

Town of Lebanon
INLAND WETLANDS COMMISSION
Regular Meeting
Lebanon Town Hall, Lower Level Conference Room
Monday, September 12, 2016 – 7:00 PM

MINUTES

Members Present: Chairman James McCaw, Secretary Robert Slate, Carl Bender, Dennis Latchum, Jim Bender, John Drum

Members Absent: Jim Hallene, Dean Gustafson, David Martin

Others Present: Philip Chester, Town Planner and Holli Pianka, Land Use Secretary

- I. The meeting was called to order at 7:00 p.m. by Chairman McCaw.
- II. Approval of Minutes:
 - a. **Robert Slate made a motion, seconded by Jim Bender, to approve the 7/11/2016 Regular Meeting Minutes. Motion unanimously approved.**
- III. Old Business: None.
- IV. New Business:
 - a. **IW-16-5666:** Craig & Theresa Smith, owners, 143 Mack Road, Assessors Map 236, Lot 28. Pond construction.

Chairman McCaw acknowledged receipt of 9/8/2016 request for intervener status by Anthony Link, 17 Barker Road regarding the property at 143 Mack Road.

A motion was made by Robert Slate and seconded by Jim Bender to grant intervener status to Anthony Link, 17 Barker Road for this application. Motion unanimously approved.

Chairman McCaw acknowledged receipt of a letter of complaint from Mrs. Link. Mr. Link has been provided copies of the Smith's application along with copies of correspondence from Mr. Christian of DEEP dated 9/8/2016.

A motion was made by Dennis Latchum and seconded by John Drum to schedule a site walk at 143 Mack Road and 17 Barker Road on Tuesday, Sept. 27, 2016 at 6:00 p.m. with a rain date of Saturday Oct. 1 at 9:00 a.m. Motion unanimously approved.

Mr. Chester provided the following information and submitted related documents:

- 8/8/1992 inland wetlands permit issued to the Smith's to construct a 0.3 acre pond at 143 Mack Road.
- 8/22/2016 complaint from the Link's alleging that in 2010 the Smith's enlarged the pond and constructed a concrete dam at the spillway which

resulted in a cut off of the natural water supply to their property at 14 Barker Road used for both domestic and waterfowl rescue purposes.

- 8/26/2016 Mr. Chester and Chairman McCaw met with the Smith's and Mrs. Link and walked each property.
- 9/1/2016 Mr. Chester spoke with Art Christian (DEEP) who said he had visited both sites and determined DEEP had no jurisdiction over dam/spillway at the Smith pond.
- 9/2/2016 Smith's submit inland wetlands application IW-16-5666 with attachments.
- 9/8/2016 Mr. Link submitted a request for intervenor status.
- 9/8/2016 email and letter from Art Christian (DEEP) which concludes that "the pond does not appear to change in size and shape from its original size as depicted in the 1995 aerial photo."
- 1" = 125' scale enlarged photo of 143 Mack Road and 14 Barker Road taken in spring 2013.

Theresa Smith, owner, 143 Mack Road was present. She stated that the pond was built in 1992 with appropriate permits and that the size and shape had not changed since that time. She noted that Mr. Christian (DEEP) was present at the original site visit to the property in 1992 and visited the property again last week and reports that the size and shape of the pond has not changed. She considers the stream leading to the pond intermittent or seasonal and stated that they had replaced the original 18" outlet pipe with a concrete spillway because of seepage issues, which they considered pond maintenance.

Mr. Link, owner 17 Barker Road, distributed aerial photographs of the pond, photographs of his property edge at the pond and a sketch of the natural water flow to his property from the Smith's. He states that in 2010 he witnessed work being done on the Smith property and believes that the outflow height and gallon capacity of the pond was increased at that time. He believes berms were installed, restricting water flow that has caused damage to his wetlands and denied their fair right to use of the water. He is asking that this work to be reversed.

The Commission asked Mr. Link for written permission to conduct a site walk on his property, which he agreed to provide.

- b. **IW-AR-16-5644:** Rod Burgess, applicant, Cerberus Holdings Corp. c/o Alexander Lathrop, owner, Randall Road, Assessors Map 272, Lot 1. Selective timber harvest.

Forester Rod Burgess reviewed the proposed plan. Access will be on Randall Road. Existing skid trails and crossings will be used and hours of operation will be 7:00 a.m. to 6:00 p.m.

