman in accordance with

Section 107 of the Regulations unless a 90 day extension is requested and approved by the Board of Selectmen within the first 90 day period.

- r) That final mylars be recorded in the Town Clerk's Office by the Applicant subject to the endorsement of the Town Engineer and First Selectman in accordance with the time requirements recited in Section 107 of the Regulations. The mylars will not be endorsed by the Selectman until all fees have been paid, the required cash deposits have been made, and the bonds have been posted.
- s) Said permit shall be valid for a period of five (5) years commencing fifteen (15) days following publication of the Notice of Approval. If the mylars have not been filed within the required time period this Approval will become null and void.

All voted in favor of the motion.

d. Consider & Act on Desktop Computers, Monitors and Licensing Bids for Town Municipal Building: J. Gustavson reported that the Computer Assessment Committee did not have a quorum for the 1/23/2019 meeting and the next available day to schedule a meeting is 2/20/2019 at 7:00 p.m. at the Sterling Municipal Building, 1183 Plainfield Pike, Oneco, CT. L. Cooper made a motion, seconded by J. Firlik to table this item to the next meeting. All voted in favor of the motion.

New Business:

a. Approval of Bills: L. Cooper made a motion, seconded by J. Firlik to approve the bills for 1/24/2019 in the amount of \$65,295.23, 1/31/2019 for \$9,639.30 and 2/7/2019 for \$10,351.27. All voted in favor of the motion.

b. Consider & Act on The Last Green Valley's Request for Walktober 2019 Funding for FY 2019-2020: R. Gray reported that he received a letter from Lois Brunioge, Executive Director and Fran Kefalas, Program and Media Coordinator of The Last Green Valley requesting the Town to consider sponsoring Walktober 2019. Payment can be submitted in July from FY 2019-2020 Board of Selectmen's budget, but if the Town commits before July, the contribution will be publicized in their brochure. R. Gray also reported that last year Northeast Communities Against Substance Abuse (NECASA) suspended their request, in the amount of \$958, for municipal funding from the Board of Selectmen's FY 2018-2019 budget. L. Cooper made a motion, seconded by J. Firlik to include The Last Green Valley's request in the Board of Selectmen's FY 2019-2020 budget under Community Programs in the amount of \$500. All voted in favor of the motion.

Any Other Business: L. Cooper asked for an update regarding the Jordan Center. R. Gray reported that the plumbing has been fixed. The restoration company called last week and they are scheduled to come this week to start putting it back together; insulation, sheetrock, ceiling tiles, and paint. The estimate is \$63,000 +/- . Discussion was held on filing an insurance claim to replace the roof. R. Gray shall contact the insurance company and inquire about putting in a claim. L. Cooper suggested that we should have an annual contract with a furnace company, such as Hometown Heating, LLC to clean the furnace and check the thermostat batteries at the Jordan Center and the old Library building.

Adjournment: L. Cooper made a motion, seconded by J. Firlik to adjourn at 7:10 p.m. All voted in favor of the motion.

Attest: _____
Joyce A. Gustavson, Recording Secretary