

November 29, 2018

Call to Order: The monthly meeting of the Sterling Inland Wetland and Watercourses Commission (IW&WC) was called to order at 7:02 p.m. by Vice Chairman Jen Mossner. Other members' present-Brad Herman, Richard McGarry, Kimberly Gunn, and Alternate James Hawkins Jr.

Members' absent-Maggie Camplin, Robert McLevy, and Roger Gibson.

Alternate J. Hawkins was seated for R. Gibson.

Staff present-Joseph Theroux, Lincoln Cooper, and Joyce Gustavson.

Also present- Tim Casey, John Aiello, Tom Simjian, Jacob Denault, John Faulise, and Dawn Magiera.

Audience of Citizens: L. Cooper asked the Commission to introduce themselves to the public.

Additions to Agenda: N/A

Approval of Minutes: R. McGarry made a motion, seconded by B. Herman to approve the public hearing and monthly meeting minutes of 6/28/2018 and the monthly meeting minutes of 10/25/2018 as written and presented. All voted in favor of the motion.

Correspondence: 1) J. Theroux stated that he received a letter from the Connecticut Association of Conservation and Inland Wetlands Commissions, Inc., dated 9/10/2018 regarding the 41st Annual Meeting and Environmental Conference which was held 11/17/2018; 2) J. Theroux also stated that he received a letter from The Last Green Valley, dated 9/25/2018 asking the Commission to document any work done in the Last Green Valley that fulfills the mission of the National Heritage Corridor; and 3) J. Theroux stated that he also received a letter from Demian Sorrentino, Zoning Enforcement Officer, dated 11/15/2018 regarding the proposed re-use of industrial property located at 10 Exeter Drive, Assessor's ID: 33842/017/IP14. This letter is in response to Louisa Lamarre of Regional Industrial Services Corporation request for correspondence regarding the potential re-use of industrial property and/or the building(s) situated at 10 Exeter Drive for a Construction and Demolition (C&D) Material and Scrap Metal Recycling Facility (copies on file).

Unfinished Business: None.

New Business:

a. Timber Harvest Notification by Kevin Jordan for Property Located at 379 Calvin

French Road: The location of the timber harvest has been corrected from what was on the agenda due to a clerical error. J. Theroux stated that Kevin Jordan has submitted a Timber Harvest Notification for Robert Salisbury for property located at 379 Calvin French Road to harvest 94,713 board feet, Assessor's ID: 04417/006/0005 (copy on file). They are doing a selective timber harvest; thinning timber to increase the growth rates, remove poorly formed, over matured and diseased trees. The cutting plan shows two (2) separate stream crossings. There is an extensive wetland area (western half) through the center of the property. K. Jordan has started the timber harvest in the upland review area but because it is so wet, he is not doing any work near the wetlands until things dry out. The proposed Timber Harvest Notification shows a temporary crossing with portable bridges. R. McGarry made a motion seconded by K. Gunn that this Timber Harvest Notification by Kevin Jordan for Robert Salisbury for property located at 379 Calvin French Road pertaining to Section 4 of the Sterling Inland Wetlands and Watercourses Regulations, conforms to Permitted Uses as of Right. All voted in favor of the motion.

b. Consider & Act on 2019 Schedule of Meetings: R. McGarry made a motion, seconded by K. Gunn to approve the 2019 Meeting Schedule. All voted in favor of the motion.

c. Election of Officers: Nominations were open for the positions of Chairman, Vice Chairman, and Secretary. J. Hawkins made a motion, seconded by B. Herman to retain the current slate of officers. There were no objections and no nominations. All voted in favor of the motion. The following is the slate of officers for 2019: Roger Gibson, Chairman; Jennifer Mossner, Vice Chairman; and Richard McGarry, Secretary.

