



Town of Lebanon
INLAND WETLANDS COMMISSION
Regular Meeting

Monday, September 12, 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, Dean Gustafson
Members Absent: Jim 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. PUBLIC HEARING

- a. IW-22-28: Nick Pipitone, 228 Lake Shore Dr., Assessors Map 101, Lot 72. Replace existing single-family home in wetlands. (Continued from 6:00 p.m. site walk.)

Wes Wentworth, Wentworth Civil Engineers described the site plan and the wetlands area therein. The proposal is to remove the existing house and shed and replace it with a two (2) bedroom home with garage. The septic system would be in an upland area and there would also be a new well installed. The building would have a crawl space foundation. Roof leaders would go toward the wetlands and the front yard. Water will all eventually flow into the wetland area.

Mr. Chester noted that the proposed development will include fill within four (4) feet of abutters. He asked how much fill would be brought into the site and Mr. Wentworth indicated it would be about 250-300 cubic feet.

Carl Bender suggested that there should be oversight of the impact of the fill being brought in and Mr. Slate agreed.

The Commission entered into the record a Wetland Function and Value / Impact Report from Wentworth Civil Engineers dated 9/8/22, a letter from Victoria Silberstein of 235 Lake Shore Drive dated 9/12/22 in support of the application, and revised site plans created by Wentworth Civil Engineers dated 9/8/22.

Motion made by R. Slate and seconded by J. Drum to close the Public Hearing. The motion carried unanimously.

III. APPROVAL OF MINUTES

a. August 8, 2022 Regular Meeting

Motion made by R. Slate and seconded by J. Hallene to approve the minutes of the August 8, 2021 Regular Meeting. Motion passed 7-0-1 with D. Gustafson abstaining.

Motion made by D. Gustafson and seconded by R. Slate to add the following items to the agenda agenda:

Item 'b' under Old Business:

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

Item 'c' under New Business:

IW-BUF-22-31: Wayne Budney, Church Road, Assessors Map 266, Lot 31. Construct driveway for single family residence.

Motion carried unanimously.

IV. OLD BUSINESS

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

Motion made by R. Slate and seconded by D. Gustafson to approve IW-22-28 with the conditions that proposed limits of disturbance be field staked by a licensed land surveyor prior to the start of any demolition or construction activities and that town inspections take place throughout the project. Motion carried unanimously.

- 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.

Mr. Chester noted that a response was received from attorney Michael Zizka of Halloran Sage who was engaged by the Commission to advise them whether the proposed application involves agricultural activities as permitted as-of-right under the Inland Wetlands Regulations. Attorney Zizka's 8/31/22 letter was discussed.

Mr. Gustafson noted that the applicant has not proven that this is an As-of-Right activity.

The application was received on July 7, 2022. Though the Commission still has questions, based on that date they feel on the application must be acted on at this meeting as there has been no request for an extension.

Motion made by R. Slate and seconded by J. Drum to deny the application without prejudice based on the observances of Attorney Michael Ziska, and lack of proof from the applicant that this is an As-of-Right activity.

Discussion continued and it was determined that the Commission cannot render a decision on this request due to insufficient information on whether the proposed activity meets farming guidelines under the As-of-Right section of the regulation.

There was further discussion of the necessity of clearing in the wetlands area for the use proposed.

Motion made by R. Slate and seconded by J. Drum to amend the original motion and to deny the As-of-Right application without prejudice due to insufficient information. Motion carried 7-0-1 with D. Gustafson abstaining.

V. NEW BUSINESS

- a) IW-AR-22-29: Jeremy Trainor, Lake Shore Drive, Assessor Map 101, Lot 25. Clearing land within the regulated area for recreation purposes.

Jeremy Trainor presented. He would like to clear everything four (4) inches or less to allow for recreational use of the property. He will put up silt fencing near the water as per DEEP recommendations.

Mr. Slate asked if a soil scientist has looked at the property, and Mr. Trainor said no.

Mr. Latchum asked if fill would be brought in, and Mr. Trainor said he had not considered it.

Mr. Drum suggested that all trees and bushes to be removed be marked and the Commission should do a site walk.

Mr. Gustafson stated that it would be helpful to have a better understanding of the soils on the property.

Mr. Chester asked what would be done to the site after clearing, and Mr. Trainor said it would be mulched.

C. Bender suggested it would be in Mr. Trainor's best interest to have the information a soil scientist would provide.

The Commission recommended that a soil scientist prepare a field sketch showing the extent of the wetlands on the site, if any, and that the results be incorporated into a site plan for recreation use including how the soils will be stabilized.

- b) IW-AR-22-30: Linda & Michael Rubin, 7 Stacey Lane, Assessor Map 107, Lot 51. Leveling within regulated area. Linda and Michael Rubin presented.

Robert Slate recused himself from this application.

Mr. Rubin explained that they would like to create a seating area five (5) feet from the lake made of stone. Some landscaping will also be done.

Motion made by J. Hallene and seconded by J. Drum to approve IW-AR-22-30 as an As-of-Right Activity. The motion passed unanimously.

- c) IW-BUF-22-31: Wayne Budney, Church Road, Assessors Map 266, Lot 31. Construct driveway for single family residence.

Mark Reynolds, Reynolds Engineering Services, LLC, presented and noted that the application will also require a declaratory ruling by the Commission as this is a one-lot subdivision. There will be about 4,800 sq. ft. of activity in the upland review area at the driveway. There are no direct wetland impacts. The driveway will be approximately eight hundred (800) feet long. There will be clearing only along the street at the property line, otherwise, the parcel is currently pasture.

D. Gustafson suggested that Mr. Reynolds add a map note to say that the existing pond is the only delineated feature on the property and Mr. Reynolds agreed.

This item will be discussed at the October meeting.

VI. TOWN PLANNER REPORT – None.

VII. CORRESPONDENCE

Mr. McCaw read a letter from the Town of Lebanon Charter Revision Committee inviting them to make any recommendations for changes to the Inland Wetlands section of the Charter, which Mr. Chester read aloud.

Mr. McCaw also received a notice of Prides Corner Farms Lebanon Day activities to be held September 24, 2022.

VIII. ADJOURNMENT

Motion made by J. Bender and seconded by R. Slate to adjourn the meeting at 8:35 p.m. Motion carried unanimously.

Respectfully submitted,
Catherine McCall