

Call to Order: The monthly meeting of the Sterling Inland Wetland and Watercourses Commission (IW&WC) was called to order at 7:00 p.m. by Jen Mossner.

Other members' present - Robert McLevy, Richard McGarry, Kimberly Gunn, James Hawkins, Jr., and Brad Herman.

Members' absent - Roger Gibson

Staff present - Link Cooper, Suzanne Krodell, and Joseph Theroux.

Audience of Citizens: Amanda DeFazio is present and is considering serving on the commission.

Additions to Agenda: None

Approval of Minutes: R. McGarry made a motion, seconded by J. Hawkins to approve the monthly meeting minutes of 9/23/2021. All voted in favor of the motion.

Correspondence: The new issue of the DEEP magazine is out.

Unfinished Business:

a. Consider and Act on Application #21-01 by A. Kausch & Sons, LLC for Single Family Dwelling in the Upland Review Area for Property Located at 191 Snake Meadow Hill Road: J. Theroux reported that the applicant had the wetlands reflagged and staked to show the house corners. J. Mossner stated that when she and R. McLevy went to the site the flags did not match the ones on the map and also the front left corner of the house on map is approximately 20 feet from the wetlands but at the site, it was closer to 40 feet. The other measurements in question were test hole pit #2 on the map it is a straight line about 50 feet but on site it was more like 35 feet on a diagonal. R. McLevy also stated that the map submitted did not identify where the flags are. J. Mossner stated they are having problems finding exact location of house to the wetlands and flags on map were numbered but not on site. R. McLevy stated it is not a huge area, but the site has numerous problems. There is a slope from upper higher wetlands to lower wetlands and reviewed geological survey maps naming lower wetlands as a "Brown's brook. Culvert pipe drains to southern side of the road which is this property. The non-wetland regulated area extends 100' from wetlands, always potential for relief, called the buffer zone, but here both sides of property are all within this 100'. J. Mossner stated that two corners of the house are 20-25 feet from the wetlands and also, they question location of the potential septic system.

R. McLevy had concerns about where the fill will be going, causing the house to be in a shallow area.

A. Kausch was going to build house with slab on grade. The commission asked about what the grade will be, and J. Theroux stated the proposed grades at 550 and 548 elevations, and it matches existing grades.

R. McLevy said it is not flat and it slopes from one wetland to the other wetland and the corner of the house is approximately 30 feet to the wetlands.

A. Kausch stated they will have to pay close attention to the silt fence, no curtain drain proposed and tried to minimize impact on wetlands, also it passed health code for septic system. R. McLevy stated there is no room according to regulations section 6.2 and 6.4 and 10.2 acknowledge "protection of wetland now and in the future". It isn't just the house, driveway, or septic it is the entire project that needs to be adjusted; we must be concerned for future protection.

J. Mossner had concerns about septic, looking at the 6" of sand and inspection ports who will be overseeing this? A. Kausch said the installer and health department, he would defer to the installer.

J. Mossner stated that the maple swamp area and canopy was close to the geomatrix septic system, and the recommended construction says do not install within 10 feet of trees, as tree roots can clog pipes now cutting trees in wetlands.

A. Kausch said this subdivision was approved prior to 1983, has always been a building lot and he is trying it to minimize any impact to wetlands. As far as future impact once it is sold it is out of his hands.

J. Theroux stated the proposed clearing limits are more than 20 feet from where the primary septic will be. As a commission you must determine if this project will directly impact wetlands significantly based on site plan in front of you. You can't assume that the reserve septic system might have to be employed years down the road being a direct impact to wetlands. You must evaluate the application as it is in front of you.

J. Mossner we are approving the reserve. J. Theroux stated that it would not be wise to base a decision tonight on the potential of something happening. There could be a cataclysmic storm tomorrow which would significantly impact the wetlands, but you can't make that assumption. He also reviewed the soil scientist report which states there are no direct wetland impacts proposed, which he concurs. There is no activity in the wetlands.

R. McLevy all the activity, driveway, house, septic system occurs in the buffer zone, in both west and east wetlands. B. Herman stated that seminars he has attended talked about the buffer zone and that in fact they recommend 300' for a buffer zone and also talked about potential impacts as a consideration.

J. Mossner recited Section 6.4 in the regulations which states "the commission shall regulate any activity that occurs in non-wetland upland or non-watercourse areas that are likely to impact or affect inland wetlands or watercourses". R. McLevy quotes section 10.2 "commission shall take into consideration all relevant facts or circumstances including but not limited to the relationship between the short-term or long-term impacts of the proposed activity".

J. Mossner asks what he felt was significant impact to wetlands and J. Theroux stated that usually when an application is denied by a commission it is due to activity in the wetlands. Septic designed by engineer has no impact, if reserve system has to be used, he can't say yes or no if it would impact wetlands.

R. McGarry had the same concerns when he did the site visit.

The commission agreed even though the site map has some issues with accuracy no matter where the house is located it will still impact the buffer zone. A. Kausch stated that the plan shows no direct impact to the wetlands. Engineer and soil scientist placed the house in the best scenario on the property.

R. McLevy stated that there were two houses one east and one west of this property the question came up about wetlands between the 2 properties *at the time of planned development ~~and that~~ the properties should have been combined to prevent a future issue, this never happened.

J. Theroux stated if the application is approved, he insists on wetland buffer/encroachment signs due to the tight site. Usually what happens is homeowners want to expand the living area and end up encroaching on the wetlands, therefore permanent signage is recommended. Vegetation management in wetlands is a permitted use of right for forestry operations but someone clearing wetlands is not allowed. The signs should be in 25' intervals placed either on existing trees, pressure treated or metal posts.

R. McLevy made a motion to reject the plan and to note entire project within regulated area wetlands buffer. The proximity of the driveway, house and septic to wetlands are within the regulated area and very close to wetlands and note Inland Wetland & Watercourses Regulations Section 6.2, 6.4 and section 10.2, seconded by B. Herman. Yes Votes - three (3), No Votes - one (1), abstentions - one (1). No discussion. Motion passed. J. Mossner stated that the project has been denied based on the criteria.

New Business:

Application #21-02 by A. Kausch & Sons, LLC for Single Family Dwelling in the Upland Review Area for Property Located at 217 Snake Meadow Hill Road: A. Kausch withdrew the application and J. Theroux returned the check for the application fee for 217 Snake Meadow Hill Road.

Agents Reports:

1. Violations: None
2. Other Issues: None
3. Michael Larcher/Tina Rowe, 0 Sterling Road (Route 14): J. Theroux reported that Mr. Larcher contacted J&D Engineering to get wetlands flagged.
4. Filmar Colato – 84 Sawmill Hill Road: J. Theroux will meet with Mr. Colato to advise him how to remove the fill, he is to remove what was put in but not the wetland soils. Then in the Springtime reseed with wetland mix. J. Theroux will issue a letter after they meet.

Any Other Business to Come Before the Commission: None

First Selectman Link Cooper commended the commission on how they came to their decision, regardless of the outcome you were diligent and gave every possibility to pass or deny your goal is to protect the town.

Adjournment: J. Messner *K. Gunn made a motion, seconded by B. Herman to adjourn at 7:59 p.m. All voted in favor of the motion.

Attest: *Suzanne Krodel*
Suzanne Krodel, Recording Secretary

Attest: _____
Richard McGarry, Secretary