d. Consider & Act on Notice of Violation for Property Located at 480 Gibson Hill Road Owned by Michael Driscoll for Excavation of Activities: J. Theroux stated that while driving around he noticed M. Driscoll had excavated his entire backyard which is basically all wetlands. M. Driscoll stopped in and spoke to J. Theroux and stated that he is trying to put in a drain to keep the water table lower. The wetlands horseshoe around his house is causing him to have basement issues. J. Theroux informed Mr. Driscoll that he needs a permit and a site plan. Discussion was held on whether to issue a Cease and Desist or continue handling as a Notice of Violation. J. Theroux mailed Mr. Driscoll a letter dated 10/31/2018 stating in part...As a result of these actions you are hereby directed pursuant to Section 14.3 of the Town of Sterling Inland Wetland and Watercourses Regulations, to cease and desist from any all development activities on the subject property (copy on file). J. Theroux stated that this can be handled one of two ways; 1) issue a Notice of Violation where the homeowner submits an application or 2) issue a Cease and Desist Order which is followed by a Show Cause Hearing. It is the consensus of the Commission for J. Theroux to mail a second letter to M. Driscoll notifying him of the January meeting. R. McGarry made a motion, seconded by J. Hawkins to table this item to the 1/24/2019 meeting. All voted in favor of the motion.

e. Consider & Act on Notice of Violation for Property Located at 480 Snake Meadow Hill Road Owned by Jacob Denault for Excavation/Grading Activities: J. Theroux stated that while driving around he noticed in the backyard of the J. Denault property some cleaning up, minor excavation, and clearing of brush. J. Denault stated he is trying to clear the dead trees out on the property to open it up, clean out the garbage, and make the property more presentable and useable. J. Theroux shall meet with J. Denault to start the paperwork for a permit. R. McGarry made a motion, seconded by B. Herman to table this item to the 1/24/2019 meeting. All voted in favor of the motion.

f. Timber Harvest Notification by Joseph Theroux for Property Located at 459 Newport Road: J. Theroux, forester, submitted a Timber Harvest Notification for Alan, Ron, and Marc Marchesseault for properties located at 459 Newport Road and 74 and 92 Woodland Road to harvest 102,000 board feet, Assessor's ID: 03637/030/012A, 03637/030/0015, and 03637/030/0017 (copy on file). The timber harvest is for three (3) separate properties attached together. The gypsy moths destroyed most of their oak trees. This timber harvest is designed to be a salvage cut to remove the dead/dying oaks as well as some of the white pines on R. Marchesseault's property. The proposed Timber Harvest Notification shows one (1) temporary stream crossing to remove the timber with log corduroy and portable bridges. Due to the water tables, nothing will happen until January/February if we get frozen ground conditions. R. McGarry made a motion, seconded by K. Gunn that this Timber Harvest Notification, by Joseph Theroux for Allan, Ron, and Marc Marchesseault, for properties located at 459 Newport Road and 74 and 92 Woodland Road pertaining to Section 4 of the Sterling Inland Wetlands and Watercourses Regulations, conforms to Permitted Uses as of Right. All voted in favor of the motion.

g. Application by Scott Roys for 900 Gibson Hill Road: John Faulise of Boundaries, LLC, presented the application on behalf of Scott Roys, for the redevelopment of property for a three

(3) bedroom single-family residence with a two (2) car garage, new well, new septic system, and site grading for property located at 900 Gibson Hill Road, Assessor's ID: 03276/006/0012. The following was submitted into record: The application; Topographic Survey "Subsurface Sewage Disposal System (SSDS) Design Plan"; a letter from Demian Sorrentino of Boundaries, LLC dated 11/20/2018 regarding the proposal of a single-family residential site development; a letter from Scott Roys, dated 11/20/2018 authorizing John Faulise of Boundaries, LLC, to act on his behalf; a letter from Northeast District Department of Health (NDDH) dated 11/27/2018 approving the site plan for the sanitary system, soil scientist report; and a copy of a deed from Volume 18, Page 433 of the Town of Sterling Land Records (copies on file). J. Faulise stated that the deed establishes the lot as a lot of record in 1952. There are a lot of wetlands on the parcel and in 1952 there was a building/house on the property subsequently destroyed by fire. The property is located on the east side of Gibson Hill Road and is 2.3 acres. The only buildable area on the property is adjacent to the roadway; the back of the property is inundated with wetlands and a watercourse along the northerly side of the property, which runs through the middle of the wetlands and discharged from a cross culvert underneath Gibson Hill Road. A significant amount of refuse, debris and scrap material is present upon the property, as is an existing dug well with a pre-cast concrete riser, which will be abandoned during the process if construction moves forward. R. McGarry made a motion, seconded by J. Hawkins to accept this as application #IW-18-05 and to schedule a site walk for Saturday, 12/8/2018 at 9:00 a.m. All voted in favor of the motion.

