

May 28, 2015

(Not all of this meeting is recorded due to mechanical difficulty)

Call to order: The monthly meeting of the Sterling Inland Wetland and Watercourses Commission (IW&WC) was called to order at 7:04 pm by Chairman Roger Gibson. Other member's present- Robert McLevy, Jen Mossner, Kimberly Gunn, Richard McGarry, and Alternate James Hawkins, Jr. Member's absent-Maggie Camplin, Brad Herman, and Alternate Dori Cote.

Alternate J. Hawkins was seated for B. Herman.

Staff present-Joe Theroux and Russell Gray.

Also present-M. Bartlett, R. LaFleche, S. Levine, D. McKay,

Audience of Citizens: No comment.

Additions to Agenda: None

Approval of Minutes: R. McGarry made a motion, seconded by J. Hawkins, to approve the monthly meeting minutes of 4/23/2015 as written and presented. All voted in favor of the motion.

Correspondence: Correspondence received was the spring issue of "The Habitat" and a CT DEEP application for the application of aquatic herbicides for the property located at 112 Pine Hill Road.

Unfinished Business:

a. Request for Extension of Wetlands Approval by Scott Levine for 180 Pine Hill Road: Scott Levine, 180 Pine Hill Road, for the renewal of a permit originally issued in 2005. Agent Theroux explained the original application and approval to the Commission and further explained that any permit renewals cannot exceed a total of 14 years. Based on the regulations, the permit renewal for 180 Pine Hill Road will need to be for no more than four (4) years.

R. McLevy made a motion, seconded by J. Mossner, to renew the wetlands permit for 180 Pine Hill Road for a period of four (4) years. Agent Theroux will send the approval letter upon receipt of the \$210.00 permit fee. All voted in favor of the motion.

b. Application by Town of Sterling for an Alternative Truck Access Drive for

Commercial/Industrial Building for 110 Industrial Park Road: Engineer Dave McKay of Boundaries, LLC, explained the revised plans that were submitted, the purpose of the alternative access and the E&S measures to be implemented. 410 square feet of wetlands and 120 square feet of watercourses will be filled to complete the construction. For mitigation, the existing storm water basin will be reconfigured as a wet basin and due to a suggestion by Agent Theroux, erosion control netting will be used on the steep slopes adjacent to the wetlands.

The Commission asked Agent Theroux if he was comfortable with inspecting the site under construction and he had no issues.

J. Hawkins made a motion, seconded by R. McGarry to approve Application #IW15-05 by the Town of Sterling for 110 Industrial Park Road (Map 03842/017/0IP8) for the proposed alternative driveway as referenced by plans entitled Improvement Location and Topographic Survey "Proposed Driveway" prepared for Town of Sterling, 110 Industrial Park Road, consisting of two (2) sheets dated March 2015 with a revision date of 5/14/2015. All voted in favor of the motion.

New Business:

a. Application by R. LaFleche for a Proposed Driveway for 0 Sterling Road (Route 14): Agent Theroux informed the Commission that R. LaFleche never submitted the required bond to continue the logging operation and therefore the cease and desist order was never lifted. He added that R. LaFleche informed Theroux this past winter that he did not have the money so he would wait until spring and have the wetlands delineated and submit the required application and plan for the proposed driveway. In spring, Agent Theroux asked R. LaFleche to install staked hay bales and silt fence between the disturbance and the remaining wetlands and R. LaFleche installed silt fencing.

Agent Theroux explained that last Wednesday he received a voicemail from R. LaFleche notifying him that he graded out the ruts and placed log corduroy/a poled ford in the areas where he made ruts through the wetlands despite the cease and desist order. Theroux explained that the cease and desist order was still

in place and he shouldn't have done this. The same day Agent Theroux inspected the site and took photos of the recent disturbance. In addition to the originally disturbed areas, he also found another wetland on the property that was also rutted and disturbed which he also took a picture of. Agent Theroux was met as he was leaving the site that day by R. LaFleche and they both reviewed the recent disturbance.

As R. LaFleche currently does not have the money to pay a surveyor to prepare the required plan he is not submitting a plan for the proposed driveway and instead, wants to continue with the logging operation. The wetlands were recently partially delineated by Soil Scientist Steve Dumas, the remaining wetlands will be delineated when Dumas returns from vacation.

Mr. Michael Bartlett, a professional forester prepared and submitted a letter and forest cutting plan describing the proposal to continue the logging operation. He explained that he estimated that approximately 150 feet by 10 feet of wetlands were disturbed by R. LaFleche and stated that it was his professional opinion that the disturbance was limited to the rutted disturbed areas and that minimal sedimentation and erosion occurred in the remaining wetlands.

R. McLevy asked if the boundary lines were flagged for the purposes of orientation to see their position in relation to the wetland delineation. Both M. Bartlett and R. LaFleche indicated they were.

R. Gibson asked Agent Theroux if he had any recommendations. Agent Theroux suggested that it would be good for the Commission to walk the site prior to issuing any approvals or rulings.

R. McLevy wanted the record to indicate that at this point, no formal application or bond had been received so the cease and desist order is still in effect. Agent Theroux explained that for permitted uses as of right, most Commissions do not receive a formal application but require a notification like the letter and plan submitted by Mr. Bartlett. The notification and plan is then evaluated by the Commission and the Commission rules that the proposed timber harvest is declared an as of right activity with no permit required, or is a regulated activity needing a formal permit.

Before considering this, the Commission scheduled a site walk for Wednesday, June 17, 2015 at 5:00 p.m.

Agents Reports:

1. Violations: Agent Theroux stated that there were no new violations.

2. Other Issues: Agent Theroux stated that he has been involved with the previously approved septic system for the property located at 1147 Plainfield Pike. The applicant has asked that the condition requiring an engineer to sign off on the septic system construction be waived due to the fact that Northeast District Department of Health (NDDH) does this anyway. Agent Theroux discussed the matter with NDDH and they are willing to provide the Commission with a letter stating the system was correctly installed and also an as built plan.

J. Mossner made a motion, seconded by R. McLevy to modify the permit to waive the required engineers report provided that Agent Theroux receives a letter from NDDH stating that they will sign off and assume responsibility for the construction of the septic system. Upon receipt of this letter, the Commission authorizes Agent Theroux to approve the modification to the permit. All voted in favor of the motion.

Any other Business: None

Adjournment: J. Mossner made a motion, seconded by R. McGarry, to adjourn at 8:30 p.m. All voted in favor of the motion.

Attest: _____
Joseph R. Theroux, Wetlands Agent, Town of Sterling

Attest: _____
Richard McGarry, Secretary