



Town of Sterling

Town Hall
1183 Plainfield Pike
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Oneco, Connecticut 06373-0157

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Building Official: 860-564-2275
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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 April 24, 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 American Industries, Inc. for property identified as 609 Sterling Road (Owner: Grace Harriot Roberts) Map 03830, Block 022, Lot 0102.

The proposal involves the excavation and removal of approximately 726,300 cubic yards of structural earth product on Parcel 2, a portion of which has been the subject of a prior earth products excavation conducted in five (5) phases from an area 23.1 +/- acres in size of the 77 +/- total acres. Annual excavation volume is 100,000 +/- cubic yards. No blasting, rock splitting, crushing, screening or washing is proposed. Hours of operation proposed are 7:00 a.m. to 4:30 p.m. Monday thru Friday and 8:00 a.m. to 1:00 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 9th day of April 2019 at Sterling Town Hall, 1183 Plainfield Pike, Oneco, CT.

Russell M. Gray
Sterling First Selectman

April 24, 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 Don Aubrey.

Also present-John and Jacob Faulise, Harry Heller, and Jackson Adams-Pickles.

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 an Excavation Application by American Industries, Inc.

H. Heller of Heller, Heller, & McCoy stated that he is representing the applicant, American Industries, Inc., and Grace Harriot Roberts, the owner of the property located at 609 Sterling Road. John and Jacob Faulise of Boundaries, LLC are also present to answer questions.

The following was submitted for the record: Site Plan – Proposed Gravel Excavation Plans; letters from Heller, Heller & McCoy, dated 3/11/2019 submitting a complete application along with abutter notifications; 4/18/2019 to the State of Connecticut addressing the “Termination Notice” for a temporary right of entry to the rail line; and 4/23/2019 to Joseph Boucher, Towne Engineering, Inc., regarding the right to terminate the license of Grace Harriot Roberts to utilize the former rail line access; a copy of the warranty deed from Nancy and Albert Perkins to the Hartford, Providence and Fishkill Railroad Company, Volume 5, Page 334; letters from D. Aubrey, Town Engineer, dated 4/1/2019 plan review comments and 4/24/2019 preliminary review comments of the revised plans; a letter from the State of Connecticut, dated 4/3/2019 to Grace Roberts stating that the Temporary Right of Entry has been terminated; and a letter from Jamie Rabbitt, Town Planner, dated 4/23/2019 outlining items that need to be addressed in a favorable manner in order for the application to comply with the requirements of the Town’s Zoning Regulations (copies on file).

H. Harry of Heller, Heller, & McCoy presented the application stating that the proposal is for the excavation and removal of 900,000 cubic yards of structural earth product material. The property is located on the southerly side of Sterling Road (Route 14) and is comprised of two (2) parcels bisected by the former Hartford, Providence and Fishkill Rail line which are part of the Department of Energy and Environmental Protection (DEEP) Rails to Trails Program. Parcel one (1) contains 12.24 acres located northerly of the former rail line through which access will be obtained to the site; Parcel two (2), where the actual excavation will take place, contains 64.77 acres located on the southwesterly side of the former rail line. Access is proposed over an existing gravel drive that currently has an access point on to Route 14. In order to obtain adequate sightline, the applicant is proposing to move the access point a little to the east. Trucks leaving the site shall travel left on Route 14 to 395. The access drive is proposed to come into the former rail line and then perceive easterly for approximately seven hundred (700) feet along the rail line and then turn into the site where the excavation will occur. The proposal is to excavate in six (6) phases. The phasing plan has been revised significantly from what was originally presented with the application as a result of comments received from the Town’s Engineer. The total duration of the project shall be seven (7) years. As each phase is completed, it will be loomed, seeded, and stabilized.

D. Aubrey stated that he feels that the right of way remains an issue. H. Heller does not feel that the right of way is an issue because Earl Roberts, before his death, had negotiated a temporary license to utilize the rail line to access two (2) parcels with the State of Connecticut, Department of Transportation. It was a terminable license and last month DEEP terminated the license. When the property was conveyed by the Perkins to the Hartford, Providence and Fishkill Railroad Company in 1852, two (2) crossings were reserved and the deed required the railroad company to provide the crossings at grade to ensure utilization access to this property. H. Heller stated that the Board of Selectmen, under the Excavation Ordinance, administratively determines compliance of this application with the Excavation Ordinance which is contained in the Zoning Regulations. It is not the Board of Selectmen’s job to determine property rights. If the Board approves the excavation application and the right to utilize the rail line for access to the property as proposed in the application, and this is not settled between G. Roberts and the State of Connecticut and it is determined that they do not have that right, then the approved plan fails because a condition of approval could not be met. The applicant is requesting three (3) waivers from the Excavation Ordinance; two (2) for scale requirements and the other one (1) for a traffic impact study.

D. Aubrey asked for clarity on the finished grading plan.

H. Heller stated most of the site will grade to the west not to the east.

D. Aubrey stated that the revised plans indicate an increase in vehicle trips from fifty (50) per day to eighty (80) per day. The revised grading proposal has increased the proposed excavation volume by 23.5 percent.

H. Heller stated these are not peak hour moves, but distributed throughout the day.

D. Aubrey discussed other preliminary comments which include hours of operation, the width of the access haul road, running the operation March through November, and groundwater boundaries.

No other comments were made as there was no audience of citizens.

L. Cooper made a motion, seconded by J. Firlík to continue the public hearing to Tuesday, 5/14/2019 at 6:00 p.m. in Room #15 at the Sterling Municipal Building, 1183 Plainfield Pike, Oneco. All voted in favor of the motion. The hearing adjourned at 6:40 p.m.

April 24, 2019

Item I: The special meeting of the Sterling Board of Selectmen was called to order at 6:40 p.m. with Russell Gray, John Firlík, and Lincoln Cooper.

Staff present-Joyce Gustavson and Don Aubrey.

Also present- John and Jacob Faulise, Harry Heller, and Jackson Adams-Pickles

Item II: Consider & Act on Special Excavation Application by American Industries, Inc., for Property Located at 609 Sterling Road (Owner: Grace Harriot Roberts): The public hearing for American Industries, Inc., for property located at 609 Sterling Road, owned by Grace Harriot Roberts, has been continued to Tuesday 5/14/2019 at 6:00 p.m. in Room #15 at the Sterling Municipal Building, 1183 Plainfield Pike, Oneco.

Item III: Adjournment: L. Cooper made a motion, seconded by J. Firlík to adjourn at 6:42 p.m. All voted in favor of the motion.

Attest: _____
Joyce Gustavson, Recording Secretary