

August 27, 2020

The Sterling Inland Wetland and Watercourses Commission (IW&WC) public hearing was called to order at 7:02 p.m. by chairman Roger Gibson. Other members present – Robert McLevy, Brad Herman, Richard McGarry, Jen Mossner, and Alternate James Hawkins Jr. Members absent – Kimberly Gunn and Maggie Camplin. Alternate James Hawkins Jr. was seated for Maggie Camplin.

Staff present – Link Cooper, Russell Gray, Joe Theroux, and Patricia Ball.

Also present – Harry Heller, Jacob Faulise, David McKay, John Brisson, and James Sipperly.

The legal notice was read by R. Gibson. The purpose of the continued public hearing is to accept written and/or verbal comments on #IW&WC 20-01 by American Industries, Inc. for property located at 609 Sterling Road (Route 14) (Owner: Grace Harriot Roberts) Map 03830, Block 022, Lot 0102 for a gravel removal operation.

Representing the applicant, American Industries and property owner Grace Harriot Roberts, was Attorney Harry Heller of Heller, Heller, and McCoy. Also, in attendance, the project design engineer team Jacob Faulise and David McKay of Boundaries, LLC. H. Heller reminded the commission the public hearing was continued from July to provide the public with time to review the plans since the town hall was closed for a time for the Covid-19 pandemic. H. Heller stated the applicant has made its complete presentation and has nothing further at this time unless the commission has further questions.

R. Gibson stated the commission had the plans and the public had time to review for the last month. He asked the applicant if any changes have been made to the plans. H. Heller stated no changes involved wetlands, there were some changes made around Route 14 in conjunction with the discussion with the Department of Transportation but nothing that remotely involves any wetland issues.

Chairman Gibson reminded the audience at this public hearing we are discussing the wetlands only, their potential impact to the wetlands.

J. Mossner asked a question. At the last meeting Mr. Heller stated that the access road would be inspected by town representatives as well as the project team on a consistent basis and that was referred to on page 15 of the revised plan. She stated she could not find that section, and would like clarification on that, how the town representatives would be involved in the inspection process.

H. Heller stated under the town regulations, the town representatives have the authority to go on the property at any time and in addition to what is listed on the plans you have the application narrative on page 13 there are construction maintenance requirements. These requirements include after every storm event the authority for your representative to go on the property.

R. McLevy asked if the stipulation of the enforcement officer worked in conjunction with the site monitor and the town enforcement officer cost would be covered by the applicant. Due to the amount of time involved the town should not have to cover this cost. H. Heller stated it was in the regulations that the applicant would cover the cost of the enforcement officer.

Chairman Gibson asked if anyone else had any other questions for clarification. He then asked if any public attendees wished to speak in favor of the applicant. No attendees wished to speak.

Chairman Gibson asked if any public attendees wished to speak against the applicant. No attendees wished to speak against the applicant. Chairman Gibson asked for a third time if any members of the audience wished to speak in favor or against the application. If no members of the audience wished to speak, looking for a motion to close the public hearing.

J. Mossner made a motion, seconded by R. McGarry, to close the public hearing at 7:14 p.m. All voted in favor of the motion.

August 27, 2020

Call to Order: The monthly meeting of the Sterling Inland Wetland and Watercourses Commission (IW&WC) was called to order at 7:15 p.m. by Chairman Roger Gibson. Other members' present-Jen Mossner, Brad Herman, Richard McGarry, Robert McLevy, and Alternate James Hawkins Jr.

Members' absent-Maggie Camplin and Kimberly Gunn.

Alternate J. Hawkins was seated for M. Camplin.

Staff present-Link Cooper, Russell Gray, Joe Theroux, and Patricia Ball.

Also present- John Brisson, James Sipperly, Harry Heller, David McKay, and Jacob Faulise.

Audience of Citizens: No comment.

Additions to Agenda: R. McGarry made a motion, seconded by J. Mossner, to add to the agenda under unfinished business, item c. the Town of Sterling's application regarding the proposed culvert replacement needed on Cedar Swamp Road. All voted in favor of the motion.

Approval of Minutes: J. Mossner made a motion, seconded by R. McGarry to approve as written the public hearing and monthly meeting minutes of 7/23/2020. All voted in favor of the motion.

Correspondence: J. Theroux provided the commission members with a copy of an email discussion between H. Heller, applicant attorney, Joyce Gustavson, town administrator assistant, and Mike Zizka attorney representing the Town of Sterling, related to procedural understandings regarding last month's public hearing.

