



Town of Lebanon
INLAND WETLANDS COMMISSION
Special Meeting
Monday, August 8, 2022
7:00 p.m.

Lebanon Town Hall, 579 Exeter Road
Downstairs Conference Room

MINUTES

Members Present: James McCaw (Chair), Carl Bender, Jim Hallene, Robert Slate, Jim Bender, John Drum, Dennis Latchum
Members Absent: Dean Gustafson, James Jahoda
Others Present: Philip Chester (Town Planner), Catherine McCall (minutes)

I. CALL TO ORDER

The meeting was called to order by Chairman James McCaw at 7:00 pm.

II. APPROVAL OF MINUTES

a. July 11, 2022 Regular Meeting

Motion made by R. Slate and seconded by J. Drum to approve the minutes of the July 11, 2022 Regular Meeting. Motion carried 6-0-1.

III. OLD BUSINESS

a. IW-AR-22-24: Adam Wolak (owner), Scott Person (applicant), Goshen Hill Roads Assessors Map 261, Lot 27. Selective timber harvest.

Richard Zulick, Soil Scientist and Certified Forester spoke. Mr. Zulick did a wetlands delineation as was requested by the Commission at its July meeting. There is an intermittent stream on the property. In the Northeast corner of the wetland area there is an upland pocket. They will put in matting to cross this and another wetlands area. Five (5) trees to be taken down in the wetland area. There will be a heavier harvest in the areas outside of wetlands. Many trees are no longer healthy. All trees to be removed have been marked with blue paint. The average width of wetlands on either side of the brook is twenty feet. No filling will be done.

J. Drum noted that the Commission has been asked to protect the tree canopy over brooks in a wetland area and was concerned that it would not be left in place. R. Slate asked what percentage of tree canopy over the stream would be left and Mr. Zulick said 80% and that when the trees near the brook are felled, they will drop them away from the brook.

D. Latchum asked if there would be any clearcutting and Mr. Zulick said no.

P. Chester asked how the property lines were marked and was told they are marked in orange. He asked the applicant if they would remove the temporary measures associated with the harvesting operation, including the timber mats, from the site at the conclusion of work and was told they would. Mr. Zulick amended his wetlands map to show the two (2) temporary crossings.

Motion made by R. Slate and seconded by J. Drum that this was an as-of-right activity. Motion unanimously carried.

- b. IW-AR-22-25: PLH, LLC (owner), Vineyard Sky Farms Corp. (applicant), 1 Williams Crossing Road, Assessors Map 218, Lot 19. Selective tree and brush cutting affecting 31,890 square foot wetland for pasturing sheep.

Rodney Dalton, Vineyard Sky Farms presented and said the property is in dual use as a solar facility and farm. They would like to expand the farming area by 5.5 acres to be used for sheep grazing in wetlands and upland review area. In the future they plan to come to the town to apply for a permit for a barn. The plans propose a fence 100-feet from the watercourse. Some trees and brush east of the wetlands would be removed.

P. Chester noted that the Town Engineer had submitted a review letter today on this application and noted that the allowance of grazing is listed under Wetland Regulation Sec. 4.1.a. that it must be essential to the farming operation. Mr. Chester asked the purpose for removing the trees for grazing and the applicant stated that the vegetation in the solar farm will expand to the area that will be cleared. R. Slate noted that he does not see why any trees need to be removed as they would supply shade for the sheep. C. Bender asked if the clearing was a one-time activity and was told yes.

R. Slate asked how many sheep the farm owns and was told approximately forty (40). Today there are ten (10) sheep on the property and do a good job of keeping the area around the solar panels clear. R. Slate asked if the sheep would be fenced out of the wetlands area and was told that they would be kept out of the watercourse but not the wetlands.

J. Hallene asked why they want to do clearing in the wetland area and was told they want more grazing area as they want to bring all forty (40) sheep to this location.

J. Drum noted that he was uncomfortable with this being considered a farm when it's main use seems is a solar installation. He asked if Vineyard Sky Farms pay taxes as a farm and was told no. Mr. Drum does not think this is an as-of-right use.

P. Chester asked if the proposed fencing would be raised up from the ground as is currently used at the site. The answer was that it could be raised six (6) inches from the ground for small animals to be able to pass under.

C. Bender is concerned that the Commission is trying to determine if this is an as-of-right activity and that requires a determination that it is an active farm and feels the Commission needs outside guidance.

P. Chester asked if the Commission would like to get a legal opinion on if this is considered a farm and was told yes.

- c. IW-22-26: Ala-Bri Acres Farm LLC, 139 West Town Street, Assessors Map 235, Lot 11. Excavation, driveway, and septic construction for development of tasting room and parking for winery.

R. Slate recused himself from this discussion. Wesley Wentworth, Wentworth Civil Engineers presented the updated plan which addressed the questions the Commission had last month.

Motion made by J. Bender and seconded by J. Hallene to approve IW-22-26. Motion carried unanimously.

R. Slate resumed an active position on the Commission.

IV. NEW BUSINESS

- a. IW-BUF-22-27: Philip's Lawn Care (applicant), Kerry Curry (owner), 278 Lakeside Drive, Assessor Map 107, Lot 30. Construction of retaining wall. Philip Thulen, Philip's Lawn Care presented. Replacing an old timber retaining wall.

P. Chester asked if any of the work would be conducted in the lake and the applicant said that there was some discussion about the possibility of putting sand by the lake, but it was determined that this would require further permitting. The applicant amended the application to remove all work in the lake.

It was the consensus of the Commission that the Wetlands Officer could sign off on this application.

Mr. Thulen asked if he should install a silt fence prior to work beginning on the project and Mr. Chester said yes.

J. Bender asked if all materials being replaced would be removed from the site and the applicant said yes.

- b. IW-22-28: Nick Pipitone, 228 Lake Shore Dr., Assessors Map 101, Lot 72. Replace existing single-family home in wetlands.

Westley Wentworth, Wentworth Civil Engineers presented. The property is on the east side of Lake Shore Drive and not on the water. The home was built prior to the wetlands regulations and is currently on piers. Mr. Wentworth flagged the wetlands on the lot and approximately 80% of the property is included. The owner

would like to replace the home with a larger home and install a new septic system. There is a small amount of federal wetlands on the site, and they will be noted on the future site plan, but none of them will be disturbed by the project.

Mr. Wentworth asked if a site walk could be done prior to the public hearing to expedite steps that need to be taken.

Mr. Slate asked that the wetlands be delineated and the proposed house location be staked off prior to a site walk. Mr. Wentworth agreed.

Motion made by C. Bender and seconded by R. Slate that this activity poses a significant impact to wetlands and that a public hearing should take place on September 12, 2022 beginning with a site walk at 6:00 p.m. at 228 Lakeside Drive at Lake Williams and reconvene in the Town Hall downstairs conference room at 7:00 p.m. that evening. Motion carried unanimously.

V. TOWN PLANNER REPORT

Neil Scollan, 58 Island Beach Road stated that there are several trees on his property in a wetland area that are dying or damaged and he would like to have them removed. It was the consensus of the Commission that no permit from Inland Wetlands was necessary.

VI. CORRESPONDENCE

VII. ADJOURNMENT

Motion to adjourn made be J. Bender and seconded by J. Drum at 8:30 pm. Motion carried unanimously.

Minutes respectfully submitted,
Catherine McCall