

January 22, 2015

Show Cause Hearing for 0 Sterling Road (Route 14) owned by Richard LaFleche.

Wetland Agent, Joe Theroux, issued a notice of violation dated 1/14/2015 as a result of a jurisdictional ruling for timber harvest for property that he owns on Route 14. The violations are as follows: 1) Significant disturbance and deep rutting (approx. 2100 square feet of disturbance) within the wetlands on the south central portion of the property where the main skid trail crosses through approximately 200 feet of wetlands. 2) Failure to implement the necessary sedimentation or erosion controls.

J. Theroux stated that Mr. LaFleche submitted a Timber Harvest Notification Form and a required cutting plan showing what he was basically proposing; essentially he was proposing to cross two temporary stream crossings to access the timber on the property and the stream crossings were going to be corduroy crossings. J. Theroux stated that upon doing a site inspection he discovered that Mr. LaFleche had crossed a pretty significant stretch of wetlands that were to the south to where both of these crossings were and this crossing was not shown on his cutting plan. From looking at his depiction of the property, it shows the two intermittent stream crossings and as you go further south on the property, the skid trail goes up and around the wetland area which is not depicted well on the site plan but the property closes off and is pinched off by the wetlands resulting in Mr. LaFleche swinging around to the south end of the wetlands and incurred trouble as far as the skidder sinking and making some significant ruts, about 200 feet of the wetland soils. Three (3) photos were submitted showing the disturbance to wetlands (copies on file). Once the timber is removed, the applicant plans on making a small farm on the property. The main skid trail that is depicted on his plan is what he wants to eventually develop into a driveway. J. Theroux stated that once Mr. LaFleche gets through the Show Cause Hearing, he will need to submit an application to Inland Wetlands for the additional proposed activities because the violation is a regulated activity, driving through the wetlands and then to put a driveway in, there is two stream crossings and a pretty lengthy wetland crossing to go through. Presently, everything is frozen solid and therefore no mitigation of sediment or dirty water entering into the wetlands to the north. He cannot implement any erosion and sediment control measures at this time.

J. Theroux stated that the Commission should determine what you want to see happen with the site. The one problem with the site is that the trail that the applicant made is the only way to get to the timber, unless he tries to go through an adjacent property, he has no access to the remaining portion of this property. The property line cuts along a deep slope.

R. LaFleche stated that he wants to finish the logging and when it dries out, smooth everything and when it does thaw, use the excavator on site to smooth the ruts to prevent issues of water carrying down into the intermittent stream. After he finishes the timber harvest, he will leave it alone until July then file the proper permits to put culverts, gravel and geotextile in to make a solid gravel road.

J. Theroux reported that he did not mention remediation as to what should be presented to the Inland Wetland and Watercourses Commission because he plans on putting a driveway where the disturbance occurred and the area is reasonably stable unless we have a January/February thaw.

R. McLevy stated that his concern is that the applicant has a violation in writing, this is a problem, and that needs to be addressed in writing as to what he is going to do to fix the problem.

J. Theroux stated that when he met with the applicant he told him to have a professional plan done showing everything that he wanted to do on the property for the Commission to review, and have a soil scientist flag the extents of the wetlands in order to put a driveway in with two stream crossings. J. Theroux also discussed erosion and soil control measures that should be shown on the plan adjacent to the stream.

R. McLevy stated that the problem is first, the plan is future.

J. Mossner stated that without seeing an accurate location and plan, she is having difficulty following the intent of the applicant. There is no map present tonight for the Commission to review. She also stated that from the notice of violation, it was clearly laid out what the Commission would need to see at tonight's meeting to proceed and you showed up a little unprepared.

J. Theroux stated that part of the problem is the cutting plan, the way the wetlands is depicted is totally inaccurate, not showing where the wetlands really are or the size of them or their orientation.

J. Mossner asked J. Theroux to lay out reasonable options for the Commission to consider.

J. Theroux stated that much of this hinges on the fact that down the road the applicant intends to put a driveway in this location and if this was a typical timber harvest and a licensed forest product supervisor who should know what wetlands are and did this, he would issue a cease and desist order and have them come forward with a complete site plan, a wetland delineation and a remediation plan and the job gets shut down; in this case, he is going to disturb this area in the future with the Commission's permission to put a driveway in resulting in the same amount of disturbance or more to put a road bed in that area, approximately 12 feet wide by 200 feet long by driving the machine through repeatedly.

J. Theroux stated that if the Commission is comfortable remanding this to him, he will work with R. LaFleche. He further stated that this went from a permitted use as of right to a regulated activity due to the extensive disturbance to the wetlands.

J. Mossner made a motion, seconded by R. McLevy to close the Show Cause Hearing at 7:33 p.m. All voted in favor of the motion.

Attest: _____
Joyce A. Gustavson, Recording Secretary

January 22, 2015

Call to Order: The monthly meeting of the Sterling Inland Wetland and Watercourses Commission (IW&WC) was called to order at 7:33 p.m. by Roger Gibson, Chairman. Other member's present-Maggie Camplin, Jen Mossner, Richard McGarry, Robert McLevy, Alternate James Hawkins, Jr., and Alternate Dori Cote. Member's absent-Brad Herman and Kim Gunn. Alternate J. Hawkins was seated for B. Herman and Alternate D. Cote was seated for K. Gunn. Staff present-Joe Theroux, Russell Gray, and Joyce Gustavson.

