

December 14, 2022

The meeting of the Sterling Board of Selectmen was called to order at 6:00 p.m.

Selectmen present-Lincoln Cooper, David Shippee, and Jack Joslyn.

Staff present-Susanne Tetreault.

Also present-Frank Bood, Lynn Desjardin, Ronald Desjardin, Kim Dunn, Joe Boucher, Daniel Blanchette.

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

Audience of Citizens: Audience of citizens asked questions regarding the Special Excavation Application by Charles Corson, III, Executor of the Estate for Property Located at 131 Church Street, Map 03838, Block 024, Map 0024.

Approval of Minutes: D. Shippee made a motion, seconded by J. Joslyn to approve the 11/14/2022 meeting minutes. All voted in favor of the motion.

Correspondence: None.

Unfinished Business:

a. Commission Vacancies (Energy Committee, Family Day, Inland Wetland & Watercourses Commission, Recreation Authority Board, and Zoning Board of Appeals): D. Shippee made a motion, seconded by J. Joslyn to table this item to the next meeting as there are no candidates. All voted in favor of the motion.

b. Special Excavation Application by Charles Corson, III, Executor of the Estate for Property Located at 131 Church Street, Map 03838, Block 024, Map 0024: Waiver Motion:

Moved D. Shippee that the Board of Selectmen grant the following waivers for the Application of the Charles Corson III, Executor of the Estate of Charles Corson, Jr. for the Earth Excavation of a property owned by The Estate of Charles Corson, Jr, located at 131 Church Street - Map 3828 Block 24 Lot 24 as shown on plans entitled "Gravel Excavation Plan Prepared For Charles W. Corson III, 131 Church Street, Sterling; Dated: April 21, 2022; Revised: September 8, 2022, sheet 3 of 6 revised 2022-11-14 as prepared by J & D Civil Engineers, LLC in accordance with Appendix A of the Zoning Regulations Town of Sterling, Connecticut revised effective December 3, 2018.

Waivers to:

- 1) 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.
- 2) Section 112.2(g): The surrounding general topography within one thousand (1,000) feet at 100 or 200 scale mapping.
 - a) Section 104.3.E: a 1000 scale map location map has not been included, 200 scale has been provided.

- b) Sections 112.2 & 113.1.b1: Require 40 scale site plans but the plans submitted are 50 and 60 scale.
- c) Section 112.2.d: Requires that a Boundary Survey be included.
- d) Section 112.2.i: Requires that the depth to the seasonal groundwater table be determined and the relationship of the proposed excavation to the ground water table be determined.
- e) Section 116.13.a: Requires a written report for proposed blasting activities.
- f) Waive the Inland Wetlands condition of approval.

Seconded J. Joslyn, all voted in favor of the motion.

Approval Motion:

Moved by D.Shippee that the Board of Selectmen approve the Excavation Permit Application of Charles Corson III, Executor of the Estate of Charles Corson, Jr. for the Earth Excavation of a property owned by The Estate of Charles Corson, Jr, located at 131 Church Street - Map 3828 Block 24 Lot 24 as shown on plans entitled "Gravel Excavation Plan Prepared For Charles W. Corson III, 131 Church Street, Sterling; Dated: April 21, 2022; Revised: September 8, 2022, sheet 3 of 6 revised 2022-11-14 as prepared by J & D Civil Engineers, LLC in accordance with Appendix A of the Zoning Regulations Town of Sterling, Connecticut revised effective December 3, 2018 subject to the following conditions of approval.