Unfinished Business:

a. Application #IW-20-01 by American Industries, Inc. for Property Located at 609 Sterling Road (Route 14) (Owner: Grace Harriot Roberts) Map 03830, Block 022, Lot 0102 – Gravel Removal Operation: R. Gibson stated there were a couple of modifications from the original plans but understood J. Theroux will be out inspecting. The entire site will be protected with a silt fence and wood chips. R. McLevy asked if there was a need to add as a modification that a weekly site inspection is needed. R. Gibson stated with the installation of the silt fence there would be less environmental impact on the river. He asked if any other members had any questions or comments. J. Mossner asked what the commission thought about as necessary for the wetland agent to inspect. R. Gibson stated it was necessary for an inspection prior to the wood chips being placed. J. Mossner asked about what would be necessary given the long-time frame regarding this project, given it will go multiple years and with the amount of trucks involved in this project, specifically she asked; "Is there a need for Joe to go out there on a regular basis?" R. Gibson asked if we have a motion to approve this application? J. Mossner made a motion, seconded by R. McLevy, to approve Application #IW-20-01 by American Industries, Inc. for a gravel removal operation for property located at 609 Sterling Road (Route 14) (Owner: Grace Harriot Roberts) Assessor's Map 03830, Block 022, Lot 0102 – referenced by plans entitled "Proposed Gravel Excavation" Prepared for American Industries Inc., dated January 2020, Revision A 4/9/2020, Revision B, 4/24/2020" consisting of seventeen (17) sheets, Prepared By Boundaries LLC, with the following modifications: 1) the Inland Wetland Agent shall inspect the silt fence prior to the wood chips being placed and 2) the Inland Wetland Agent

shall inspect the site every week, as needed, and the cost to be paid for by the applicant. All voted in favor of the motion.

b. Application #IW-20-02 by John Brisson, III, John Brisson, IV and Ronald Plympton L/U to Fill in Wetlands for Property Located at 65 Deerfield Drive: J. Theroux provided members of the commission the following: Copy of application, Ariel view map dated 4/10/2019 depicting property, map of inland wetlands flags dated 5/15/2020 prepared by James Sipperly, certified soil scientist, with flags measured by foot measuring tape. John Brisson informed the commission he began clearing garbage from the property. He pulled a piece of metal that ultimately was determined to be an old metal horse trailer from the ground, so he had to backfill the area. He is trying to improve the property and realized he had areas that were wetlands. Mr. Sipperly stated the wetland map depicts four (4) areas that he was originally interested in correcting. Area 5 is off the table, and area 4 has been determined to be a flood plain and also off the table. In area 1 the applicant wishes to fill in to put up a fence. In area 2 which is adjacent to the existing driveway, the applicant wishes to continue with stone along the driveway to control erosion. Area 3 is where the wetland depression or dump site was located, and the applicant was trying to clean the property. R. McLevy asked J. Theroux if the area has been improved within the last year. J. Theroux stated the applicant is making good progress and realized he needed the commission to move him in the right direction. R. Gibson stated the commission did a site walk earlier today and would like to see the wetland agent, J. Theroux, review the site again before the commission acts on the application. R. McGarry, made a motion, seconded by J. Mossner to table this item. All voted in favor of the motion.

c. Application by Town of Sterling for Replacement of Culvert Pipe on cedar Swamp Road: J. Theroux informed the commission he is working with Town Engineering, Inc. to obtain plans for the work the town needs to complete in replacing the culver pipe. R. McLevy, made a motion, seconded by R. McGarry to table this item until further information is received. All voted in favor of the motion.

New Business: None

Agents Reports:

1. Violations: No new violations.
2. Other Issues: J. Theroux stated he is currently reviewing a couple of sites that may be issues for the wetland commission in future meetings. These sites consist of Valley View Road, the corner of Gibson Hill Road and Snake Meadow Hill Road. J. Theroux will follow-up with the access right of way to the quarry on Valley View Road to be sure it is correct as noted in the plans on file with the wetland commission. One last item to monitor includes a house on Deerfield Drive that may be at issue.
3. Charles W. Corson, Jr., 627 Bailey Road- Disturbance within Wetlands (Assessor's Map 03459-037-0003) – No new activity, will be removed from future agenda.

Any Other Business to Come Before the Commission: None.

Adjournment: J. Mossner made a motion, seconded by R. McLevy to adjourn at 8:22 p.m. All voted in favor of the motion.

Attest: _____
Patricia Ball, Recording Secretary

Attest: _____
Richard McGarry, Secretary