Robert Slate made a motion, seconded by John Drum, that application IW-AR-16-5644 is an as-of-right activity. Motion unanimously approved.

- c. **IW-BUF-16-5651:** Bruce E. Smith, owner, 99 Camp Mooween Road, Assessors Map 279, Lot 27. Excavation for construction of 16' x 20' addition.

Mr. Smith was present to speak on the application. Mr. Smith indicated on the map (drawn by his contractor) that the proposed addition is approximately 80 feet from the brook. Mr. Chester visited the site and provided photographs of the area. He requested that the stockpile area be located on the map.

It was the consensus of the Commission to authorize Mr. Chester to sign the buffer permit.

- d. **IW-AR-16-5676:** Joel Doubleday, owner, 340 Randall Road, Assessors Map 275, Lot 51. Selective timber harvest.

James Lathrop and Brandon Lathrop were present to speak on the application. James Lathrop noted they will not be crossing wetlands and amended the application that there will be harvesting in the upland review area and wetlands area. He also amended the map to maintain 100 foot buffer (no cutting) from Waterman Brook. Anti-tracking pad will be added to keep material off roadway.

Jim Bender made a motion, seconded by Carl Bender, that application IW-AR-16-5676 is an as-of-right activity. Motion unanimously approved.

- e. **IW-AR-16-5673:** Ethan Stearns, owner, 256 Village Hill Road, Assessors Map 209, Lot 12. Farm road stream crossing.

Ethan Stearns, owner, and Joan Nichols, forester, were present to speak on both applications. The existing improved farm road will be used for the timber harvest. A crossing will be installed using 18" culvert with headers on both sides to minimize erosion, with rip rap at inlet/exit. Commission requested a cross section of proposed construction.

Mr. Chester will visit the site and this item will be placed on next month's agenda.

- f. **IW-AR-16-5674:** Ethan & Michelle Stearns, 256 Village Hill Rd., Assessors Map 209, Lot 12. Selective timber harvest.

Joan Nichols stated that the proposed timber harvest will take place after the farm road crossing is installed. There are two separate areas of clearcutting to take place with one minor rocky drainage crossing that is not visible on the wetlands map. There is currently no water in the crossing and no installation required.

Jim Bender made a motion, seconded by Carl Bender, that application IW-AR-16-5674 is an as-of-right activity. Motion unanimously approved.

- g. **IW-BUF-16-5677:** James and Kimberly Boulay, owners, 286 Trumbull Highway, Assessors Map 222, Lot 47.012. Driveway and underground utility installation for new house construction.

Wes Wentworth of Wentworth Civil Engineers and James and Kimberly Boulay, owners, were present. Mr. Wentworth submitted a cross section plan of the pipe installation and utility encasement. It was the consensus of the Commission to authorize Mr. Chester to sign the permit.

V. Town Planner's Report:

- a. As of Right Permits approved by Mr. Chester:
 - IW-AR-16-5582:** Smith Beaumont Properties, owner, 618 Beaumont Highway, Assessors Map 221, Lot 35. Selective Timber Harvest. **APPROVED.**
 - IW-AR-16-5689:** Lanny Clouser & Nancy Wilhelm, owners, 92 Tobacco Street, Assessors Map 228, Lot 22.001. Selective Timber Harvest. **APPROVED.**
 - IW-AR-16-5690:** Valerie Andrews, Myriah Hinchey, Scott Mellville, owners, 108 Clubhouse Rd, Assessors Map 228, Lot 21. Selective Timber Harvest. **APPROVED**
- b. Mr. Chester provided plans prepared by Brandon Handfield, PE, dated 5/18/2016 and reviewed the Public Works Department's upcoming work involving the clearing, mucking and expanding of the Senior Center pond for fire protection purposes. Commission members recommended adding soil erosion controls at the south end of the pond and requested an update on construction at the next meeting.

Robert Slate made a motion, which was seconded by Dennis Latchum, to approve the 2017 IWC Calendar of Meeting Dates. Motion unanimously approved.

VI. Correspondence: None.

- VII. Robert Slate made a motion to adjourn which was seconded by John Bender, and approved unanimously at 9:30 p.m.

Respectfully Submitted,
Holli E. Pianka, Land Use Secretary
September 19, 2016

(Minutes are unapproved as of transcription date.)