Conditions of Approval:

- a) That the permit holder at his expense have the domestic water well located on the Travis Heath property at 161 Church Street and Jacqueline Adams property at 165 Church St tested by a certified laboratory for radon prior to commencing any site activities and then twice yearly for the duration of permit. Copies of the testing reports shall be provided to the First Selectman and the current owner of the 161 Church Street property. If the property owner refuses access to the property for this testing, the permit holder shall provide written proof to the First Selectman.
- b) That the permit holder at his expense shall retain a certified laboratory to conduct an air radon test in the basement area of the Travis Heath property at 161 Church Street and Jacqueline Adams property at 165 Church St prior to commencing any site activities and then yearly for the duration of permit. Copies of the testing reports shall be provided to the First Selectman and the current owner of the 161 Church Street property. If the property owner refuses access to the property for this testing, the permit holder shall provide written proof to the First Selectman.
- c) That prior to commencing any excavation the evidence that the condition of approval set by the Inland Wetlands Commission has been satisfied shall be provided to the First Selectman.

- d) Prior to trucking any materials from the site the clearing and or grading as necessary to achieve a minimum of 405 feet of sightline distance in each direction in accordance with the Sterling Public Improvements Standards shall be completed.
- e) That that intersection signs recommended by the Traffic Engineer be installed with the addition of Connecticut DOT Truck Entering Signs (41-4464 & 41-4465) prior to any trucking of materials from the site.
- f) That prior to any machinery refueling activities occurring on site that a fueling pad be installed in accordance with Section 116.9.
- g) That a bond be posted and maintained in the amount of \$30,000.00 for Erosion and Sedimentation for the duration of the permit.
- h) That a second bond be posted and maintained in the amount \$30,000.00 site stabilization and restoration. This bond will not be released until the site has been restored in accordance with the provisions outlined on the plans submitted.
- i) That the site be inspected by the Design Engineer monthly with any observations including deficiencies noted and reported in writing to the Selectmen within 3 days along with additional inspections made and reported in writing to the Selectmen following any 2-inch rainfall event or greater.
- j) 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 Zoning Enforcement Officer or other Town Staff or Consultant assigned this task.
- k) That the Town's Application review costs be paid in full by the Applicant.
- l) That a \$5000.00 deposit be 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. Any review fees by the Town's consulting Staff that have not been invoiced will be charged against this deposit.
- m) That the hours of operation be limited to Monday through Friday 7:30 am to 5:00 pm and Saturday from 8:00 am to 12:00 pm. That no work shall be conducted on Sundays, State or National Holidays.

- n) That the maximum number of truckloads of material removed from the site be 50 loads per day.
- ~~o) That all truck traffic leaves and accesses the site from Route 14.~~
- p) That if at any time the supervision fees become deficient or the bond amount lapse, that the permit will become null and void.
- q) That no topsoil or arable subsoil be permitted to be exported from the site until the entire site is fully excavated, restored and stabilized.
- r) That no stump, land clearing debris, or onsite refuse be buried or permanently stockpiled onsite. All bulky waste items removed from the site shall be disposed of in accordance with the applicable State regulations.
- s) That no onsite crushing, washing, screening, or rock splitting (hammering) shall be permitted under this permit.
- t) That no blasting be conducted on site until a blasting permit has been issued by the Sterling Fire Marshal.
- u) 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 of any permit granted.
- v) That prior to the start of excavation that evidence of compliance with DEEP Stormwater Permitting requirements in accordance with Appendix A Section 116.13.d of the Regulations has been provided to the First Selectman prior to commencement of any site improvements.
- w) That unexecuted copies of the required bonds be provided for the review and approval of the Town Treasurer and the Town Attorney.
- x) Within 90 days of approval 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.

- y) 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 Appendix A of the Regulations. The mylars will not be endorsed by the Selectman until all invoiced review fees have been paid, the required cash deposits have been made, and the executed bond has been provided to the satisfaction of the Town Treasurer and the Town Attorney.
- z) Said permit shall be valid for a period of 3 years commencing 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.
- aa) Each year the Applicant and his Engineer shall provide the Board of Selectmen an update of the progress of the excavation at a regularly scheduled Board meeting.
- bb) A double row of evergreen trees shall be installed along the southerly and westerly side of the Coderre property at 93 Church Street.

