

March 28, 2019

**Call to Order:** The monthly meeting of the Sterling Inland Wetland and Watercourses Commission (IW&WC) was called to order at 7:05 p.m. by Chairman Roger Gibson. Other members' present- Richard McGarry, Kimberly Gunn, Brad Herman, and Alternate James Hawkins Jr.

Members' absent-Maggie Camplin, Jen Mossner, and Robert McLevy.

Alternate J. Hawkins was seated for R. McLevy.

Staff present-Russell Gray, Joyce Gustavson, and Don Aubrey (7:10 p.m.)

Also present-Michael Driscoll, John and Jacob Faulise, and Harry Heller.

**Audience of Citizens:** No comment.

**Additions to Agenda:** None

**Approval of Minutes:** R. McGarry made a motion, seconded by B. Herman to approve the monthly meeting minutes of 2/28/2019 as written and presented. All voted in favor of the motion.

**Correspondence:** *Connecticut Wildlife Magazine.*

**Unfinished Business:**

**a. Application #IW-19-03 by Michael Driscoll for Property Located at 480 Gibson Hill Road for Excavation Activities in Response to a Notice of Violation:** R. Gibson stated Joe Theroux, Inland Wetland Agent, submitted a report noting that an application was received on 2/28/2019 and the Commission went on a site walk 3/7/2019. M. Driscoll met with J. Theroux on 3/20/2019 and the consensus was that constructing a French drain in the lower yard area will not solve the wet basement issue or the wet lawn area due to seasonally high water tables in the area. The outflow from the sump pump can and should be tied into the French drain or swale proposed in the lower yard. The possibility of replacing the pipe which is located under the adjacent driveway to the north of M. Driscoll's residence was discussed. M. Driscoll stated that he changed the plans and instead of putting the French drain towards the wetlands area, he would move it to the opposite side of the property in hopes of alleviating some of the problem. In notes submitted to the Commission from J. Theroux, it was noted that the property is currently under a cease and desist order as stated in the original notice of violation letter dated 10/31/2018 and no excavation or construction activity should be conducted. The applicant needs to submit amended plans with more detail for J. Theroux to review. B. Herman made a motion, seconded by R. McGarry to table this application to the next meeting. All voted in favor of the motion.

**b. Application #IW-19-04 by American Industries, Inc. for 609 Sterling Road (Rt 14) – Gravel Removal Operation:** Harry Heller of Heller, Heller, and McCoy stated that he is representing the applicant, American Industries, Inc. for property located at 609 Sterling Road (Route 14). The property is located on the southerly side of Sterling Road and is bisected by the old New Haven, Hartford, Fishkill Rail Line. The plan is to access the property over the current dirt driveway which will be upgraded to get proper elevation for access. In conjunction with the excavation operation, the applicant is proposing regulated activities in the upland review areas. The site consists of two (2) separate upland review areas and two (2) ponds along the south side of the rail bed. The northeasterly portion of the site slopes down toward those wetlands. There is a one hundred (100) foot upland review area adjacent to the wetlands, which are delineated on the site plan. The easterly portion of the property is bounded by the Moosup River and there is a required two hundred (200) foot setback in the regulations from the river which has also been delineated on the site plan. The proposal is to excavate the site in five (5) phases of four to five (4/5) acres. Proposed activities and the methodology design were discussed noting no impact to

wetlands and watercourses and that the site is self-contained, graded towards the outlet. H. Heller stated that John and Jacob Faulise of Boundaries, LLC are here tonight to answer any technical questions that the Commission may have. A discussion was held regarding additional millings at the railroad bed and the drive going into the project to protect the wetland and watercourse via the access road entering the site for potential discharge and keeping the stormwater contained in the excavation, as well as, protection of the Moosup River and downstream wetlands.

(Fifteen minutes of discussion was not recorded in order to change the recorder batteries).

R. McGarry made a motion, seconded by J. Hawkins to approve Application #IW-19-04 by American Industries, Inc. for access over prior railroad bed and access drive for earth product excavation operations and grading and installation of stormwater control measures in the upland review area for property located at 609 Sterling Road (Route 14), Assessor's Map (03830/022/0102) referenced by plans entitled "Site Plan – Proposed Gravel Excavation" Prepared for American Industries dated February 2019, consisting of fourteen (14) sheets, Prepared by Boundaries, LLC with the following modification: Additional millings to the rail bed and the access road into the gravel removal operation. All voted in favor of the motion.

**New Business:** None.

**Agents Reports:**

1. Violations: No new violations.

2. Other Issues: In an agent reported submitted by J. Theroux, he noted that he received a complaint from Louis Magiera stating that the adjacent property owner on Deerfield Drive is cutting large white pine trees from around the existing house trailer and miscellaneous outbuildings adjacent to the wetlands/Moosup River. Agent Theroux does not think, at this point, that the adjacent property owner is in violation of the regulations as there is no significant land disturbance or impacts to the wetlands or river. Agent Theroux shall follow up with the property owner and discuss to determine if a regulated activity is going to be conducted.

**Any Other Business to Come Before the Commission:** None

**Adjournment:** R. McGarry made a motion, seconded by K. Gunn to adjourn at 8:10 p.m. All voted in favor of the motion.

Attest: \_\_\_\_\_  
Joyce Gustavson, Recording Secretary

Attest: \_\_\_\_\_  
Richard McGarry, Secretary