

Call to Order: The monthly meeting of the Sterling Inland Wetland and Watercourses Commission (IW&WC) was called to order at 6:01 p.m. by Jen Mossner.

Other members' present - Robert McLevy, James Hawkins, Jr., and Kimberly Gunn.

Members' absent - Brad Herman, Roger Gibson, and Richard McGarry

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

Others Present – Town Attorney Mike Zizka, Daniel Blanchette from J&D Civil Engineers, and Andrew Kausch.

Link Cooper, First Selectman, also introduced Deborah and Lillian Sharpe. Lillian is present for a school project and must attend the meeting.

Audience of Citizens: None

Additions to Agenda: None

Approval of Minutes: J. Hawkins made a motion to approve the monthly meeting minutes of 2/24/2022, seconded by K. Gunn. All in favor, motion passed.

Correspondence: None

Unfinished Business: None

New Business:

- a. **Discussion (Including Possible Executive Session) and Possible Action on Proposed Settlement of Civil Action Entitled "A. Kausch & Sons, LLC v. Sterling Inland Wetlands & Watercourses Commission," Docket No. HHD-CV-21-6153852-S, Pending in the Superior Court, Judicial District of Hartford.**

Attorney Zizka reviewed the decision from the commission that they denied the application due to proximity of septic and need for doing additional work in the wetland area and stated that we might be able to resolve through a settlement agreement and conservation easement. R. McLevy stated that he never received the documents to review. J. Mossner suggested going into executive session so the documents can be reviewed and invite Mr. Zizka, S. Krodel, J. Theroux, and L. Cooper.

R. McLevy made a motion, seconded by J. Hawkins to enter in executive session and invite Mr. Zizka, S. Krodel, J. Theroux, and L. Cooper. All in favor, motion passed.

Attorney Zizka, commission members Robert McLevy, James Hawkins, Kimberly Gunn, Jen Mossner, and staff L. Cooper, J. Theroux, S. Krodel entered executive session at 6:09pm.

K. Gunn made a motion, seconded by J. Hawkins to come out of executive session at 6:53pm. All in favor, motion passed.

Attorney Zizka stated that for purposes of the record, this first item of business includes a proposed settlement agreement to resolve litigation that's been filed in Superior Court basically an appeal of a decision made by the wetlands commission on 10/8/21, the settlement agreement and proposed conservation easement were discussed between applicant's attorney and himself and he understands the applicant approved the agreement and easement that the commission requested. Mr. Kausch does not have to address this tonight, but the commission would like to add to the conservation agreement to Section 2 subsection G to be more specific about the removal of trees, no cutting, clearing, or removal of trees or other vegetation except for what is allowed in Section 3. Attorney Zizka read the settlement agreement in its entirety to resolve the litigation that was filed in superior court. The motion would be to accept the proposed settlement agreement as read into the record with the exception that the proposed conservation restriction and easement will be modified to include the following subsection (g) of Section 2 "no cutting, clearing, or removal of trees or other vegetation except as may be allowed

under Section 3". Exhibit B is the conservation restriction easement agreement with contains the modification which must be approved by the Superior Court.

R. McLevy made a motion to that affect, seconded by J. Hawkins. All in favor, motion carried.

b. Application by Charles W. Corson, Jr. for Property Located at 131 Church Street, Map 03828, Block 024, Lot 0024 – Gravel Removal Operation.

D. Blanchette presented the plan for 131 Church Street and explained the location. It is an existing gravel bank but no recent activity. Work was performed in the 90's under Hill Sand and Gravel then purchased by another company which renewed the permit in 2007 and then was issued a cease and desist. Then there was an application from Phoenix Investors then withdrawn and then in 2012 purchased by C. Corson and Boundaries LLC which delineated the wetlands in 2013 and topographic/boundary survey of site. Some surveying was done, drainage was verified, and upland review is shown on the map and there are no wetlands on the site and upland review area just barely creeps into the property. The drainage is working well and stabilized and 95% of the runoff will go to the sediment basin and clean water will spill over to the pipe. They will extend the swale and water will run into the sediment basin then across the road to the wetlands. Also, the second paved apron will be removed. The site will get cleaned up and potentially developed, maybe for condos or apartments.

J. Theroux stated that his only concern is the basin and if it is adequately sized for the site. D. Blanchette stated it appears to be working well. J. Theroux stated that he would like it to be reviewed. J. Mossner asked J. Theroux if the application is complete, and he stated yes and recommended a site walk.

R. McLevy made a motion to accept the application for review for 131 Church Street, seconded by J. Hawkins. All in favor, motion passed. A site walk is scheduled for 6/1/22 at 4pm.

c. Application by A. Kausch & Sons, LLC for Single Family Dwelling in the Upland Review area for Property Located at 0 Main Street.