Also present-Richard LaFleche, Bob Harwood and Bruce Woodis.

Audience of Citizens: No comment.

Additions to Agenda: None

Approval of Minutes: R. McGarry made a motion, seconded by M. Camplin to approve the 11/20/2014 monthly meeting minutes as written and presented. All voted in favor of the motion.

Correspondence: Connecticut Wildlife Magazine.

Unfinished Business:

a. #IW-15-01-V by Richard LaFleche for 0 Sterling Road (Route 14): The Show Cause Hearing closed earlier tonight. R. Gibson stated that this is before the Commission resulting from a Notice of Violation issued by Wetlands Agent, J. Theroux, dated 1/14/2015 to the applicant along with recommendations on what needed to be done to move forward.

J. Theroux stated that his letter sums up what went on, and as far as recommendations, if the applicant was to supply the six (6) items mentioned in the letter (copy on file), it would give the Commission and myself a definitive course of action. It would explain what the applicant has and what he is proposing to do and information that the Commission will need down the road to make a decision.

R. Gibson stated that he is favor of keeping the Notice of Violation in place because there is a potential erosion problem and diversion of water from wetland and not enough information in front of the Commission to determine a course of action. J. Theroux issued a Section 4, Permitted Use As of Right, which means when a logger or farmer is proposing an activity in or adjacent to a wetland, if it meets the criteria for permitted use as of right, a jurisdictional ruling is issued saying your activity meets these parameters and you can do your activity without the issuance of a permit. When it goes outside that, it becomes a regulated activity.

For clarity, a Notice of Violation is also known as a "Stop Order" or "Cease and Desist".

J. Mossner made a motion, seconded by M. Camplin to keep the Notice of Violation into effect, and place Erosion and Sedimentation Control Measures effective immediately in addition to the following modifications: 1) The applicant shall submit a complete notification/wetlands permit application including an accurately drafted site plan drawn to scale and narrative describing/showing: a) Accurate locations of all inland wetlands and watercourses within 100 feet of any proposed logging activities or currently disturbed areas. This should be done by a Certified Soil Scientist; b) Locations of existing/proposed skid trails, stream/wetland crossing sites; c) Description/diagram of stream and wetlands crossings construction (portable bridges or log corduroy) and erosion and sedimentation control measures; d) Description of how crossing sites and disturbed areas will be remediated; e) Current size and extent of disturbance within the wetlands and watercourses; and f) Description of impacts to wetlands and watercourses as a result of current logging activity within wetlands and watercourses and proposed remediation/restoration of the wetlands. All voted in favor of the motion.

New Business:

a. Application by Patricia Desmarais for a Two-Lot Subdivision for 0 Margaret Henry Road: Bruce Woodis of KWP submitted the application and subdivision plans dated 1/3/2015, for property located at 0 Margaret Henry Road (Assessor's Map 03276/011/0010). He stated that this Commission is familiar with the property as the applicant was here a couple of months ago getting a wetlands permit to build her house. He explained this application is for two (2) new building lots located on the corner of the property. The fee will be \$210.00.

B. Woodis stated that he spoke to Jamie Rabbitt, Town Planner who stated Sterling no longer does two-lot (2) subdivision as remaining land, so technically this application is for a three-lot (3) subdivision.

R. McLevy made a motion, seconded by J. Mossner to accept this as application #IW15-02 for review and to schedule a site walk for Wednesday, 1/28/2015 at 3:45 p.m. All voted in favor of the motion.

b. Election of Officers: Nominations were opened for Chairman. J. Mossner nominated Roger Gibson. This was seconded by R. McLevy. There were no other nominations. All voted in favor of R. Gibson as Chairman. Nominations were opened for Vice Chairman. R. McLevy nominated Jen Mossner. This was seconded by R. Gibson. There were no other nominations. All voted in favor of J. Mossner as Vice Chairman. Nominations were opened for Secretary. R. McLevy nominated Richard McGarry. This was seconded by J. Mossner. There were no other nominations. All voted in favor of R. McGarry as Secretary.

Agents Reports:

1. Violations: None

2. Other Issues: J. Theroux stated that if the Commission wanted they could follow the steps from the Town's Ordinance Establishing Citation Procedures and Fines for Inland Wetland and Watercourses violations. There are parameters to follow and a hearing officer would be appointed who is not a member of this Commission. The fine for the first citation issued is \$250.00; \$500.00 for the second citation issued; and \$1,000.00 for any subsequent citation. The effective date of the Ordinance was 1/1/2009.

Any Other Business: None

Adjournment: J. Mossner made a motion, seconded by M. Camplin to adjourn at 8:25 p.m. All voted in favor of the motion.

Attest: _____
Joyce A. Gustavson, Secretary

Attest: _____
Richard McGarry, Secretary