Seconded by J. Joslyn. All voted in favor of the motion.

c. Consider & Act on Application for Driveway Construction Permit for 473 Main Street: L. Cooper stated no site line issues for this property. D Shippee made a motion, seconded by J. Joslyn to approve driveway construction permit #22-06 for property located at 473 Main Street. All voted in favor.

d. Discussion Regarding Resident Trooper Program: D. Shippee made a motion, seconded by J Joslyn to table this item to the next meeting. All voted in favor of the motion.

New Business:

a. Approval of Bills: Bills were not available for tonight's meeting.

b. Treasurer's Monthly Reports: The reports for month ending 11/30/2022 were reviewed and discussed.

c. Consider & Act on Re-Appointment of Lincoln Cooper, Susanne Tetreault(2yr. term expiring 12/1/2024);Geoffrey Cooper, Fred Parker(1yr. term expiring 12/1/2023) to Voluntown/Sterling Transfer Station: D. Shippee made a motion, seconded by J. Joslyn to re-appoint Lincoln Cooper, 420 Porter Pond Road, Moosup, CT 06354, Susanne Tetreault, 138 Pine Hill Road, Sterling, CT 06377, to a two(2) year term expiring 12/1/2024, Geoffrey Cooper, 111 Sterling Road, Sterling, CT 06377 and Fred Parker, 53 Jared Hall Hill Road, Sterling, CT 06377 to a one (1) year term expiring 12/1/2023 to the Voluntown/Sterling Transfer Station. All voted in favor of the motion.

d. Discussion regarding Cease and Desist Order dated 9/1/2022 for property located at 1148 Plainfield Pike. Resolution has been determined and a permit has been issued to correct the deficiencies. J. Joslyn made a motion, seconded by D. Shippee to remove from the agenda. All voted in favor of the motion.

e. Discussion on Public Act 21-29 regarding Accessory Dwelling Units. J Joslyn made a motion seconded by D. Shippee to adopt: **RESOLUTION 1** Resolved: That in accordance with subsection (f) of Section 8-2o of the Connecticut General Statutes, the Town of Sterling Board of Selectmen hereby completes the process by which the Town of Sterling opts out of the provisions of subsections (a)

through (d), inclusive, of Section 8-2o of the Connecticut General Statutes. The Board makes the following findings:

Subsections (a) through (d), inclusive, of Section 8-2o of the Connecticut General Statutes contain several ambiguous provisions that could lead to inconsistent interpretations, legal challenges and litigation. Opting out of those provisions would allow the Planning & Zoning Commission to develop clearer regulations that could accomplish many of the same goals.

The Board of Selectmen finds that it is important to allow the Planning & Zoning Commission to maintain flexibility in the development of its housing policies and to allow future adjustments in its zoning regulations that are more in keeping with the Sterling Plan of Conservation and Development, as it may be amended from time to time.

Adopted by the Sterling Board of Selectmen this 14th day of December, 2022, to be effective immediately. All voted in favor of the motion

J. Joslyn made a motion seconded by D. Shippee to adopt: **RESOLUTION 2** Resolved: That in accordance with Section 8-2p of the Connecticut General Statutes, the Town of Sterling Board of Selectmen hereby completes the process by which the Town of Sterling opts out of the provisions of subdivision (9) of subsection (d) of Section 8-2 of the Connecticut General Statutes. The Board makes the following findings:

Subdivision (9) of subsection (d) of C.G.S. Sec. 8-2 would limit the Planning & Zoning Commission's ability to establish parking requirements for certain categories of dwelling units based solely on the number of bedrooms in such dwelling units. This limitation would prevent the Commission from considering other important factors such as public safety and physical disabilities that may affect the need for additional parking spaces in some situations.

Adopted by the Sterling Board of Selectmen this 14th day of December, 2022, to be effective immediately. All Voted in Favor of the motion.

Any Other Business to Come Before the Board of Selectmen: None.

Adjournment: J. Joslyn made a motion, seconded by D. Shippee to adjourn at 6:40 p.m. All voted in favor of the motion.

Attest: _____
Susanne Tetreault, Recording Secretary