The commission reviewed the plans and J. Theroux stated that the application is missing the State reporting form and the fee, but the commission can accept the application contingent on these two items. A. Kausch explained to the commission where the property is located. J. Theroux also suggested requesting for a Locus map showing ariel view of all the lots to get a better idea of the location. He stated that the fee for the application will be \$210 for each application presented tonight.

Kausch stated that this plan was approved by the health department and the septic plans. It skips a lot, lot 465 has nothing to do with it then the next one is lot 473 and lot 191. J. Mossner asked if there was any additional paperwork and J. Theroux stated no, just the application and plans. A. Kausch stated he could present a letter from the health department at the next meeting.

R. McLevy made a motion to accept the application for review, seconded by J. Hawkins. All in favor, motion passed. Site walk is scheduled for 6/1/22 at 4:30pm and A. Kausch stated he will try to attend.

d. Application by A. Kausch & Sons, LLC for Single Family Dwelling in the Upland Review Area for Property Located at 473 Main Street.

The commission reviewed the plans and J. Theroux stated that it is missing the State reporting form and the fee. He also would like to see on the plan the 100' upland review area delineated which is a typical inclusion on most plans.

J. Hawkins made a motion to accept the application for 473 Main Street for review with conditions that the State reporting form, fee, and delineation of 100' upland review areas and locust map on the plan, seconded by K. Gunn. All in favor, motion passed. The site walk is scheduled for 6/1/22 at 5:00pm. R. McLevy asked if the house and property corners are marked, and A. Kausch stated he can get them staked.

- e. **Application by A. Kausch & Sons, LLC for Single Family Dwelling in the Upland Review Area for Property Located at 191 Snake Meadow Hill Road.** (See earlier discussion)
- f. **Application by A. Kausch & Sons, LLC for Single Family Dwelling in the Upland Review Area for Property Located at 217 Snake Meadow Hill Road.**

J. Mossner stated the engineer's stamp is missing on the plans. J. Theroux recommends a 100' upland review area delineated. A. Kausch stated that he probably has one on another map and health department approval with signature. J. Theroux recommended for the next meeting he should have a plan with a stamp and 100' upland review area. A. Kausch stated he will have them put it on all the plans. Also, the State Reporting form is missing, and he will get one to A. Kausch.

K. Gunn made a motion to accept the application for review for 217 Snake Meadow Hill Road contingent on the fee, State Reporting Form, engineer's stamp, and 100' upland review area, seconded by J. Hawkins. All in favor, motion passed. Site walk is scheduled for 6/1/22 at 5:30pm.

- g. **Application by Town of Sterling for Culvert Replacement on Newport Road.**

L. Cooper presented the plan to the commission. The steel has been there many years and the inlet bottom collapsed causing a bump in the road and the culvert needs to be replaced. It is located about 1 mile from Route 14a. It has been surveyed, no beavers are present, and it will be a 2-4 week project. J. Theroux stated he will be available to inspect the project. L. Cooper showed pictures of the stone and that they will need to be removed then rebuilt the best they can. They will need to take up the road and replace it. J. Theroux recommended waiving the fees because it is a town project. Also, he cannot do an agent approval when work is being done in the wetlands.

R. McLevy made a motion to accept the application for review, waive the fees and contingent on the State reporting form, seconded by K. Gunn. All in favor, motion passed. L. Cooper stated the sooner the project is approved the better while the water table is low as possible, between now and the end of June. Site walk was discussed, and J. Theroux stated that commission members can do the site walk individually if need be. L. Cooper also stated that the engineer, Matt Maynard, can meet the commission for the site walk and answer questions. Site walk is scheduled for 6/2/22 at 4:00pm.

Agents Reports:

1. **Violations:** None.
2. **Other Issues:** None
3. **Michael Larcher/Tina Rowe, 0 Sterling Road (Route 14):** J. Theroux stated that outstanding is the Larcher property on 14A, he issued a notice of violation on the old LaFlesh site. When owners moved in, they were cleaning stuff up and were issued a violation. Supposedly they

were to contract with J&D Engineers for a site plan but didn't hear anything, he will send another letter. Technically they received a cease and desist a year ago.

- 4. Filmar Colato – 84 Sawmill Hill Road:** J. Theroux stated that it was on hold for the winter, and they should start taking material out so he will touch base with him.

Any Other Business to Come Before the Commission: None

Adjournment: J. Hawkins made a motion, seconded by R. McLevy to adjourn at 7:57 p.m. All voted in favor of the motion.

Attest: *Suzanne Krodel*
Suzanne Krodel, Recording Secretary

Attest: _____
Richard McGarry, Secretary