

July 28, 2022

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 J. Mossner.

Other members' present – R. McLevy, J. Hawkins, Jr., K. Gunn, B. Herman and R. McGarry.

Members' absent – R. Gibson

Staff present – 1st Selectman L. Cooper, Wetlands Agent J. Theroux.

Others Present – A. Kausch, A. Kausch Jr.

Audience of Citizens: None

Additions to Agenda: None

Approval of Minutes: R. McGarry made a motion to approve the amended monthly meeting minutes of 6/23/2022 as amended, seconded by K. Gunn. Motion passed.

Correspondence: None

Unfinished Business: None

a. Application IW #22-04 by A. Kausch & Sons, LLC for Single Family Dwelling in the Upland

Review Area for Property Located at 473 Main Street: The revised site plan depicting the remainder of the wetlands on the lot was distributed. R. McGarry noted that the E&S measures were not shown on this plan but were shown on the original site plan. J. Theroux stated that he had no concerns. R. McLevy stated that the driveway and a portion of the reserve septic area was proposed within the upland review area, however it is upgradient and thus no likely impact to the wetlands. R. McLevy made a motion to approve the application as submitted with the condition that the upland review area is posted with signage. Seconded by K. Gunn. All in favor, motion passed.

b. Application IW#22-06 by A. Kausch & Sons, LLC for Single Family Dwelling in the Upland

Review Area for Property Located at 217 Snake Meadow Hill Road: It was noted by the Commission that the current plan has no engineers stamp, but one copy of the revised plan was found with the stamp on it, and the 100-foot upland review area was also depicted on the plan. The CT DEEP State reporting form was discussed, and Agent Theroux explained to the Commission that there was entry for the percentage of wetlands disturbed on the form, just the area for disturbance within uplands. This portion of the form was left blank. As this was left blank, the Commission could ask the applicant for an extension of 35 days so this information could be provided, or it could be provided as a condition of approval. J. Mossner stated concerns that the reserve septic system was approx. 20 feet from the wetlands, the primary system was 35 feet away from the wetlands and the clearing limits were on 10 feet from the wetlands. There was a question regarding whether a report from a Soil Scientist was submitted and Agent Theroux read the summary stating that Bob Russo stated that there would be no significant impacts to the wetlands from the proposed activities. The Commission discussed the location of the reserve area and its proximity to the wetlands. Agent Theroux gave his thoughts regarding the E&S measures, posting of the wetland boundary or at the clearing limits and having the surveyor stake the clearing limits to prevent encroachments into the wetlands when the lot is cleared. B. McLevy stated the entire upland review area is proposed to be disturbed. J. Mossner noted that the missing info on the state form could be a condition of approval and B. McLevy stated that the Commission could not approve the application without this information. A. Kausch stated that the area of disturbance does not matter and has no bearing on the application. J. Mossner stated that there is a difference between 5 square feet of disturbance and 1000 square feet of disturbance within the uplands. B. McLevy read a portion of the state statute regarding regulated activities and protection of the wetlands from future impacts. J. Mossner asked if Bob Russo was a certified soil scientist and Agent Theroux explained that he was, and he has a considerable amount of experience. J. Hawkins made a motion to approve the application with the following conditions: 1.) The upland area disturbed on the state reporting form is to be provided, 2.) The wetlands are to be posted with signage along the proposed clearing limits, 3.) The clearing limits are to be staked out by a licensed surveyor, 4.) The Wetlands Agent is to be contacted at the start of the clearing operation, 5.) The site is to be inspected on a weekly basis and after significant storm events. Commission discussion: R. McGarry asked about the required P&Z variance needed and A. Kausch stated that it was granted. J. Mossner asked about site monitoring and Agent Theroux explained the frequency of inspections and that he did this regularly for active development projects. B. McLevy stated the future encroachments and impacts are a concern with this lot and there are no inspections after a permit is issued. J. Mossner stated that there was no expert testimony explaining that there are significant or adverse impacts as a result of the proposed

activity. K. Gunn asked Agent Theroux about impacts from the septic system to the wetlands and Agent Theroux explained the summary of the CLA report by Bob Russo. J. Mossner quoted the CLA report. K. Gunn asked if it was possible to have an assessment done by an expert regarding impacts to the wetlands. B. McLevy stated that if this was done the future impacts could be assessed, as this is a very small area and no mitigation is proposed. A. Kausch stated that the CLA report stated that the greatest potential impact was during the clearing phase of the development and explained how he would implement the E&S features to protect the wetlands. A. Kausch added further that he felt he has provided all the information the Commission needs to make a decision and he is not willing to grant the Commission a 35-day extension or provide for a 3rd party review and assessment of potential wetland impacts. He stated that he has seen numerous wetland applications approved with significant wetland disturbance proposed and this application has no proposed wetland disturbance. J. Mossner stated that the application was almost at the 65-day mark and an extension would be needed if the Commission was going to require another expert opinion. A. Kausch stated that Agent Theroux was comfortable with the proposed activities and he was not interested in providing additional expert review. J. Mossner explained to the Commission that their options were to deny without prejudice or approve the application with the condition that the state form information be provided and asked if there was a second on the motion on the table. A. Kausch stated that this application was very similar to the application considered for #191 Snake Meadow Hill Road. K. Gunn inquired about a conservation easement. A. Kausch was agreeable to having a conservation easement placed on the property. B. McLevy stated that an extension would be needed as an easement cannot be worded now and it would be hard to condition. J. Mossner proposed that a conservation easement should be added as a condition of approval and be drafted by the Town Attorney. This was the consensus of the Commission. A second to the motion was made by K. Gunn, with the added condition of the conservation easement. 4 voted in favor, one against, motion passed.

New Business: None

Agents Reports:

1. Violations: None

2. Other Issues: None

3. Michael Larcher/Tina Rowe, 0 Sterling Road (Route 14): J. Theroux stated that he sent a letter to them requesting an application and he talked with their engineer. He has prepared a site plan for them and they will be responsible for submitting the wetlands application.

4. Filmar Colato – 84 Sawmill Hill Road: J. Theroux stated that Mr. Colato is currently talking with contractors to remove the fill from the wetlands. Currently the site is dry enough to proceed.

5. Debbie Logan - 95 Old Cranston Road: No revised site plan has been submitted.

Any Other Business to Come Before the Commission: None

Adjournment: K. Gunn made a motion, seconded by R. McGarry to adjourn at 7:27 p.m. All voted in favor of the motion.

Attest: _____
J. Theroux, Acting Recording Secretary

Attest: _____
Richard McGarry, Secretary