Agents Reports:

1. Violations: No new violations.

2. Other Issues:

A) J. Theroux stated that regarding Louis Magiera's property located at 68 Deerfield Shores, Assessor's ID: 03832/029/0100, the house is almost completed. L. Magiera met with J. Theroux to discuss unfinished items on his site plan, specifically the rain gardens and the backyard plantings. He is asking the Commission if he needs to do the plantings. J. Theroux stated that he doesn't feel the plantings are necessary as the vegetation between the rock berm and the river is very thick. Ninety (90) percent of what was scheduled to be planted is growing native. If the vegetation is maintained, J. Theroux does not see any reason for additional plantings. L. Magiera is also asking the Commission if it is necessary to construct the rain gardens. J. Theroux visited the site and stated that after eight (8) inches of rain, the yard was dry. L. Magiera submitted an Erosion and Sedimentation (E&S) performance bond on the property in the amount of \$5,000 and the applicant's wife, Dawn Magiera is asking the Commission for direction as to whether the rain gardens need to be built as shown on the plans. J. Theroux stated that the site is stable and all (E&S) measures except the rain gardens have been met.

J. Hawkins made a motion, seconded by K. Gunn to amend the approval of Application IW-#17-08, dated 12/11/2017 allowing the applicant to proceed without creating the rain gardens. All voted in favor of the motion.

J. Theroux stated that he sees no issues in returning the performance bond as the site is stable.

J. Hawkins made a motion, seconded by K. Gunn to release the Erosion and Sedimentation (E&S) performance bond to Louis Magiera for property located at 68 Deerfield Shores in the amount of \$5,000 pending Board of Selectmen approval. All voted in favor of the motion.

3. Richard LaFleche, 0 Sterling Road (Route 14): In regards to Application IW-#15-06, photographs dated October 2018 of the site were submitted into record. J. Theroux stated that a couple of meetings ago, R. LaFleche called asking for his bond back. The log corduroy that was

in the wetland crossing has been removed and the site is stable and has been seeded and mulched; R. LaFleche did a good job at remediating the site and J. Theroux recommends releasing the erosion and sedimentation/wetlands remediation bond. R. McGarry made a motion, seconded by J. Hawkins to release the Erosion and Sedimentation (E&S) Control Bond to Richard LaFleche in the amount of \$2,500 pending Board of Selectmen approval. As outlined in the approval letter, dated 8/12/2015, the applicant submitted a check in the amount of \$700 to cover the costs incurred by the Town of Sterling for the Wetlands Agent's site inspections. J. Theroux documented his time from 9/9/2015 through 3/30/2016 and has used the entire \$700.

Any Other Business to Come Before the Commission: 1) J. Theroux stated that T. Casey, J. Aiello, and T. Simjian would like to talk to the Commission tonight on an informal basis about developing a site in Town. Many years ago a wetlands permit was issued for this site; half was developed and they are looking to buy the property and finish the development (Phase 2). The location of the property is Sterling Ridge Lane; city water and city sewer is available. The intent is to complete Phase 2 as was originally approved in 2001. J. Mossner stated that legally the Commission cannot respond. J. Theroux stated the concern is that the Commission approved this when the buffer zone was seventy-five feet (75') and now it is one hundred feet (100'); the setback has changed, but it is the same footprint. The permit has expired and they would have to come before the Commission with updated site plans. They are looking for direction as to whether this is a doable project. 2) Selectman, Lincoln Cooper commended the Commission on doing a thorough job.

Adjournment: B. Herman made a motion, seconded by J. Hawkins to adjourn at 8:05 p.m. All voted in favor of the motion.

Attest: _____
Joyce Gustavson, Recording Secretary

Attest: _____
Richard McGarry, Secretary