

July 23, 2015

Call to order: The monthly meeting of the Sterling Inland Wetland and Watercourses Commission (IW&WC) was called to order at 7:03 pm by Chairman Roger Gibson. Other member's present-Brad Herman, Kimberly Gunn, Robert McLevy, Jen Mossner, Alternate James Hawkins, Jr., and Alternate Dori Cote.

Member's absent-Maggie Camplin and Richard McGarry.

Alternate J. Hawkins was seated for R. McGarry and Alternate D. Cote was seated for M. Camplin.

Staff present-Joe Theroux and Joyce Gustavson,

Also present-Richard LaFleche.

Audience of Citizens: No comment.

Additions to Agenda: The Commission decided to keep the application by R. LaFleche separate from the Cease and Desist Order due to the significant impact to the wetlands. J. Mossner made a motion, seconded by K. Gunn to move the application by Richard LaFleche for 0 Sterling Road (Route 14) from Unfinished Business, Item a. to New Business, Item a. All voted in favor of the motion.

Approval of Minutes: J. Mossner made a motion, seconded by D. Cote, to approve the monthly meeting minutes of 06/25/2015 with the following three (3) corrections: 1) Unfinished Business, Application by Richard LaFleche, the fourth (4th) sentence should read ... Due to the heavy snow we had last winter, all Commission members present attended the site walk either on June 17 or earlier today." instead of ... "All Commission members present attended the site walk either on June 17 or earlier today, and that was the first opportunity the Commission had to see what damage had occurred due to the heavy snow we had last winter." 2) The motion should read ... "J. Mossner" made a motion ... instead of "K. Gunn" and 3) "R. Gibson, J. Mossner, B. Herman, and J. Hawkins voted in favor of the motion and K. Gunn opposed the motion" ... instead of "Four (4) voted in favor, one (1) opposed." All voted in favor of the motion.

Correspondence: A voucher to attend a seminar by CT DEEP (Connecticut Department of Energy and Environmental Protection).

Unfinished Business:

a. IW-15-01V by Richard LaFleche for 0 Sterling Road (Route 14): R. Gibson stated that the work that has been done to date for property located at 0 Sterling Road (Route 14) did not follow the best management practices for removal of the timber harvest in regards to placing the corduroy or timber matting going into a wetland area which would have prevented the deep ruts or trenches that were made through the operation. Based on past practices, it was the Commission's intent to have the applicant restore the area first, by grading out ruts, getting it stabilized, and coming in with a plan showing the Commission that the applicant knows how to do the restoration using the best management practices. R. McLevy stated that there are two (2) components to decide on before removing the Cease and Desist Order; the surety bond for the restoration and having J. Theroux monitor the site each day that R. LaFleche is working on the site. The purpose of the surety bond is to insure that the applicant will repair the site back to its natural state and if he does not, the Town will use the bond to restore the wetlands. R. LaFleche stated that he does not have \$6,000 but could come up with a \$2,000 surety bond. J. Theroux reported that prior to the last meeting he had spoken to a local contractor and \$2,500 is appropriate to restore the site; \$1,000 for site grading and leveling out ruts; between \$1,000 and \$1,500 for labor to spread hay and seed. This does not include J. Theroux's time to oversee the restoration; approximately twenty (20) inspections at \$35 per hour for a total of \$700. It was suggested that the silt fence would need to be maintained on the wetland crossing on the main skid trail and the site would need to be graded before installing corduroy to help with the hydrology. The modified bond would allow the applicant to go in and do the restoration. Discussion followed if the site would require an application due to the significant impacts or if it is a "permitted use as of right". When significant impacts occur in the wetlands, it is no longer considered a "matter of right" and once the Commission is satisfied with the applicant's methodology of doing the work then an application should be submitted.

J. Mossner made a motion, seconded by B. Herman, to keep the Cease and Desist Order in effect as is with the bond amount at \$6,000. R. Gibson, Mossner, D. Cote, J. Hawkins, B. Herman, and K. Gunn voted in favor of the motion and R. McLevy-abstained. Motion carries.

New Business:

b. Application by Richard LaFleche for 0 Sterling Road (Route 14): J. Theroux presented the application to finish the logging operation and remediate wetland areas that were previously damaged and stated that it is a complete application. Agent Theroux stated that some trees will be removed adjacent to the first wetland crossing and that no logging will take place in the other wetlands on the property. Attached to the application is a letter dated 7/21/2015 from Steven Dumas of SPD Environmental Services, LLC, a letter from Michael Bartlett of Hull Forest Products dated 2/22/2012 (received 5/28/2015) and a forest cutting plan. J. Theroux reported that he was contacted about a week and half ago by R. LaFleche's soil scientist, Steven Dumas of SPD Environmental Services, LLC to discuss the site and what had transpired on the property and stated that a letter from him outlining what is going on and different recommendations with his thoughts on protecting the wetlands, continuing the logging operation, and remediating the wetlands would be helpful. R. LaFleche wants to correctly continue the timber harvest, install log corduroy across the main crossing site and finish the logging on the rest of the property; he is not planning on going further into the wetlands located on the eastern portion of the property. Upon completion of the logging operation, R. LaFleche is willing to remediate the wetlands that were damaged due to prior activity in both of the larger wetland areas. When that is completed, he will supply the Commission with a potential driveway crossing application. J. Theroux stated that the plans are good and he sees no point in seeding or remediating the wetlands prior to more disturbance again and the best plan would be to have R. LaFleche corduroy the entire crossing site, drag whatever wood he has to get back out again, pull the corduroy, grade, seed, and mulch within the wetlands and that will cover the remediation. J. Theroux stated that the bond is part of the Cease and Desist Order and you are allowed to propose a different bond amount. You can either accept the application for a regulated activity or the requested information can be part of the Cease and Desist Order and you can modify the bond, and allow him to start logging tomorrow because you did not yet vote to receive the formal application. J. Mossner's concern is that it has already been determined that the activity was significant in impacts to the wetlands; therefore, it does not fall under "permitted use as of right". The Cease and Desist Order for R. LaFleche for 0 Sterling Road (Route 14) needs to be lifted before the Commission can approve an application. J. Mossner made a motion, seconded by R. McLevy to accept this as application #IW15-06 for review. All voted in favor of the motion.

Agents Reports:

1. Violations: No new violations. Commission members are receiving inspection reports from Falls Creek and J. Theroux is looking at August for a final inspection.

2. Other Issues: None

Any other Business: B. Herman made a motion, seconded by D. Cote to schedule a special meeting on Thursday, 8/6/2015 at 7:00 p.m. to discuss application #IW15-06 by Richard LaFleche for continuation of logging operation for property located at 0 Sterling Road (Route 14). All voted in favor of the motion.

Adjournment: R. McLevy made a motion, seconded by J. Mossner, to adjourn at 8:12 p.m. All voted in favor of the motion.

Attest: _____
Joyce A. Gustavson, Recording Secretary

Attest: _____
Richard McGarry, Secretary